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

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VETOES

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

COMMITTEE SUBSTITUTE FOR ASSEMBLY BILL NO. 106

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. 106.

The purpose of this measure is to require busses, trucks, full trailers, and semi-trailers of more than three tons gross weight to be equipped with devices that will prevent the throwing of dirt, water or other materials on the windshields of following vehicles.

Senate amendments eliminated pole trailers from the application of the proposed legislation, along with dump trucks, tanks and other vehicles requiring complete freedom around the wheel area. However, the Title of the bill as finally passed includes an improper and confusing reference to pole trailers.

Accordingly, I am returning Committee Substitute for Assembly Bill No. 106 herewith for reconsideration and with the recommendation that amendment to the bill (Second Official Copy Reprint) be made as follows:

> On page 1, Title, line 2, delete the comma after the word "trailers" and insert in lieu thereof the word "and"; and also delete the words "and pole trailers".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 110

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. 110.

This bill does not make for uniformity. It leaves to each township committee the determination, by a majority vote, whether the chairman shall be given the designation "mayor." Such a situation is fraught with the possibility of considerations, on the part of members of the committee, which may be rooted in personal feelings. This is not in the public interest. If the title "mayor" has merit at all—and this I believe to be the case—it ought to prevail uniformly and not, as now, only in certain townships (see R. S. 40:144–11). Its bestowal certainly ought not to be left to the whim of the members of the township committee.

Accordingly, I am returning herewith Assembly Bill No. 110 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 3, after the word "thereof" insert the words ", and who shall be known as mayor of such township but shall have no additional authority by virtue of such designation except as may be otherwise provided by law applicable to the township".

Strike out the entire sentence beginning on line 3 and ending on line 6.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 116

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. 116.

This bill would authorize the leasing by a municipality (for a term not in excess of 20 years) of its publicly owned golf course whenever the governing body has determined that it is not to the advantage of the municipality to continue public operation thereof.

The whole idea of abandonment of a large public project and the decision to lease it for private operation is a decision of considerable local importance. The bill would permit this decision to be made informally, whereas public policy and the importance of the issue appears to require an ordinance. In order to assure the fullest competition, moreover, the bill should provide for the freest opportunity for bids and the most effective notice to prospective bidders. The failure to follow this procedure has resulted in costly and time-consuming litigation.

Accordingly, I am returning herewith Assembly Bill No. 116 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 word "supplement" insert a comma.

On page 1, section 1, line 8, after the word "may" insert ", pursuant to ordinance,".

On page 1, section 1, line 9, after the word "other", insert the word "public".

On pages 1 and 2, sections 2 and 3, delete all of said sections and insert in lieu thereof the following:

"2. Any lease executed hereunder shall be upon competitive bids following public advertisement therefor, in a newspaper circulating in the municipality, at

least once, not less than 20 days prior to the receipt of bids. The advertisement shall designate the time and place of a meeting of the governing body at which the bids shall be received. At such time and place, the governing body, or any committee thereof having authority to do so, shall receive sealed bids and immediately proceed to unseal them and publicly announce the contents thereof. A record of the rentals, other consideration and terms offered shall be made in the minutes of the governing body for each bid. No bid shall be received previous to the hour designated in the advertisement and none shall be received thereafter. The lease shall be awarded to the highest responsible bidder.".

On page 2, renumber sections "4" and "5" to read "3" and "4" respectively.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*

LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 158

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. 158.

The purpose of this bill is twofold. In the main, it would allow prior service credits for those employees who enter the service of a county or municipality after the State retirement system has become effective in the county or municipality.

The second purpose of the bill is a further extension to 1953 of the time for filing applications for prior service certificates by persons who were employees of a county or

municipality when the retirement system took effect therein. The most recent of a number of extensions was only last year as provided by Chapter 33 of the Laws of 1951. This date has been extended again and again and the time has come when there can be no further justification for another extension.

Accordingly, I am returning herewith Assembly Bill No. 158 for reconsideration and with the recommendation that amendment be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 10, delete "fifty-three" and insert "fifty-one" in lieu thereof.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 160

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. 160.

This bill repeals R. S. 11:15–7, concerned with separation from service of an employee in the classified service of the Civil Service of the State; and also R. S. 11:15–8, concerned with the abolition of positions of such persons. This measure is a companion bill to Assembly Bill No. 161, relating to employees in the classified Civil Service of municipalities, counties and school districts. The procedure proposed to be substituted for that contained in the aforementioned sections of the Revised Statutes is similar to that proposed in Assembly Bill No. 161 and is, likewise, bound to cause much confusion and inequity.

The basic objections which I set forth in my message returning Assembly Bill No. 161 for reconsideration and amendment, are equally applicable to Assembly Bill No. 160.

Accordingly, and in order to clarify the terms of the proposed legislation and make it more effective and workable, I am returning the bill 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 1, delete the word "An" and insert in lieu thereof the words "When an".

On page 1, section 1, line 5, after the word "abolished," insert the words "such employee".

On page 1, section 1, line 5, after the word "shall", delete the words ", upon such employee's request," and insert in lieu thereof the words ", whenever possible,".

On page 1, section 1, line 7, after the word "to", insert the words "service ratings and/or".

On page 1, section 1, line 8, after the word "and", delete the remainder of the line.

On page 1, section 1, delete lines 9 to 12, inclusive, in their entirety and insert in lieu thereof the words "his name shall be placed upon a special re-employment list, which list shall take precedence over all other civil service lists. The chief examiner and secretary, with the approval of the president of the Civil Service Commission, shall determine the lesser office or position to which such employee may be demoted."

On page 1, section 2, line 2, after the word "any", delete the word "similar" and insert in lieu thereof the word "comparable".

On page 1, section 2, line 2, delete the word "postiion" and insert in lieu thereof the word "position".

On page 1, section 2, line 2, delete the word "kind" and insert in lieu thereof the words "same nature".

On page 1, section 2, line 3, after the word "separated", delete the word ", or".

On page 1, section 2, line 4, after the word "position", delete the words "in the same department,".

On page 1, section 2, line 4, after the word "character", delete the word "similar" and insert in lieu thereof the words "the same or comparable".

On page 2, section 2, line 5, after the word "person", delete the remainder of the line.

On page 2, section 2, delete lines 6 and 7 in their entirety and insert in lieu thereof the words "is to be filled, his name shall be certified from the special reemployment list for appointment.".

On page 2, delete section 3 in its entirety.

On page 2, section 4, line 1, change the section number "4" to section number "3".

On page 2, section 5, line 1, change the section number "5" to section number "4".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*

LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 161

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. 161.

This measure repeals R. S. 11:22–9, concerned with separation from service of employees in the classified service of any municipality, county or school district, and also R. S. 11:22–10, concerned with the abolition of positions of such persons. In their place it substitutes a far-reaching and unsatisfactory procedure that is bound to cause confusion and inequity.

Assembly Bill No. 161 provides that an employee of any county or municipality or of any public agency thereof, or of any school district, holding office or position in the classified service, who has heretofore been or hereafter is separated from such service because of economy or otherwise and not because of his delinquency or misconduct, or whose office or position has been or shall hereafter be abolished, may request to be demoted to some lesser office or position in the same department *or any other department,* in regular order of demotion and according to seniority. Should it be impossible to place him in a demoted office or position, or should he be unwilling to accept such office or position, then upon his further request his name is to be placed on all appropriate civil service employment lists for every office or position *"for which his qualifications are appropriate or have been established"*.

The bill further provides that such employee shall be entitled to reinstatement at any time thereafter in the same or any similar office or position as that from which he was separated, or as soon as the opportunity arises, in the same or any other department. Upon his request the Civil Service Commission may conduct a hearing to determine the qualifications of such employee for the purpose of placing his name on appropriate employment lists to facilitate re-employment.

The provision that an employee may request that his name be placed upon all appropriate civil service employment lists for "every office or position for which his qualifications are appropriate or have been established," in cases where he cannot be placed in a demoted office or position or he is unwilling to accept such office or position, is vague and trouble-provoking. The term "qualifications," a word of broad possible interpretation, is not defined. I am advised by the Department of Civil Service that it would be substantially impossible to administer the proposed law satisfactorily or equitably.

Accordingly, and to clarify the terms of the proposed legislation, and make it more effective and workable, I am returning Assembly Bill No. 161 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 1, delete the word "An" and insert in lieu thereof the words "When an".

On page 1, section 1, line 1, after the word ''of'', delete the word ''the'' and insert in lieu thereof the word ''a''.

On page 1, section 1, line 1, after the word ''municipality,'' delete the words ''their public agencies,''.

On page 1, section 1, line 2, after the word ''State,'' insert the words ''or any other agency operating under the provisions of Subtitle 3, of Title 11 of the Revised Statutes,''.

On page 1, section 1, line 4, after the word ''otherwise'', insert a comma.

On page 1, section 1, line 6, after the word ''abolished'' insert the words ''such employee''.

On page 1, section 1, line 6, after the word ''shall'', delete the words '', upon such employee's request,'' and insert in lieu thereof the words '', whenever possible,''.

On page 1, section 1, line 7, after the word ''position,'' delete the remainder of the line.

On page 1, section 1, line 8, delete the entire line and insert in lieu thereof the words ''in such school district or agency or in the same department or organization unit of such county or municipality, in the''.

On page 1, section 1, line 9, after the word ''to'' insert the words ''efficiency records and/or''.

On page 1, section 1, line 10, after the word ''and'' delete the remainder of the line.

On page 1, section 1, delete lines 11 to 15, inclusive, in their entirety, and insert in lieu thereof the words ''his name shall be placed upon a special re-employment list, which list shall take precedence over all other civil service lists. The chief examiner and secretary, with the approval of the president of the Civil Service Commission, shall determine the lesser office or position to which such employee may be demoted.''.

On page 2, section 2, line 2, after the word ''any'', delete the word ''similar'' and insert in lieu thereof the word ''comparable''.

On page 2, section 2, line 2, after the words ''of the'', delete the word ''kind'' and insert in lieu thereof the words ''same nature''.

On page 2, section 2, line 3, after the word "separated", delete the word ", or".

On page 2, section 2, line 4, after the word "position", delete the words "in the same department or any other department,".

On page 2, section 2, line 5, after the word "character", delete the word "similar" and insert in lieu thereof the words "the same or comparable".

On page 2, section 2, line 5, after the word "person", delete the remainder of the line.

On page 2, section 2, delete lines 6 and 7 in their entirety and insert in lieu thereof the words "is to be filled, his name shall be certified from the special reemployment list for appointment.".

On page 2, delete section 3 in its entirety.

On page 2, section 4, line 1, change the section number "4" to section number "3".

On page 2, section 5, line 1, change the section number "5" to section number "4".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 191

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. 191.

The apparent object of this bill is to extend to municipalities furnishing water and sewerage services to inhabitants

of another municipality the right to discontinue such services to any inhabitant who is in arrears in payment.

A literal construction of the language employed in the bill, however, would authorize the furnishing municipality to discontinue the service furnished to the entire receiving municipality upon the arrearage of a single inhabitant. It is inconceivable that this could have been intended, nor is it desirable.

Accordingly, I am returning herewith Assembly Bill No. 191 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 words "is not made" insert the words "by any such inhabitant".

On page 1, section 1, line 5, after the words "the service so furnished" insert the words "to any such inhabitant in arrears".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 251

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. 251.

The purpose of this bill is to provide tenure "during good behavior and efficiency" for certain township treasurers, upon approval of the voters at a referendum. The bill would only apply to township treasurers who had served continuously for ten years.

The bill seeks to confer a tenure in an office protected against removal except for good cause shown, upon written charges, a trial, and subject to appeal to the courts by a trial de novo. In effect, this means tenure for life. Experience with other tenure measures has shown that municipal officials are naturally reluctant to retire, especially where there is no adequate provision for retirement pension, even though they are no longer able to perform the duties of their office. This is particularly important where the municipality's chief financial officer would be involved as in the case of a township treasurer.

If tenure for life is to be conferred by statute, even with a popular referendum, it should be accompanied by some mandatory retirement age.

Accordingly, I am returning herewith Assembly Bill No. 251 for reconsideration and with the recommendation that amendment be made to the bill (Official Copy Reprint) as follows:

> Amend page 2, section 1, line 20, by adding at the end of said line a new sentence to read as follows: "When any treasurer serving under such tenure shall attain seventy years of age, his tenure of office shall terminate and he shall retire from such office, position or employment.".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 280

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. 280.

This bill would further regulate the payment of legal expenses under the Workmen's Compensation Act. Its principal effect is to amend the conditions under which there is an opportunity to minimize the allowance for attorney's fees, by substituting the requirement that compensation be "tendered in good faith or paid" for the present requirement that it be "offered or paid". In fairness to attorneys who devote themselves to preparation of a workmen's compensation case, the amendment would also require that the tender be made within a reasonable time prior to any hearing.

These changes are desirable but the way they are stated in the bill they would appear to require a tender or payment of compensation which might not in fact be due for some time. Obviously, there cannot be a tender of an amount payable under the workmen's compensation schedule over a stated number of weeks in the future. In requiring tender or payment, the bill also neglects the interest of the State, counties and municipalities in the sense that governmental bodies are not in a position to tender or pay compensation due to the rigid and proper controls that the law imposes upon the expenditure of public moneys.

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

On page 1, section 1, line 14, after the word "been" insert the words "offered and the amount then due has been".

On page 1, section 1, line 17, before the word "tendered" insert the word "offered,".

On page 2, section 1, line 19, delete the word "theretofore" and insert the word "offered," and after the word "paid," insert the words ", as aforesaid,".

On page 2, section 1, line 21, insert at the end of said line a new sentence to read as follows: "The State, any county, municipality or school district, or any department, agency or instrumentality of the State or local government, not carrying workmen's compensation insurance, shall, when a party, be deemed to have tendered compensation whenever compensation has

been offered at a reasonable time prior to any hearing.".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*

LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 295

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. 295.

This bill has a good purpose in extending the public control over the subdivision of land, through plat approval requirements at the county level, so as to prevent the creation of road hazards because of the drainage of storm water directly or indirectly onto a county road. County planning boards in other than counties of the first class having more than 300,000 population now have the power to withhold approval of any subdivision plat until adequate drainage facilities are provided. Assembly Bill No. 295 proposes to amend P. L. 1948, c. 412, as amended (N. J. S. A. 40:27–12), to extend this power to all counties having planning boards.

The text of the bill throughout refers to "map" where it should read "plat". This is not a mere technical defect because the language of our planning laws does refer to official maps, but such maps have nothing to do with the problem under consideration.

Accordingly, I am returning herewith Assembly Bill No. 295 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 2, section 2, line 5, delete the word "map" and insert in lieu thereof the word "plat".

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

On page 2, section 2, line 12, delete the word "map" and insert in lieu thereof the word "plat".

On page 2, section 2, line 13, delete the word "map" and insert in lieu thereof the word "plat".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 308

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. 308.

This bill is another in a series of measures which were adopted at the current session of the Legislature amending sections of the Revised Statutes containing obsolete words and phrases. This bill, for example, proposes to amend Section 23:2–4 of the Revised Statutes which still contains references to the Board of Fish and Game Commissioners which was abolished by Chapter 22 of the Laws of 1945. The functions of that board are now vested in the Department of Conservation and Economic Development established by Chapter 448 of the Laws of 1948, and are exercised in that Department through the Division of Fish and Game. A major amendment contemplated by Assembly Bill No. 308 would delete the statutory limitation on the number of fish and game wardens who may be appointed. In order to accomplish this purpose a supplement to the "Department of Conservation and Economic Development Act of 1948" would appear appropriate, pending a complete revision of our statute law affected by the administrative reorganization program of 1948. That revision is one of the specific

tasks enumerated in earlier legislation adopted this year establishing a Legislative Commission on Statute Revision (P. L. 1952, c. 11).

Accordingly, I am returning herewith Assembly Bill No. 308 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 "wardens", delete the remainder of the title and insert in lieu thereof the words "and supplementing the 'Department of Conservation and Economic Development Act of 1948', approved October twenty-fifth, one thousand nine hundred and forty-eight (P. L. 1948, c. 448)."

On pages 1 and 2, section 1, delete the entire section and insert in lieu thereof the following:

"1. Notwithstanding any limitations contained in any other law upon the number of fish and game wardens who may be appointed by the Commissioner of Conservation and Economic Development, said Commissioner may, subject to the provisions of Title 11 of the Revised Statutes, Civil Service, appoint, in the Division of Fish and Game of the Department of Conservation and Economic Development, such number of additional fish and game wardens as he may determine to be necessary, within the limits of available appropriations therefor. All persons appointed pursuant to this section shall have all of the functions, powers and duties of fish and game wardens in the said Division of Fish and Game as otherwise provided by law."

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 310

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. 310.

This bill makes provision for a new special trout stamp, in addition to the regular fishing license, to be obtained by all persons fishing for trout between the opening day of the trout season and June 30th following.

It is noted that the bill, if approved, would take effect immediately (section 5). Since the trout season is currently in progress, approval of the measure at this time would only result in a confused situation and inconvenience and hardship to the persons affected.

Accordingly, I am returning Assembly Bill No. 310 herewith for reconsideration and with the recommendation that amendment be made to the bill (Official Copy Reprint) as follows:

> On page 2, section 5, line 1, delete the word "immediately" and insert in lieu thereof the words "January first, one thousand nine hundred and fifty-three".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 328

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. 328.

This bill would amend Section 45:14–4 of the Revised Statutes by increasing the per diem compensation of members of the State Board of Pharmacy.

Chapter 439 of the Laws of 1948, which established the Department of Law and Public Safety, prescribed uniform budgetary practices and procedures applicable to all professional boards in that department. The requirements for these uniform practices and procedures superseded inconsistent provisions of then existing law, some of which are to be found in Section 45:14–4 of the Revised Statutes relating to the State Board of Pharmacy.

Accordingly, to accomplish the object of Assembly Bill No. 328, a supplement to the Department of Law and Public Safety Act of 1948, rather than an amendment to R. S. 45:14–4 restating some of the superseded provisions of the Pharmacy Act, would appear to be the appropriate and only legally safe method.

Therefore, I am returning herewith Assembly Bill No. 328 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, title, after the word "pharmacy," delete the words "and amending Section 45:14–4 of the Revised Statutes." and insert in lieu thereof the words "providing an increase in compensation to members of the Board of Pharmacy of the State of New Jersey, and supplementing the 'Department of Law and Public Safety Act of 1948,' approved October fifteenth, one thousand nine hundred and forty-eight (P. L. 1948, c. 439)."

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

"1. Subject to the limitations and restrictions contained in the act to which this act is a supplement:

"Each member of the Board of Pharmacy of the State of New Jersey, other than the secretary, shall continue to receive such traveling and other necessary expenses incurred in the performance of his duties as prescribed by law. In addition thereto, and in lieu of any other compensation prescribed by law, each member of such board, other than the secretary, shall receive the sum of twenty-five dollars ($25.00) for each and every day during which he is engaged upon the duties of the board."

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 343

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. 343.

The object of this bill is to provide methods of substituted service upon insurance companies not authorized to transact business in this State and to bring such companies within the jurisdiction of the courts of this State.

This is a salutary measure designed to protect the residents of New Jersey. I am, however, advised that during the course of the drafting of this bill, a section providing for attorneys' fees was deleted but the title of the bill was not amended to conform with the deletion. The title of the measure, in its present form, is, therefore, defective.

Accordingly, I am returning herewith Assembly Bill No. 343 for reconsideration, and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, Title, line 4, after "surers;" delete the words "and providing for the allowance of attorneys' fees in actions against such insurers,".

On page 3, section 2, line 5, after the word "sufficient," delete the word "surities" and insert in lieu thereof the word "sureties".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 376

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. 376.

This bill would authorize a court having jurisdiction of the settlement and allowance of a fiduciary's accounts to allow, in addition to such compensation as may otherwise be allowable, reasonable compensation to the fiduciary for services rendered by him in connection with or arising out of any property as defined in the bill, "including, *but not by way of limitation,* services rendered in connection with apportionment of any taxes" (specified in the bill) "between a decedent's estate and the recipient of such property, or between the decedent's estate and such property, and in collecting or attempting to collect, such apportionment or such taxes applicable to such property."

The additional compensation which would be so allowable would, therefor, supplement the recently liberalized schedule of compensation now set forth in Chapter 10 of Title 3A of the New Jersey Statutes. In my judgment the provisions of the bill, above quoted, are too broad. The additional compensation which may be allowed to the fiduciary should be related to services *required by law* to be rendered by the fiduciary in connection with or arising out of the property defined in the bill. In addition, the bill requires a technical correction to clearly accomplish its purpose.

Accordingly, I am returning herewith Assembly Bill No. 376 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, section 2, line 3, after the words "for services" insert the words "required by law to be".

On page 2, section 2, line 9, after the word "apportionment" delete the word "or" and insert in lieu thereof the word "of".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 420

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. 420.

Section 1 of this bill would make it a crime to remove, deface, alter, change, destroy, cover or obliterate any trademark, distinguishing or identification number, serial number or mark, on or from any machine, article or electrical

or mechanical device or apparatus. Motor Vehicles (being already covered with respect to such acts, under Chapter 127 of Title 2A of the New Jersey Statutes) are specifically excepted from the provisions of this section except those running upon or guided by rails or tracks.

Section 2 of the bill establishes as a crime the acquisition *for the purpose of sale or resale* and the knowing possession of any machine, article or electrical or mechanical device or apparatus, or any of the parts thereof, excepting a motor vehicle, from or on which any trade-mark, distinguishing or identification number, or serial number or mark, has been removed, covered, altered, changed, defaced, destroyed or obliterated, unless certain steps are taken as required therein.

The purpose of the bill is to prevent fraud upon the consuming public, to enable manufacturers to trace their goods, and to help the police determine whether merchandise has been stolen. Section 1 of the measure, as presently written, would, however, also penalize those who perform or permit, for legitimate reasons, any of the acts enumerated therein. This could not have been intended. The bill excepts "any machine, as defined in this act,". No definition of "machine" is included in the bill.

After conference with the sponsor of the measure, amendments thereto have been arrived at which would completely effectuate the bill's sound objectives.

Accordingly, I am returning herewith Assembly Bill No. 420 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 3, after the word "machine," delete the word "article".

On page 1, section 1, line 4, after the word "act," insert the words "and thereafter, and with intent to defraud, sells or resells the same in such condition,".

On page 1, section 1, line 5, after the word "a" delete the word "high".

On page 1, section 2, line 2, after the word "machine," delete the words "as defined in this act, article".

On page 1, section 2, line 4, after the word "vehicle," insert the words "as defined in this act,".

On page 1, section 2, line 7, after the word "machine," delete the word "article".

On page 1, section 2, line 9, delete the word "muncipality" and insert in lieu thereof the word "municipality".

On page 1, section 2, line 10, after the word "machine," delete the word "article".

On page 2, section 2, line 15, after the word "machine," delete the word "article".

On page 2, section 3, line 3, after the words "muscular power" insert a comma.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*

LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 425

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. 425.

One of the amendments to R. S. 45:24–9 proposed by this measure would authorize municipalities to regulate, by ordinance, hawking, peddling and vending on public streets and highways. It is entirely conceivable that the municipal regulations which may be promulgated under this new authority could, in their application, attempt to alter or modify the provisions of R. S. 39:4–60, recently amended by Chapter 23 of the Laws of 1951 (Revised Motor Vehicle and Traffic Code) which prohibits persons from standing "in the roadway of a highway to stop, impede, hinder or delay the progress of a vehicle for the purpose of soliciting the purchase of goods, merchandise or tickets, or for the purpose of soliciting contributions for any cause, . . .".

In order that any such possible conflict may be avoided, I am returning Assembly Bill No. 425 herewith 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 9, after the word "to", at the beginning of the line, insert the word "the".

On page 1, section 1, line 10, before the word "World", insert the word "the".

On page 1, section 1, line 14A, after the word "emergency", insert a comma.

On page 2, immediately following section 1, insert the following new section: "2. Nothing herein contained shall be deemed or construed to alter, modify, supersede, repeal, or in any way affect any of the provisions of Title 39 of the Revised Statutes.".

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

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*

LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL NO. 439

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. 439.

R. S. 40:1–11, as amended by P. L. 1940, c. 159, now permits a municipality or county to combine two or more bond issues intended for different municipal or county purposes, into a single combined issue of bonds, by ordinance or county bond resolution adopted after public hearing. It has been suggested that the present law is not adequate for

the purpose of such combination. Assembly Bill No. 439, supplementing the local bond act, purports to remove any doubt on the subject and expands the scope of R. S. 40:1–11.

The instant measure would provide that the single combined issue of bonds may be authorized by resolution, without public notice and hearing; and the bonds of the combined issue (not exceeding the aggregate amount of the issues authorized by the municipal bond ordinances or county bond resolutions described in said resolution) "shall mature within an average period of usefulness" to be determined in the resolution, "taking into consideration the respective amounts of obligations to be issued pursuant to each of said municipal bond ordinances or county bond resolutions and the period or average period of usefulness determined in said municipal bond ordinances or county bond resolutions respectively.

R. S. 40:1–34, last amended in 1951, sets up a carefully considered schedule of periods of usefulness for various municipal and county improvements and purposes. Assembly Bill No. 439 gives the municipal or county governing body, apparently, unlimited discretion in fixing the average period of usefulness. Such average period may be too long, with resultant heavier cost to the county or municipality for financing.

Accordingly, I am returning herewith Assembly Bill No. 439 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

> On page 1, section 1, line 12, delete the period and insert in lieu thereof the following: "; provided, however, that the Director of the Division of Local Government in the Department of the Treasury, shall in each case first find, in writing, that the average period of usefulness so determined for the single combined issue of bonds is correctly computed within the limitations of this act and Sections 40:1–34 to 40:1–36 of the Revised Statutes in the article hereby supplemented."

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*

LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 440

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. 440.

This bill would validate deeds of conveyance made or delivered prior to April 1, 1950, to any municipality in this State in settlement of past due municipal liens or in lieu of tax sale foreclosure, or both, where made or delivered by any duly appointed administrator or administrators with the will annexed, or by any duly appointed administrator or administrators de bonis non with the will annexed, covering real property sold for a valuable consideration by the estate of the testator pursuant to a power, permission or direction in the will of the testator; notwithstanding that the terms of the sale may not have been submitted to and confirmed by a court of competent judisdiction in this State as required by law.

The bill contains several conditions limiting the validation. It would appear appropriate to add an additional proviso, to guard against the possibility of any infant, or person under any legal disability, having an outstanding interest which might be prejudiced.

Accordingly, I am returning herewith Assembly Bill No. 440 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

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

On page 2, section 1, line 18, delete the period at the end of the line and insert in lieu thereof the following: "; *and provided further,* that on the date of delivery of such deed of conveyance, and for at least five years prior thereto, no person having an interest in the said estate of the testator was an infant or under any legal disability whatsoever.".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 457

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. 457.

The object of this bill, which I approve, is to authorize the Division of Veterans' Services in the Department of Conservation and Economic Development to co-ordinate all services and information for the benefit of servicemen and their dependents and to assist servicemen and their dependents to obtain Federal and State benefits to which they may be entitled.

Assembly Bill No. 457, however, attempts to accomplish the aforementioned objective by an amendment to Chapter 85 of the Laws of 1944 which established the former Department of Economic Development. The functions, powers and duties of that department were, by Chapter 448 of the Laws of 1948, transferred to the Department of Conservation and Economic Development. The veterans' services functions of the former Department of Economic Development were, by the same reorganization act of 1948 (P. L. 1948, c. 448), allocated to the Division of Veterans' Services in the Department of Conservation and Economic Development. Accordingly, the objective of Assembly Bill No. 457 should be accomplished by way of a supplement to Chapter 448 of the Laws of 1948.

Therefore, I am returning herewith Assembly Bill No. 457 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, title, delete the entire title and insert in lieu thereof the following: "An Act relating to the Division of Veterans' Services in the Department of Conservation and Economic Development and supplementing the 'Department of Conservation and Economic Development Act of 1948,' approved October twenty-fifth, one thousand nine hundred and forty-eight (P. L. 1948, c. 448)."

On page 1, section 1, delete lines 1 and 2 in their entirety.

On page 1, section 1, line 3, delete "41. The department" and insert in lieu thereof "1. In addition to other functions, powers and duties vested or imposed upon it by law, the Department of Conservation and Economic Development, through the Division of Veterans' Services in said department,".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 465

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. 465.

This measure is intended to vest in Ralph J. Lechner title to certain real estate, therein described, in which Annie Hoffman, late of Hillsdale, Bergen County, died seized, and which is alleged to have escheated to the State of New Jersey. The bill indicates that the property was sold to Mr. Lechner by the administrator of the estate of Annie Hoffman, appointed on application of the Bergen County Welfare Board, pursuant to an order of the former Bergen County Orphans' Court to sell lands to pay the debts of the decedent.

The bill, to validly accomplish its purpose, requires two technical corrections.

Accordingly, I am returning herewith Assembly Bill No. 465 for reconsideration and with the recommendation that amendments to the bill (Official Copy Reprint) be made as follows:

On page 1, preamble, line 11, change "Holdrun" to "Holdrum".

On page 2, section 1, line 3, after the word "deceased," insert the words "which real estate is more particularly described in the preamble of this act,".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 471

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. 471.

I am advised that this bill was designed to limit the duration of the State's lien for delinquent taxes arising under the domestic corporation franchise tax laws, Sections 54:13–1 through 54:13–8 of the Revised Statutes, *which were repealed* by the provisions of Section 27, Chapter 162, Laws of 1945. However, the bill is so phrased that the provisions thereof are not limited to taxes arising under the aforesaid Sections 54:13–1 through 54:13–8 but would apply as well to taxes imposed under other sections of Chapter 13 of Title 54 of the Revised Statutes.

I am informed that it was not intended to limit or repeal the tax lien with respect to those taxes which are still being

assessed pursuant to those sections of Chapter 13 which were not repealed in 1945 and still remain alive; nor would this be a desirable step.

Accordingly, I am returning herewith Assembly Bill No. 471 for reconsideration and with the recommendation that amendment be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 3, after "visions of" delete the words "chapter thirteen of Title 54" and insert in lieu thereof "section 54:13–1 to section 54:13–8, inclusive,".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*

LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 488

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. 488.

This bill would authorize county boards of freeholders or the county boulevard commissioners of any county to provide, by resolution, for the payment of either a lump sum amount or an annual allowance to police officers engaged in the regulation of traffic upon county roads who are permanently disabled in the line of duty, upon recommendation of the committee having charge of the department in which such police officers are employed and on certification of a physician appointed by the county boulevard commissioners as to the probable permanency of the disability. The amount of the award payable in any one year, plus any other pension payments and any workmen's compensation allowance payable within the year, may not exceed the annual salary paid to the police officer at the time the disability occurred.

To the extent that the bill would authorize the county boulevard commissioners to require the payment of the pensions, without any action on the part of the county board of chosen freeholders, it would deprive the authority responsible for raising the money to pay the pensions of any opportunity to pass upon the expenditure of the funds involved. I have consistently opposed this unsound arrangement.

Accordingly, I am returning Assembly Bill No. 488 herewith for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, title, lines 1 and 2, delete "or boulevard commissioners".

On page 1, title, line 3, after "county or " delete "commissioners" and insert in lieu thereof "the boulevard commissioners of such county".

On page 1, section 1, lines 1 and 2, delete "or boulevard commissioners".

On page 1, section 1, line 6, after "board" delete "of commissioners".

On page 2, section 2, lines 2 and 3, delete "or by its boulevard commissioners".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 500

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. 500.

This bill provides for the issuance by the Division of Fish and Game of separate licenses for the hunting of deer.

The bill was introduced at the request of the State Division of Fish and Game. The Division, in the statement appended to the bill, states: "It is felt that if this fine game animal is to continue to survive and furnish sport in our small, heavily populated State, that the Division must have additional funds for proper management in the form of law enforcement, protection of crops, the development of deer-feeding areas, and the increase of the herd in the wilder areas of the State."

The bill contains several technical errors which must be corrected. Accordingly, I am returning herewith Assembly Bill No. 500 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 "An Act", delete the remainder of the Title and insert in lieu thereof the words: "relating to the hunting of deer; providing for a separate license therefor; providing penalties for violations hereof; and supplementing Title 23 of the Revised Statutes."

On page 1, section 1, line 2, after the word "character," insert the words "or with bow and arrow,".

On page 2, section 6, line 1, after the word "Division" insert the words "of Fish and Game in the Department of Conservation and Economic Development".

On page 2, section 8, line 2, after the word "Division" insert the words "of Fish and Game in the Department of Conservation and Economic Development".

On page 3, section 10, line 4, after the word "section" delete the word "ten" and insert in lieu thereof the word "eleven".

On page 3, section 10, line 8, after the word "Division" insert the words "of Fish and Game in the Department of Conservation and Economic Development".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

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.

By amendment to R. S. 45:14–12 (Pharmacy Act), this bill would require the Board of Pharmacy of the State of New Jersey to refuse an application for examination or to revoke the certificate of a registered pharmacist or a registered assistant pharmacist, after notice and hearing, when the applicant or registrant is shown to be addicted to the use of narcotic drugs, or has been convicted of violating any law of this or any other State or of the United States relating to narcotic drugs. The present law leaves it in the discretion of the Board to refuse an application for examination or to suspend or revoke the certificate under similar circumstances.

The amendment is so broad that it could well produce a harsh result. It presupposes that rehabilitation of a narcotic violator can never be accomplished, and would bar the Board of Pharmacy from exercising its sound discretion in meritorious cases. I am informed that the amendment recommended below is acceptable to the legislative commission to study narcotics which sponsored the present measure.

Assembly Bill No. 549 also amends R. S. 45:14–14 to require prescriptions for any narcotic drug or barbiturate or any other hypnotic or somnifacient drug to be given in writing, signed by the person prescribing, and in no other manner. Additional amendments to the bill are required to bring it into conformity with the Federal Narcotics Law and Regulations relating to telephoned prescriptions for narcotic drugs in emergencies; and to eliminate redundant matter.

It is also noted that the provisions of Section 1 of the bill, providing for review of the determination of the Board in denying, suspending or revoking a certificate, after hearing, technically is not in accordance with the Rules of the Supreme Court.

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

On page 2, section 1, line 22, insert after the period the following: "Any person whose certificate is so suspended or revoked shall be deemed an unregistered person during the period of such suspension or revocation, and as such shall be subject to the penalties prescribed in this chapter, but such person may, at the discretion of the Board, have his certificate reinstated at any time without an examination, upon application to the Board."

On page 2, section 1, lines 24 and 25, delete the words "by a proceeding in lieu of the prerogative writs", and insert in lieu thereof the words "by appeal in accordance with the Rules of the Supreme Court".

On page 2, section 2, line 17, delete the words "or any drug included within the" and insert in lieu thereof the following: "except as provided in section 24:18–7 of the Revised Statutes".

On page 2, section 2, line 18, delete the words "provisions of sections 45:14–23 and 45:14–25 of the Revised Statutes".

On page 2, section 2, line 19, delete the words "or filled when given or transmitted".

On page 2, section 2, line 21, after the word "same" insert the words "nor shall such prescription be renewed or refilled".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 555

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. 555.

The present measure would amend the act regulating the teaching and practice of nursing (P. L. 1947, c. 262, as amended) by adding to the qualifications required of applicants for a license to practice professional nursing or practical nursing, that the applicant is not an habitual user of drugs and has never been convicted or has not pleaded nolo contendere, non vult contendere or non vult to an indictment, information or complaint, alleging a violation of any Federal or State law relating to narcotic drugs. A further amendment to Section 10 of the act requires the Board of Nursing to revoke or refuse to renew a license where the applicant or holder is an habitual user of drugs or has been convicted or so pleaded to an indictment, information or complaint.

The present law allows the Board at any time to "permit a person whose license has been revoked or whose application for renewal has been denied, to make an original application for a new license on such terms and conditions as in the judgment of the board are just and equitable". However, because of the additional qualification required by the proposed amendment, a nurse whose license had been revoked or its renewal refused for narcotic violation would be denied forever the privilege of making an original application for a license. Such a result would appear to be too harsh. It presupposes that rehabilitation of a narcotic violator can never be accomplished, and would bar the Board of Nursing from exercising its sound discretion in meritorious cases. I am advised by the chairman of the Legislative Commission to Study Narcotics, which proposed this legislation, that this result was not intended, and that the amendments which I am recommending herein, meet with his full approval. It is entirely possible that a person "cured" of the "habit" may desire to devote his or her life to helping others conquer the "habit".

It is also noted that the provisions of Section 3, providing for review of the determination of the Board in suspending or revoking a license, or refusing to issue a renewal of a license after hearing, technically is not in accordance with the Rules of the Court.

Accordingly, I am returning Assembly Bill No. 555 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 6, section 3, lines 38 and 39, delete the words "proceedings in lieu of the prerogative writs" and insert in lieu thereof the words "appeal in accordance with the Rules of the Supreme Court".

On page 6, section 3, line 42, insert after the words "board may" the words ", notwithstanding any other provision hereof,".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 586

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. 586.

Section 1 of this measure provides that any person who has served as clerk of a municipal court in any city of the second class for a period of 30 years and who has attained age 55 may be retired on a pension equal to one-half his annual salary. The next section (apparently inconsistent with the first section) makes it mandatory upon the city to pay the pension, but in "such sum as the governing body of the city determines by resolution". In the event the clerk dies after serving 30 years, his widow is to receive a pension equal to one-half his salary at the time of his death, or if he was retired on pension, then the pension is to be continued in favor of the widow. The widow's pension

is mandatory and is to be paid to her "so long as she remains a widow".

This measure falls within the category of mandatory pension legislation to which I have repeatedly stated my opposition, although it is apparent from the first section that a permissive pension bill was intended.

Accordingly, at the request of the sponsor, I am returning herewith Assembly Bill No. 586 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, lines 3 and 4, after the word "pension" strike out the remainder of the section and insert a period.

On page 1, section 2, lines 3 and 4, strike out the words "upon the filing of such certificate he shall be entitled".

On page 1, section 2, lines 4 and 5, after the word "pension" delete the remainder of the sentence and insert in lieu thereof the words "equal to one-half of his annual salary at the time of his retirement."

On page 1, section 3, line 1, delete "3. The pension", and insert in lieu thereof the words "3. Such pension may be granted by the governing body of the city, by resolution, and if so granted,".

On page 1, section 4, lines 1 through 4, strike out all of said lines and insert in lieu thereof the following:

"4. In the event of death, before retirement, of any such person having served continuously for 30 years as clerk of the municipal court, the governing body of said city may allow his widow such a pension, or if such person was retired on pension at the time of his death, then".

On page 2, section 4, line 6, strike out the words "a widow" and insert in lieu thereof the word "unmarried".

On page 2, section 5, line 2, delete the words "of the aforesaid" and insert in lieu thereof the words "of any such".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL NO. 637

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. 637.

The amendment proposed to N. J. S. 3A:3–5 by this bill would provide that wills, if in writing, made by members of the armed forces who are 18 years of age or over, in time of peace as well as in time of war, shall be valid. Historically, and for sound reasons, the exception made in the case of soldiers which permitted them to make wills without signature, witnesses or other formalities, was extended only in time of actual war.

I am aware that the phrase "in time of war" which the present measure would delete from the statute presents an ambiguity, namely, whether it should be held to apply to the Korean conflict or any similar emergency. In order to properly provide for elimination of such ambiguity, I am, accordingly, returning Assembly Bill No. 637 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, insert after the words "United States" the words "in time of war or in time of emergency".

On page 1, section 1, insert a new paragraph after line 5 as follows: "As used herein the term 'in time of 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 proclamation 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."

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 642

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. 642.

The purpose of this supplement to Title 58 of the Revised Statutes is to authorize any district water supply commission owning, operating, controlling and maintaining any watershed property, reservoir and water system within this State, and the governing body of any municipality owning, operating, controlling and maintaining a watershed property exceeding 3,000 acres in area, and a reservoir and water system, to establish a constabulary for the purpose of preserving order thereon, and of protecting, regulating and controlling the watershed property. The bill would give such district water supply commission or governing body the authority to make rules and regulations for the protection, regulation and control of the watershed property, reservoirs, pumping station, dams, pipe lines and other properties therein, and to prescribe fines and penalties for violation of such rules and regulations; such rules and regulations to be first approved by the Department of Law and Public Safety and additionally, in the case of a municipality, by the district water supply commission, if any, of the water supply district within which the watershed properties are situated. The powers and duties of the constabulary so established are set forth in the measure.

I am advised that this bill is primarily intended for the North Jersey District Water Supply Commission, which is not subject to civil service. I am also informed that there are two municipalities now operating under the civil service statutes which could be affected by this legislation and could, if the measure were approved, in its present form, make any number of appointments thereto for a fixed term, regardless of the civil service laws. In this respect, the bill should be amended to provide that, with respect to municipalities operating under civil service, appointments under the bill would be made in accordance with Title 11 of the Revised Statutes.

It is also noted that no limit is placed upon the penalty which may be prescribed for violation of a rule or regulation promulgated under the terms of this bill by a district water supply commission or a municipality. The penalty provision prescribed by R. S. 40:49–5, with respect to violations of municipal ordinances, is suggested herein by way of amendment.

Accordingly, I am returning herewith Assembly Bill No. 642 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 9, delete the words "the enforcement of" and insert in lieu thereof the word "enforcing".

On page 2, section 2, line 7, delete the period at the end of the line and insert in lieu thereof the following: "; *provided, however,* that in the case of any such municipality now or hereafter operating under the provisions of Title 11 of the Revised Statutes, Civil Service, all members of said constabulary shall be appointed in accordance with the provisions of said Title 11 of the Revised Statutes."

On page 2, section 3, line 5, delete the words "fines and".

On page 2, section 3, lines 6 and 7, delete the words "and fix the amount thereof" and insert in lieu thereof the following: ", either by imprisonment in a county jail or in any place provided by a municipality for the detention of prisoners, for any term not exceeding 90 days, or by a fine not exceeding $200.00, or both."

On page 3, section 5, line 4, delete the word "Board" at the beginning of the line and insert in lieu thereof the word "Commissioner".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 644

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. 644.

The purpose of this bill is to shift the power of appointment of a municipal magistrate from the mayor to the municipal council if the mayor should fail to make a nomination to the office within 30 days after the office becomes vacant, or if the council shall fail to confirm any nomination so made within 30 days after it is made. As a general principle, it would be unsound under a mayor-council form of government to permit the local legislative body to take over the appointing power simply by inaction. Under our borough law, however, the mayor-council relationship which generally is found in cities is modified to the extent that the mayor is, in effect, a member of the council, presides over its meetings and is authorized to cast a vote in the event of a tie. Under these circumstances the borough law already has the same provision with respect to all other appointments to borough offices that is proposed in the present bill. If this bill were limited to apply only in the case of boroughs, therefore, it would conform to established law regulating the appontment of other officers in boroughs.

General experience has proved that the best results in appointments to judicial office are obtained where responsibility for the appointment is clearly vested in a single executive, and were it not for the existing law with respect to other appointive borough officers, I would be constrained to withhold my approval without qualification.

In view of the present statutes, and for the time being, I am returning herewith Assembly Bill No. 644 for reconsideration, and with the recommendation that amendment to the bill (Official Copy Reprint) be made as follows:

> On page 1, section 1, line 9, following the word "council", strike out the word "but" and insert in lieu thereof the following: "; *provided,* that in munici-

palities governed under the borough law (Chapters 86 to 94 of Title 40 of the Revised Statutes)".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 673

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. 673.

This bill would permit any township, town or borough school district, having accepted the provisions of Chapter 6 of Title 18 of the Revised Statutes, to later determine by referendum whether to return to operation under the provisions of Chapter 7 of Title 18 of the Revised Statutes.

While I approve the object of the bill, a technical amendment is required to accomplish the apparent objective of the Legislature.

Accordingly, I am returning herewith Assembly Bill No. 673 for reconsideration and with the recommendation that an amendment to the bill (Official Copy Reprint) be made as follows:

On page 1, section 2, line 4, delete "18:6–3" and insert in lieu thereof "18:6–1".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 28

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. 28.

This bill further regulates the penalties for the illegal practice of medicine and surgery. In order to carry out its purpose effectively, a number of technical amendments are required.

Accordingly, I am returning herewith Senate Bill No. 28 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 16, strike out ", which penalty shall be recovered in the".

On page 1, section 1, line 17, strike out all of said line.

On page 2, section 1, lines 18 and 19, strike out all of said lines and insert "for the".

On page 2, section 1, line 28, strike out the entire line and insert "of New Jersey, in a summary manner, pursuant to the penalty enforcement law (N. J. S. 2A:58–1 et seq.)."

On page 2, section 1, lines 29 through 42, strike out all of said lines.

On page 3, section 2, lines 7 and 8, strike out the words "in the manner above set forth" and insert in lieu thereof the words "by and in the name of the State Board of Medical Examiners of New Jersey, in a summary manner, pursuant to the penalty enforcement law (N. J. S. 2A:58–1 et seq.)".

On page 3, section 2, line 9, strike out "of five hundred dollars ($500.00)" and insert "under this section".

On page 3, section 2, lines 10 and 11, strike out "commit him to jail in the manner above set forth," and insert "adjudge him a disorderly person and may commit him to imprisonment in the county workhouse, penitentiary or jail".

On page 3, section 2, lines 13 through 18, strike out "In case" in line 13 and all of lines 14 through 18.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL NO. 80

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. 80.

This bill provides that the minimum amount of the official bond required of any municipal magistrate or municipal court clerk shall be fixed by the Local Government Board according to a classification system to be established by it. The bill sets forth the methods and standards to be used by the board in establishing the classification system and prescribes the minimum amount of any bond as $1,000. The existing authority of any municipal governing body to fix the amount of such bond in excess of the minimum amount is expressly reserved.

The measure is a sound one and is similar to the procedure established for fixing the minimum amount of bonds to be given by municipal tax collectors. Experience has shown that the bonds of municipal magistrates and municipal court clerks have often been inadequate. In some cases, no bond at all has been furnished.

There are two technical corrections to be made in the bill. Accordingly, I am returning herewith Senate Bill No. 80 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 1, change the word "and" to the word "or".

On page 2, section 3, line 2, delete the comma after the word "municipality", and following the word "court," delete the word "of".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

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 objection, Senate Bill No. 99.

This bill is similar to Senate Bill No. 106 except that it relates to sewerage authorities established pursuant to Chapter 138 of the Laws of 1946. The recommendations which I set forth in my message accompanying the return of Senate Bill No. 106, for reconsideration and amendment, are equally applicable to the instant measure.

Accordingly, 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 "proceedings", insert the words "of certain sewerage authorities".

On page 1, section 1, line 1, after the words " 'sewerage authority' " insert the words ", created pursuant to the act to which this act is a supplement,".

On page 1, section 1, line 4, after the words "New Jersey" insert the words "or a certified public accountant of New Jersey".

On page 1, section 2, line 1, after the word "Every" at the beginning of the line, insert the word "such".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*

LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 100

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. 100.

This bill purports to regulate leaves of absence of officers and employees in the State, county and municipal service. It covers ground which is in large part already covered by Civil Service law and regulations. With respect to the State service, R. S. 11:14–1 through 11:14–3 confers power upon the Chief Examiner and Secretary to administer regulations regarding various forms of leave, including special leaves of absence with or without pay for permanent employees in the classified service.

In the county and municipal service, Chapter 148 of the Laws of 1946 (N. J. S. A. 11:24A–6.1 through 11:24A–6.3) deals with leaves of absence without pay to permanently employed civil service employees. This statute authorizes the appointing authority to grant a leave of absence for a period not exceeding six months at any one time, pursuant to regulations governing such leaves established and ap-

proved by the governing body. Provision is made for renewal of such a leave for an additional six months by formal action of the appointing authority with the approval of the governing body, but no further renewal may be granted except upon approval in writing of the Civil Service Commission.

The Rules of the Civil Service Commission governing leaves of absence (Rule 55e, Civil Service Rules, July 1, 1949) provide for leaves by a permanent employee holding a position in the State classified service. Such employee who:

> ". . . for any reason considered good by the appointing authority and the President desires to secure leave from his regular duties may, with the approval of the appointing authority and the President, be granted special leave of absence without pay for a period not exceeding one year."

The Rule goes on to repeat the statutory provisions with respect to leaves in local government service and adds:

> "For each separate case of special leave without pay other than as herein provided under the statutes this department shall, at the time leave is approved, determine whether the employee granted such leave shall be entitled to his former position on his return from such leave or whether his name shall be placed on the re-employment list for the class."

Senate Bill No. 100 deals exclusively with leaves of absence for the purpose of "entering temporarily similar service" with any other governmental entity. But it places no limit on the length of time the leave of absence may run, and would preserve all of the employment rights, privileges and benefits which would have accrued if the individual had actually stayed on his job. It guarantees re-employment, even though it applies equally to temporary as well as permanent employees.

The bill fails to recognize the proper interest of a present employer in having necessary offices, positions and employments properly filled; it also neglects the proper interest of a person appointed to fill any one of them while the permanent incumbent is on leave. It also goes much further than necessary to make personnel quickly available to a unit of government where emergency conditions arise

requiring it to "borrow" trained people from other units of government, until such time as it can recruit and employ its own permanent employees.

Insofar as the Civil Service is concerned, existing legislation appears both fair and adequate to cover permanent employees in the classified service of the State, county and municipalities. With respect to other employments, offices and positions, it is unreasonable, if not unworkable, to provide for unlimited leaves of absence.

Accordingly, I am returning Senate Bill No. 100 herewith, for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

Title, line 1, after the word "than", insert the words "under Title 11, Civil Service, of the Revised Statutes, or".

On page 1, section 1, line 1, after the word "than", insert the words "under Title 11, Civil Service, of the Revised Statutes, or".

On page 2, section 1, line 20, at the end of such line, insert the following new sentence: "Any such leave of absence shall terminate not later than six months after the granting thereof, but may upon request of the person on leave be extended by the appointing authority for additional periods, each of which shall not exceed six months."

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 103

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. 103.

This bill is similar to Senate Bill No. 106 except that it relates to parking authorities established pursuant to Chapter 198 of the Laws of 1948. The recommendations which I set forth in my message accompanying the return of Senate Bill No. 106, for reconsideration and amendment, are equally applicable to the instant measure.

Accordingly, I am returning herewith Senate Bill No. 103 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 "proceedings", insert the words "of certain parking authorities".

On page 1, section 1, line 1, after the words " 'parking authority' " insert the words ", created pursuant to the act to which this act is a supplement,".

On page 1, section 1, line 4, after the words "New Jersey" insert the words "or a certified public accountant of New Jersey".

On page 1, section 2, line 1, after the word "Every" at the beginning of the line, insert the word "such".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 104

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. 104.

This bill is similar to Senate Bill No. 106 except that it relates to incinerator authorities established pursuant to Chapter 348 of the Laws of 1948. The recommendations which I set forth in my message accompanying the return of Senate Bill No. 106, for reconsideration and amendment, are equally applicable to the instant measure.

Accordingly, I am returning herewith Senate Bill No. 104 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 "proceedings", insert the words "of certain incinerator authorities".

On page 1, section 1, line 1, after the words " 'incinerator authority' " insert the words ", created pursuant to the act to which this act is a supplement,".

On page 1, section 1, line 4, after the words "New Jersey" insert the words "or a certified public accountant of New Jersey".

On page 1, section 2, line 1, after the word "Every" at the beginning of the line, insert the word "such".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 106

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. 106.

I am in complete accord with the objective of this bill, to require annual audits of the accounts of certain local port authorities established pursuant to Chapter 349 of the Laws of 1948. The bill as drawn, however, requires that the audit be made by a registered municipal accountant of this State. Since these port authorities present problems that are comparable to those encountered in public utilities and other corporate accounting it is particularly appropriate that the bill also authorize the audits to be conducted by certified public accountants of this State.

Since the bill has been enacted in the form of a supplement to the 1948 legislation, but does not carry forward the definitions of that legislation, it is necessary to clarify the reference to the term "port authority" in the present bill so as to avoid confusion with bodies by a similar name incorporated under other laws and otherwise subject to audit under those laws.

Accordingly, I am returning herewith Senate Bill No. 106 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 "proceedings" insert the words "of certain port authorities".

On page 1, section 1, line 1, after the word " 'port authority' " insert the words ", created pursuant to the act to which this act is a supplement,".

On page 1, section 1, line 4, after the words "New Jersey" insert the words "or a certified public accountant of New Jersey".

On page 1, section 2, line 1, after the word "Every" at the beginning of the line, insert the word "such".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 129

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. 129.

This is major legislation designed to carry out a long-term policy of this Administration to place police and firemen's pensions on a sound actuarial basis. It has been our purpose to provide the policemen and firemen of this State with a real guarantee that their pension benefits will be available as promised when they retire or whenever their dependents might become entitled to their benefits. So long as any municipal pension funds have either been insolvent or on the verge of insolvency there has always been the threat of default or of reduction in pension benefits.

After a quarter of a century of constantly worsening conditions in local police and firemen's pension funds, the first corrective step was taken in 1944 by the establishment of the State-wide police and firemen's pension system to provide coverage for all police and firemen appointed after that date. Since then, and as a temporary measure, the State has been contributing $1,000,000 a year to the old municipal pension funds which have remained active to provide pension benefits to police and firemen who entered the service prior to 1944. Meanwhile, extensive study of the problem for over two years has developed the conclusion that a consolidation and re-financing of these old funds is the only solution to their financial insecurity. These two steps are the objectives of Senate Bill No. 129.

The new legislation would eventually make financially secure the anticipated pension benefits of all policemen and firemen who have been dependent until now upon the inadequate and often insolvent municipal police and firemen's pension funds established under the 1920 law as amended. This important program will require additional cash assistance by the State. This increase in State aid, however, will be of substantial benefit to our municipalities and, more particularly, to the citizens of those municipalities which

are faced with the grim choice of either repudiating promises that have been made to police and firemen (promises which, on some occasions, have been as mischievous as they have been unsound), or greatly increasing local tax levies. The total State contribution to the program will be approximately $2,750,000 annually. As a partial offset, the State will in the future retain foreign automobile insurance taxes that it has heretofore distributed to local police and firemen's pension funds. I am heartily in accord with the purpose of this new bill.

In the course of my examination of the bill, a number of technical and operational defects have been disclosed. Rather than approve the legislation with these defects, which might defeat the very results we desire, it is preferable to make the necessary amendments at this time.

Accordingly, I am returning herewith Senate Bill No. 129 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

Amend title, line 7, strike out "43:16–6" and following "43:16–7," insert the words "providing for repeal of section 43:16–6".

Amend pages 4 and 5, section 3, lines 12 and 13 by striking out the words "the effective date of this act" and insert in lieu thereof the words "July first, 1953".

Amend page 5, section 3, line 16, by striking out the word "act" and insert in lieu thereof the word "chapter".

Amend page 5, section 3, line 29, by striking out the words "Section 43:16–17 of this chapter" and insert in lieu thereof the words "the supplement to this chapter enacted by Laws of 1944, Chapter 253, Section 12, as amended and supplemented,".

Amend page 5, section 3, line 38, by striking out the words "Section 43:16–17 of this chapter," and insert in lieu thereof the words "the supplement to this chapter enacted by Laws of 1944, Chapter 253, Section 12, as amended and supplemented,".

Amend page 5, section 3, line 50, by striking out the word "currently" and insert in lieu thereof the word "annually".

Amend page 6, section 3, line 72, by striking out "fifty-four" and insert in lieu thereof "fifty-three".

Amend page 7, section 4, lines 1 and 2, by striking out the words "amended to read as follows:" and insert in lieu thereof the words "hereby repealed."

Amend page 7, section 4, line 3, by deleting "43:16–6." and insert in lieu thereof "5."

Amend page 7, section 4, lines 58-64 by striking out the whole sentence in those lines and insert in lieu thereof the following: "The term of office of members of the commission other than the State Treasurer shall be four years, except as hereinafter provided with respect to the first elected members, and except that of those first appointed by the Governor one shall be appointed to serve for one year, one for two years, one for three years, and one for four years. The term of office of members first appointed or elected hereunder shall commence July 1, 1952."

Amend page 7, section 4, line 71, by deleting the word "first", and insert in lieu thereof the word "second".

Amend page 8, section 4, line 80, by deleting the word "thereof".

Amend page 8, section 4, lines 84-94, by striking out in line 84 the words "The names of such nominees shall be" and by striking out all of said lines 85-94, inclusive.

Amend page 9, section "5" by renumbering to read "6".

Amend page 9, section 5, line 39, by inserting a new section number preceding the word "On" to read "7."

Amend page 9, section 5, line 48, change "committee" to "committed".

Amend page 10, section 5, line 54, change "committee" to "committed".

Amend page 10, section "6" by renumbering to read "8".

Amend page 11, section 6, line 24, by striking out the word "fifty-two" and insert in lieu thereof the word "fifty-three".

Amend page 11, section 7, line 1, by striking out all of said line and insert in lieu thereof the following:

"9. This section and section 5 of this act shall take effect immediately. Sections 1, 7 and 8 shall take effect July first, 1952. Sections 2, 3, 4 and 6 shall take effect July first, 1953, provided that the distributions of tax monies authorized by subsection (d) of R. S. 43:16–5 shall not apply to any tax revenues collected after June thirtieth, one thousand nine hundred and fifty-two."

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*

LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 131

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. 131.

This bill would authorize a supplemental compact between New Jersey and Pennsylvania, supplementing the compact which created the Delaware River Joint Toll Bridge Commission. The major purpose of the proposed amendment to the original compact is to authorize this interstate agency to acquire, construct, rehabilitate, improve, maintain, lease, repair and operate port and terminal facilities within the area comprising Sussex, Warren, Hunterdon and Mercer counties, that part of Burlington County north of the northerly bank of the Rancocas Creek as the creek and its north branch extend easterly from the Delaware River to the Burlington-Ocean County boundary line, and the counties of Bucks, Northampton, Monroe and Pike in Pennsylvania.

Detailed studies of this bill by the sponsor and myself disclose need for an additional clause preserving the

present protection afforded the New Jersey Turnpike Authority and the Pennsylvania Turnpike Commission, under the existing compact, with regard to their proposed Delaware River crossing. The sponsor and I agree that the additional clause herein recommended will avoid any possible impairment of that protection. Also, a further amendment appears to be required in order to avoid any possible unintentional conflict between the territories served by the Delaware River Port Authority and the Delaware River Joint Toll Bridge Commission.

Accordingly, I am returning herewith Senate Bill No. 131 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 4, section 1, line 81, after the word "river" insert the following words: "at any location north of the boundary line between Bucks county and Philadelphia county in the Commonwealth of Pennsylvania as extended across the Delaware river to the New Jersey shore of said river".

On page 9, section 1, line 226, after the words "New Jersey." delete the quotation marks.

On page 9, section 1, immediately following line 226 insert the following new paragraph:

"Nothing contained in any other of the provisions of this compact or agreement shall be deemed or construed to amend, modify or repeal any of the powers, rights or duties conferred by, or limitations or restrictions expressed in, Article X of this compact or agreement, or any of the provisions of said Article X relating to a bridge to be constructed, operated and maintained by the Pennsylvania Turnpike Commission or the New Jersey Turnpike Authority, acting alone or in conjunction with each other."

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 145

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. 145.

This bill would change the common law rule by providing for contribution among joint tortfeasors. It speaks in the present tense: "The right of contribution exists among joint tortfeasors." It authorizes a recovery of contribution by one joint tortfeasor against another "for the excess so paid over his pro rata share."

The bill does not define the measure of a "pro rata share." The draftsmen of the "Uniform Contribution Among Tortfeasors Act" (9 Uniform Laws Annotated 156) recognized the old common law rule, in connection with contract contribution, that the number of persons commonly liable determines the "pro rata share" of each in contribution proceedings. They also pointed out the so-called "equity" rule, to the effect that the pro rata shares are determined on the basis of the number of tortfeasors commonly liable who are available (present in the jurisdiction) and solvent (financially responsible). Under our merged practice it may be anticipated that the equity rule will prevail. In either case, the law is uncertain whether a principal and agent or master and servant might each be apportioned a full share in the contribution.

Of most importance, Senate Bill No. 145 would apply to "all actions for contribution commenced" after its effective date. How far back may the tort judgment have been paid, as the basis for contribution now? What statute of limitations would apply?

It is quite plain that these important questions should not be left in doubt. I am, accordingly, returning the bill 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 4, after the word "then." insert a new sentence as follows: "A master and ser-

vant or principal and agent shall be considered a single tortfeasor."

On page 1, section 4, line 3, after the word "tortfeasors" insert the following: " ; *provided,* that it shall not apply with respect to payments made prior to the effective date hereof".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 147

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, Committee Substitute for Senate Bill No. 147.

The purpose of this bill is to provide for the regulation of the practice of ophthalmic dispensing. It is designed to protect the public health, welfare and safety by providing for the regulation of the sale, dispensing and supplying of all ophthalmic appliances, eyeglasses, or ophthalmic lenses to the ultimate wearer or consumer in this State.

I approve the objective of the bill. It would appear that professional regulation in this field would benefit the consuming public.

In one respect the bill appears to go beyond the reasonable necessity of regulation. It would completely bar the sale of ready-made glasses, with simple magnification only, when sold as merchandise at established places of business. I am advised by the Executive Secretary of the Committee on Legislation of the Medical Society of New Jersey that the Society has no objection to the continued sale of such

ready-made glasses and the exclusion of this product from the operation of the bill, and recommends an amendment to accomplish this result.

Accordingly, and with the approval of the sponsor, I am returning herewith Committee Substitute for Senate Bill No. 147 for reconsideration and with the recommendation that amendment be made to the bill (Second Official Reprint) as follows:

> On page 5, section 5, line 21, after the words "ordinary colored glasses", insert the words "or the sale of ready-made glasses or spectacles, with simple magnification only, when sold as merchandise at established places of business".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 180

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. 180.

This bill repeals P. L. 1940, c. 222, appropriating $110,000 toward the cost of constructing a road from Oceanville to Brigantine, Atlantic County, the balance of the cost to be paid by the Federal Government. The project was never begun and the Federal Government did not provide any funds therefor.

The bill also appropriates $110,000 to the State Highway Department for the reconstruction of bridges in Atlantic County.

What was obviously intended by this measure was to re-appropriate the $110,000 under the 1940 act. Further, these funds were meant to be transferred for the reconstruction of *county* bridges in Atlantic County; otherwise, under the provisions of section 1 of this measure, the money would have to be spent on the reconstruction of bridges on the State highway system since the Highway Commissioner cannot, without specific legislative action, designate State highway funds for county projects.

Accordingly, I am returning herewith Senate Bill No. 180 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, title, line 1, change the word "appropriating" to the word "re-appropriating".

On page 1, title, line 2, insert before the word "bridges" the word "county".

On page 2, section 1, line 1, change the word "appropriated" to the word "re-appropriated".

On page 2, section 1, line 2, insert the word "said" before the word "sum".

On page 2, section 1, line 3, insert the word "county" before the word "bridges".

On page 2, renumber section "1" to read "2" and renumber section "2" to read "1", and transpose the renumbered sections to the proper order.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

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 43:21–14 of the Revised Statutes. The principal amendment proposed by this bill would authorize the Division of Employment Security in the Department of Labor and Industry to furnish interested persons and entities, upon application therefor, with certificates of indebtedness covering employers, employing units and others for contributions, penalties and interest under the provisions of the Unemployment Compensation Law (R. S. 43:21–1 et seq.), at a fee of twenty-five cents ($0.25) per name, with a minimum fee of one dollar ($1.00) for such certificate. The fees collected for such certificates would be paid into the unemployment compensation auxiliary fund.

I approve the purpose of the bill. However, Senate Bill No. 154 of the regular session of the Legislature this year, which I have already approved and which is now P. L. 1952, c. 187, amends the same section (R. S. 43:21–14) in other respects. If the substantive amendments to the section contained in Senate Bill No. 154 are not to be nullified, they should be incorporated in the instant measure. Also, technical amendments to conform the provisions of this section with the revision of Title 2A of the Revised Statutes and the Rules of the Supreme Court are required.

Accordingly, I am returning herewith 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 3, after "43:21–14." insert "Collection of contributions." and start the subsection following (Subsection (a)) as a separate paragraph.

On page 2, section 1, line 43, after the words "New Jersey" insert the words "; *provided, however,* that

except in the event of fraud, no employer shall be liable for contributions, penalties or interest unless assessed before four years have elapsed from the time when the contributions were due''.

On page 4, section 1, line 94, after the word ''manner'' delete the word ''now''.

On page 4, section 1, lines 94 and 95, after the words ''required by'' delete the words ''section 2:27–369 of the Revised Statutes'' and insert in lieu thereof the words ''the Rules of the Supreme Court''.

On page 4, section 1, line 98, delete the word ''certiorari'' and insert in lieu thereof the words ''civil action in lieu of prerogative writs''.

On page 4, section 1, line 100, delete the word ''certiorari'' and insert in lieu thereof the word ''action''.

On page 5, section 2, line 1, after the words ''take effect the'' delete the word ''first'' and insert in lieu thereof the word ''second''.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 188

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. 188.

This amendment to the New Jersey Turnpike Act would permit the construction of an East-West turnpike project by the New Jersey Turnpike Authority.

The title of the bill contains an incorrect reference to the approval date and statutory citation of the act it purports to amend.

An amendment is also required in the description of project (c). I am informed by the New Jersey Turnpike Authority that at the present time engineering work is going forward on a Hudson County extension which will include a bridge across Newark Bay, a highway across the Hudson County peninsula to or near the shore of New York Bay, and from that point turning northward and proceeding to the Holland Tunnel. When P. L. 1951, c. 286, was adopted, the thought was that the State Highway Department would do all the work between the eastern end of the Newark Bay Bridge and the Holland Tunnel. The present plan is that this entire connection with the Holland Tunnel should be taken over and built by the Turnpike Authority.

Accordingly, I am returning herewith Senate Bill No. 188 for reconsideration and with the recommendation that amendments be made to the bill (Second Official Copy Reprint)as follows:

On page 1, title, lines 2 and 3, delete the words "October twenty-seventh, one thousand nine hundred and forty-eight (P. L. 1948, c. 454)" and insert in lieu thereof the words "April fourteenth, one thousand nine hundred and forty-nine (P. L. 1949, c. 41)".

On page 2, section 1, line 27, delete the semicolon and insert in lieu thereof the following: ", and thence across Hudson county along such route as the Authority may select as most feasible and practicable to connection with the Holland tunnel;".

On page 3, section 1, line 66, after the words "subdivision (c)", insert the words "or (e)".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 231

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. 231.

The principle of annual payments to municipalities by public bodies in lieu of taxes formerly levied on property acquired by those public bodies is well established. The policy, however, as appears for example from the Delaware River Port Authority legislation (P. L. 1951, c. 288) is to limit such annual payments to the amounts formerly realized in taxes by the municipalities from such properties before they were taken off the tax lists. I recommend that the instant measure be conformed to that policy.

Accordingly, I am returning herewith Senate Bill No. 231 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

> On page 1, section 1, line 7, after the word "property" insert the words "; *provided, however*, that such annual sum or sums shall not be in excess of the amount of the municipal taxes upon such property for the year when last assessed prior to the time of its acquisition by the commission".

Respectfully,

ALFRED E. DRISCOLL,
Governor.

[SEAL]
Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL NO. 232

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. 232.

This is a companion measure to Senate Bill No. 231, relating to annual payments by county bridge commissions to municipalities in lieu of or in reimbursement for the loss of taxes upon property acquired by such commissions for bridge purposes. This bill would validate contracts heretofore entered into between any such commission and municipality for the making of such payments, and also, the acceptance of such payments by the municipality pursuant to such contract. The provisions of the instant bill should also conform to the policy referred to in my message accompanying the return of Senate Bill No. 231 for reconsideration and amendment, i.e., limiting annual payments to the amounts formerly realized in taxes by the municipality from such property before the same was taken off the tax lists.

Accordingly, I am returning herewith Senate Bill No. 232 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 9, after the word "confirmed" insert the words " ; *provided, however,* that no such annual payment exceeds the amount of the municipal taxes upon such property for the year when last assessed prior to the time of its acquisition by the commission".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL NO. 253

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. 253.

The purpose of this bill is to revise generally the law relating to the practice of mortuary science, embalming and funeral directing. Several of the provisions of the measure are not in conformity with the Reorganization Act of 1948 establishing the State Department of Law and Public Safety (P. L. 1948, c. 439). Particularly, the provisions contained in that law, relating to the boards in the Division of Professional Boards of the Department, should be made completely applicable to the State Board of Mortuary Science of New Jersey set forth in the bill. In addition, there are technical corrections which should be made.

Accordingly, I am returning Senate Bill No. 253 for reconsideration and with the recommendation that amendments be made to the bill (Second Official Copy Reprint) as follows:

On page 3, section 4, immediately following line 22, insert the following new paragraphs:

"Any member of the State Board of Mortuary Science of New Jersey may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

"The Board of Embalmers and Funeral Directors of the State of New Jersey is hereby abolished and all of its functions, powers and duties, except as may be inconsistent with the provisions of this act, are hereby transferred to and vested in the State Board of Mortuary Science of New Jersey established hereunder. The State Board of Mortuary Science of New Jersey established hereunder and its functions, powers and duties shall in all respects be subject to the provisions of sections 30, 32, 33, 35, 37, 39 and 40 of chapter four hundred thirty-nine of the laws of one thousand nine hundred and forty-eight."

On page 4, section 5, line 1, after the word "The" at the beginning of the line, delete the word "records" and insert in lieu thereof the words "files, books, papers, records, equipment and other property".

On page 4, section 5, line 1, after the words "Funeral Directors" insert the words "of the State of New Jersey".

On page 4, section 5, line 2, after the word "shall" insert the words ", on the effective date of this act,".

On page 4, section 10, line 4, after the word "services" insert the words ", within the limits of available appropriations therefor,".

On page 4, section 10, line 5, after the words "board may" insert the words ", with the approval of the Attorney General,".

On page 5, section 10, line 13, delete the word "emblaming" and insert in lieu thereof the word "embalming".

On page 5, section 11, delete lines 1 and 2 in their entirety and insert in lieu thereof the words: "11. The board may, subject to the approval of the Attorney General, appoint and at any time remove, an".

On page 5, section 11, lines 4 and 5, delete the words "and the board may remove such agent at any time".

On page 6, section 11, line 16, after the word "determine" insert the words ", within the limits of available appropriations therefor".

On page 6, section 12, delete lines 1 and 2 in their entirety and insert in lieu thereof the following: "12. The board may, subject to the approval of the Attorney General, appoint, employ or remove,".

On page 6, section 12, line 3, delete the words "the services of".

On page 6, section 12, line 6, after the words "shall fix" delete the words "and pay".

On page 6, section 12, line 7, insert before the period the words ", within the limits of available appropriations therefor".

On page 6, section 15, line 1, delete the entire line and insert in lieu thereof the following: "15. All fines, fees, penalties and other moneys derived from the

operation of this act, or payable pursuant to the provisions of this act or any other law to the board shall be col-''.

On page 6, section 15, lines 2 and 3, after the words ''shall be'' delete the remainder of the sentence and insert in lieu thereof the words ''paid into the State Treasury, through the Attorney General.''

On page 15, section 31, line 20, after the word ''any'' delete the letters ''li-''.

On page 16, section 32, line 10, delete the word ''associtaion'' and insert in lieu thereof the word ''association''.

On page 19, section 40, line 17, after the words ''brought under'' insert the word ''this''.

On page 19, section 41, lines 8 and 9, delete the word ''commitmittee'' and insert in lieu thereof the word ''committee''.

On page 19, section 41, line 10, after the words ''strators and'' insert the words '', subject to available appropriations therefor,''.

On page 19, section 41, line 11, after the words ''of the funds'' delete the words ''of the board'' and insert in lieu thereof the words ''appropriated to the board for such purpose.''

On page 20, immediately following section 43 insert the following new sections:

''44. This act shall not affect the orders, rules and regulations heretofore made or promulgated by the Board of Embalmers and Funeral Directors of the State of New Jersey, but such orders, rules and regulations shall continue with full force and effect as the orders, rules and regulations of the State Board of Mortuary Science of New Jersey established hereunder until amended or repealed by said State Board of Mortuary Science of New Jersey.

''45. This act shall not affect actions or proceedings, civil or criminal, brought by or against the Board of Embalmers and Funeral Directors of the State of New Jersey and pending on the effective date hereof, but such actions or proceedings may be prosecuted or de-

fended in the same manner and to the same effect by the State Board of Mortuary Science of New Jersey established hereunder as if the foregoing provisions had not taken effect; nor shall any of the foregoing provisions affect any order or recommendation made by, or other matters or proceedings before, the Board of Embalmers and Funeral Directors of the State of New Jersey, and all such matters and proceedings pending before said board on the effective date of this act shall be transferred to and continued before the State Board of Mortuary Science of New Jersey established hereunder.

"46. All appropriations available and to become available to the Board of Embalmers and Funeral Directors of the State of New Jersey are hereby transferred to the State Board of Mortuary Science of New Jersey, established hereunder in the Division of Professional Boards of the Department of Law and Public Safety, and shall be available for the objects and purposes for which appropriated.

"47. The employees of the Board of Embalmers and Funeral Directors of the State of New Jersey are hereby transferred to the State Board of Mortuary Science of New Jersey established hereunder."

On page 20, section 44, line 1, change the section number from "44" to section number "48".

On page 20, section 45, line 1, change the section number "45" to section number "49".

On page 20, new section 49, line 2, after the words "act are" insert the words ", to the extent of such inconsistency,".

On page 20, section 46, line 1, change the section number "46" to section number "50".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 256

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. 256.

This is a companion bill to Senate Bill No. 253 which is also being returned for reconsideration and with recommendation for amendments.

In view of the return of Senate Bill No. 253 a proviso is required to the effective date provision of the instant bill.

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

> On page 1, section 2, line 2, after the words "fifty-two" insert the words ", provided that legislation establishing a State Board of Mortuary Science of New Jersey in the Division of Professional Boards in the Department of Law and Public Safety, effective on or before said date, is enacted.".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 257

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. 257.

This amendment to R. S. 14:11–4 authorizes any corporation of this State, 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. It also provides that the section is not to be construed to amend, alter or modify any of the provisions of Title 48 of the Revised Statutes, Public Utilities.

The Banking Act of 1948 (P. L. 1948, c. 67) deals with essentially the same subject matter as R. S. 14:11–4 as it would be amended by Senate Bill No. 257. Although section 338 of the Banking Act of 1948 provides that "Except to the extent specifically made applicable by this act, the provisions of Title 14 of the Revised Statutes as enacted and as heretofore or hereafter amended or supplemented shall not apply to banks and savings banks", it may be contended that the present bill might be construed as a repealer of that section to the extent of the subject matter contained in the bill which, as noted, applies to any corporation of this State except railroad and canal corporations.

Accordingly, I am returning herewith Senate Bill No. 257 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 16, insert a comma after the word "Title".

On page 1, section 1, line 17, insert after the word "Utilities" the following: ", or any of the provisions of Chapter 67 of the Laws of 1948, as amended and supplemented.".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 259

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. 259.

This bill would create a special board in the Department of Law and Public Safety, consisting of representatives of the architects and professional engineers and land surveyors professions and the Attorney General or a Deputy Attorney General designated by him. The board would hold preliminary hearings on allegations of illegal practice of architecture by a licensed engineer or of engineering by a licensed architect. It would be the board's purpose to determine whether cause exists for the bringing of an action to recover the statutory penalty for the alleged violation.

While I approve the over-all objective of this measure, several amendments are required in order to conform its provisions to the budgetary practices of the State (no appropriations for the compensation contemplated by the measure having been included in the General Appropriations Act for the coming fiscal year), the reorganization program of 1948 implementing the administrative organization provisions of the Executive Article of the State Constitution, and the rules of the Supreme Court.

Accordingly, I am returning herewith Senate Bill No. 259 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 2, section 4, delete lines 2 to 5, inclusive, and insert in lieu thereof the words: ", but shall be reimbursed for their necessary expenses incurred in the performance of their duties."

On page 3, section 9, line 5, after the word "hearing" insert a period and delete the words "and the State".

On page 3, section 9, delete lines 6 to 8, inclusive, in their entirety.

On page 3, section 11, line 2, after the word "reviewable" delete the remainder of the line and insert in lieu thereof "by appeal to the Appellate Division of the Superior Court in accordance with the rules of the Supreme Court."

On page 3, section 11, delete lines 3 and 4 in their entirety.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL NO. 274

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. 274.

This measure would add to the list of those excepted from the application of N. J. S. 2A:151–41 (prohibiting the carrying of firearms or other weapons without licenses) any civil employee of the United States Government under the supervision of the commanding officer of any post, camp, station, base or other military or naval installation located within this State who is required to carry firearms in the performance of his official duties, and is authorized to do so by such commanding officer.

It would appear to be sound to limit this provision to such times when the civil employees are engaged in the actual performance of their official duties.

A similar amendment should be made for subsection "h" of the amended section in order to carry out the recommendation of the Commissioner of Institutions and Agencies reflected in Senate Bill No. 96 of the recent regular session.

Accordingly, I am returning herewith Senate Bill No. 274, for reconsideration and with the recommendation that amendments to the bill (Official Copy Reprint) be made as follows:

On page 2, section 1, line 19, insert after the word "State" the following: ", while engaged in the actual performance of the duties of their positions and when so required by their superior officers to carry firearms".

On page 2, section 1, line 43, insert after the word "officer" the following: ", while such civil employee is engaged in the actual performance of his official duties".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL NO. 277

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. 277.

This bill applies to any township which has adopted or shall adopt the commission form of government. It would permit the board of commissioners to reinstate, by resolution, any board of fire commissioners of any fire district in the township.

Under R. S. 40:71–9, when a municipality adopts the commission form of government all boards and other bodies, with certain exceptions, are *ipso facto* abolished upon the organization of the commission first elected, and all powers and duties of such abolished boards and bodies devolved upon the commission. Boards of fire commissioners of fire districts in townships are not excepted.

It should be particularly noted that R. S. 40:71–9, above referred to, by its specific terms does not prohibit the creation of subordinate boards authorized to be established by the board of commissioners of the municipality under R. S. 40:72–7. The purpose of the present bill is apparently to permit the board of commissioners to validate any action taken by a township board of fire commissioners. It has been established by the decisions of our courts that under our existing statutory system a municipal office may be created only by ordinance. It follows that the reinstatement of a board of fire commissioners, and particularly the validation of any action it may have taken prior to such reinstatement, should also be accomplished by ordinance.

Accordingly, I am returning herewith Senate Bill No. 277 for reconsideration and with the recommendation that amendment be made to the bill (Official Copy Reprint) as follows:

Amend page 1, section 1, line 4, by striking out the word "resolution" and insert in lieu thereof the word "ordinance".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 289

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. 289.

This bill would extend veterans' Civil Service preference to the mother of any serviceman or nurse who died while in service. While I am in accord with the objective of the bill, its enactment in its present form would present serious difficulties.

Under P. L. 1942, c. 137 (N. J. S. A. 11:27–1.2) the widow of a serviceman who died while in service has a similar preference. The instant bill does not attempt to determine who, as between the widow and mother, could exercise the preference.

Accordingly, I am returning herewith Senate Bill No. 289 for reconsideration and with the recommendation that amendment be made to the bill (Official Copy Reprint) as follows:

> On page 1, section 1, line 5, after the word "living." insert the following new sentence: "Where both a mother and a spouse survive, and both of them are entitled pursuant to law, to the preferences to which such deceased person would have been entitled, the exercise of such preference by either of them shall suspend the right of the other to exercise the preference so long as the first to exercise it remains in the employ of the State or any county, municipality or school district operated under the provisions of Title 11 of the Revised Statutes."

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL NO. 293

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. 293.

This bill and Senate Bill No. 18, which I have already approved, amend the same section of the Revised Statutes but in different ways. In order to avoid vitiating the effect of Senate Bill No. 18 by the subsequent approval and filing of Senate Bill No. 293, it is necessary to amend the latter.

Accordingly, I am returning herewith Senate Bill No. 293 for reconsideration and with the recommendation that amendment be made to the bill (Official Copy Reprint) as follows:

On page 2, section 1, line 34, after "($750.00)" insert the following: ", except in such municipalities having municipally owned and operated water plants and systems, sewage disposal plants and sewerage systems and electric light and power plants and systems, in which municipalities the mayor's annual salary shall be not more than two thousand five hundred dollars ($2,500.00) and that of each commissioner not more than two thousand dollars ($2,000.00)."

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL NO. 298

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. 298.

Three bills have been adopted by the Legislature to amend Section 34:15–43 of the Revised Statutes. In order to carry out their respective purposes and to avoid a nullifying internal conflict I am returning each of them, two with recommended amendments. The three bills are: Senate Bills Nos. 298 and 315 and Assembly Bill No. 651.

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

On page 1, title, strike out "34:15–43,".

On pages 1 and 2, section 1, strike out the entire section.

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

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

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

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

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL NO. 312

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. 312.

This bill validates deeds or conveyances which have been recorded for one year or longer, if otherwise valid, notwithstanding the absence of, or any informality, imperfection, uncertainty or defect in the acknowledgment or proof of such deeds or conveyances, or the certificate thereof. The bill is obviously intended to simplify the work involved in certifying title to land and to eliminate expensive and troublesome litigation presently necessary to cure defects caused by improper acknowledgments.

The one-year period is, in my opinion, too brief, and there is no proviso relating to proceedings that may have been instituted with respect to the validity of any deed or conveyance.

Accordingly, I am returning herewith Senate Bill No. 312 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 2, change the words "one year" to the words "five years".

On page 1, section 1, line 5, after the word "cover", insert the words ", in accordance with its terms,".

On page 1, section 1, line 8, delete the period and insert the following: "; *provided,* that no proceedings shall have heretofore been instituted in any court in respect to the validity of any such deed or conveyance."

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*

LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 313

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. 313.

This bill validates deeds, mortgages and other written instruments wherein the seal opposite the signature of an individual, or the seal of a corporation, was omitted, where such instrument has been recorded for at least one year and is valid in all other respects.

The one-year period is, in my opinion, too brief; similar legislation found in P. L. 1940, c. 38, provided for a five-year period. Moreover, the measure lacks the necessary proviso that no proceedings shall have heretofore been instituted in any court respecting the validity of any such deed, mortgage or other written instrument.

Accordingly, I am returning herewith Senate Bill No. 313 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 2, delete the comma after the word "wherein".

On page 1, section 1, line 6, change the words "one year" to the words "five years".

On page 1, section 1, line 7, delete the period and insert the following: "*and provided further,* that no proceedings shall have heretofore been instituted in any court in respect to the validity of any such deed, mortgage, or other instrument in writing.".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No 314

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. 314.

This bill validates all final decrees or judgments heretofore entered in actions to foreclose any municipal liens, tax title liens, or tax title lien certificates, where the plaintiff or complainant did not, as required by R. S. 54:5–99, produce evidence that all subsequent municipal liens had been paid to the time of the commencement of the action, if all such subsequent municipal liens shall have in fact been paid, provided that no proceedings shall heretofore have been instituted in any court respecting the validity of any such decree or judgment.

Under Senate Bill No. 314 such subsequent municipal liens may have been paid even after entry of the final decree or judgment. It would therefore be difficult for anyone to ascertain the exact status of a foreclosure decree or judgment from the court records, although an interested person might be able to determine from the municipal tax records whether the municipal liens in question had actually been paid. For certainty and convenience, it would be best for the bill to provide that there be some record of such payment in the proceedings themselves.

Accordingly, I am returning herewith Senate Bill No. 314 for reconsideration and with the recommendation that amendment be made to the bill (Official Copy Reprint) as follows:

> On page 1, section 1, line 10, delete the period and insert the following: ", *and provided further,* that an affidavit shall have been filed in the foreclosure proceedings showing that all such subsequent municipal liens had been paid and the date or dates of such payments; *and provided further,* that any such decree or judgment shall be valid in all other respects."

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 315

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. 315.

This is one of three bills amending Section 34:15–43 of the Revised Statutes. The bills are: Senate Bills Nos. 298 and 315 and Assembly Bill No. 651. I am returning Senate

Bills Nos. 298 and 315 with recommendations for amendments which will make them consistent. In order to carry out the intent of Senate Bill No. 298 with respect to county fire marshals, I am suggesting an appropriate amendment to carry the necessary provision in the first section of Senate Bill No. 315, and have in a separate message conformed the amendments of Senate Bill No. 298 by striking out all of its first section which deals with the same matter.

In order to carry out the intent of Assembly Bill No. 651, which is to cover persons holding elective office under the Workmen's Compensation Act in the same way as those holding appointive offices, positions and employments are now covered, I am proposing an appropriate amendment to Senate Bill No. 315. In a separate message returning Assembly Bill No. 651 to the House of origin, certain further observations concerning the application of its provisions are set forth.

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

On page 1, section 1, line 10, after the word "institution," insert the following: "and every county fire marshal,".

On page 1, section 1, lines 13 and 14, strike out the words ", but no person holding elective office shall be entitled to compensation. Nor shall any" and insert in lieu thereof the following: ". No".

On page 1, section 1, line 15, after the word "disability" insert the word "shall".

On page 2, section 1, line 21, after the word "firemen," insert the words "or county fire marshals,".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY JOINT RESOLUTION No. 11

To the General Assembly:

I am returning herewith, without my approval, Assembly Joint Resolution No. 11 for the following reason:

By Joint Resolution No. 10, of 1939, approved August 8, 1939, the Legislature designated State Highway Route No. 24 as the "Military Order of the Purple Heart Memorial Highway" as a memorial and in commemoration of the services of the members of the Military Order of the Purple Heart.

Assembly Joint Resolution No. 11 proposes a new designation for this highway. It designates Highway Route No. 24 as a freeway to be known as the "Morris Freeway." The resolution contains no repealer of the 1939 designation of the route. The State Highway Commissioner would, accordingly, have before him two conflicting expressions of the Legislature.

I am, accordingly, returning Assembly Joint Resolution No. 11 herewith, without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 109

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 109, for the following reasons:

This bill would provide a pension for the widow and children of any county superintendent or assistant county superintendent of weights and measures who dies after retirement on one-half pay pension provided pursuant to Chapter 397 of the Laws of 1938. It is a mandatory pension measure. 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. Moreover, the proposed additional benefit would be provided without any requirement for additional contributions on the part of the members or the employers to meet the cost of the pensions.

Although the objectives of this legislation are desirable, the method of financing the proposed pensions would depart from the principle of an actuarially sound benefit structure. In the absence of actuarial soundness there can be no enduring pension system. Promises to pay in the future, unsupported by substance may create the illusion of security—in the end such promises may be a cruel jest.

I should be very pleased to add my unqualified approval to this bill if it were actuarially sound. The contrary being the case, I am returning the measure without my approval, and with the recommendation that the entire matter be given further study by the Legislature to the end that there may be adopted appropriate legislation to protect the promised benefits with an actuarially sound basis of contributions.

Respectfully,

ALFRED E. DRISCOLL,
Governor.

[SEAL]
Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL NO 121

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 121, for the following reasons:

This bill is similar to Senate Bill No. 295 which I have also been constrained to return without my approval. Like the Senate bill, it has limited application, in this case to certain cities of the fourth class in the counties of the fifth class (bordering on the Atlantic Ocean in either Monmouth or Atlantic Counties).

Assembly Bill No. 121 would permit the governing body in the municipalities affected to "increase and fix" the annual salary of the mayor and members of the governing body thereby overriding any previous action of the voters of the municipality in establishing the salaries by referendum. The bill would, in effect, amend R. S. 40:46–26 although neither the title nor the body refers to Chapter 46 of Title 40.

As I pointed out in my message regarding Senate Bill No. 295, the Legislature only last year adopted a thoroughly acceptable method of dealing with the problem of the present bill. Laws of 1951, c. 327, authorizes the submission of a public question to the voters which, in effect, enables them to authorize the governing body to fix salaries previously fixed by the voters by referendum. The awkward, costly and rarely used procedure of a remonstrance against a salary increase, which is incorporated in Assembly Bill No. 121, cannot be considered as a substitute for the proper recognition of the existing authority of the legal voters.

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

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 128

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 128, for the following reasons:

This measure would validate affidavits, acknowledgments and proofs of deeds, mortgages and other writings, and the certificates thereof, heretofore taken or made before or by any commissioner of deeds in and for this State, or foreign commissioner of deeds for this State, or notary public of this State, who had been duly appointed but had failed to qualify or whose term of office had expired or commission become void at the time of taking such affidavit, acknowledgment or proof.

The provisions of Assembly Bill No. 128 are entirely too broad. It would circumvent many statutory provisions enacted for the protection of the public by requiring certain instruments to be sworn to before an officer who possesses present authority to do so.

There are a number of validating acts on the statute books covering certain instances of the kind treated in this measure. Carefully circumscribed bills to meet hardship situations would appear appropriate, but a blanket validation of the type proposed by the instant measure is undesirable.

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

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 132

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 132, for the following reasons:

This bill would validate all final decrees of the former Court of Chancery or final judgments heretofore entered in the Superior Court, Chancery Division, in tax foreclosure proceedings brought by a municipality to bar the equity of redemption of the owner of some estate or interest in or the holder of some encumbrance on the lands and premises affected, who may have been omitted, *inadvertently or otherwise,* as a party defendant in any prior action to foreclose the tax certificate, notwithstanding the fact that the municipality sold the said lands and premises prior to such final decree or judgment.

Our courts have permitted a mortgagee who purchased the mortgaged premises at the foreclosure sale and then conveyed them to a third party, to maintain strict foreclosure proceedings against a junior mortgagee who was not made a party to the original mortgage foreclosure proceedings. This was done on the theory that the mortgagee had the requisite interest to file such a bill by reason of taking possession of the lands under the sheriff's deed in foreclosure and his liability under the warranty contained in his subsequent deed to the third person; and furthermore upon the primary ground that our courts, in the exercise of equity jurisdiction, have the inherent right to grant relief against the consequence of accident and mistake of fact—in other words, to act where equitable considerations are involved. *Sears, Roebuck & Co.* vs. *Camp,* 124 N. J. Eq. 403.

It would seem, by parity of reasoning, that a municipality should, under similar circumstances, have a right to maintain strict foreclosure against the owner of some estate or interest in or the holder of some incumbrance on the affected premises who was omitted as a party defendant to the original tax foreclosure sale. However, such omission must have been inadvertent, or there must be present some other equitable consideration that will move the court to award equitable relief.

Assembly Bill No. 132 would go beyond these considerations. It is not limited to instances where the municipality went into possession under the original tax foreclosure or where it may have given a warranty deed. But more fundamentally important is the fact that the bill validates proceedings where a necessary party defendant was omitted under circumstances that may not have been inadvertent or excusable in equity. The bill puts the stamp of approval upon tax foreclosures that may have been instituted and carried through with indifference to the rights of parties whose interests might have been determined through reasonable search and investigation.

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

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL NO. 153

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 153 for the following reasons:

The purpose of this bill is to establish Saturdays between June 15th and September 15th 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 and Assembly Bill No. 145 of 1951 were designed to accomplish the same purpose as the instant bill. In my messages to the Assembly in 1950 and 1951, accompanying the return of the stated bills, without my approval, I pointed out:

> "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. 153 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL NO. 177

To the General Assembly:

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

This amendment to R. S. 54:34–4 (f) would exempt from New Jersey inheritance tax $5,000.00 of the proceeds of any contract of life insurance payable on the death of the insured to his executor, administrator or estate.

In its present form the proposed amendment raises a doubt as to whether $5,000.00 of each policy so payable shall be excluded from the taxable estate or whether only $5,000.00 in the aggregate of all such policies is intended to be excluded.

The Statement to the bill alleges that "Many persons maintain additional life insurance contracts to provide funds at death to pay State and Federal taxes and mandatory death costs." If, as a legislative policy, there should be tax-free funds from which such liabilities will be met, then there is no logical reason why the source of such funds should be limited to life insurance proceeds. There are some who might prefer to set aside bank accounts, stock or other property to meet such liabilities.

New Jersey has always required inclusion in the taxable estate of insurance proceeds payable on the death of the insured to his estate or to his executor or administrator, and such insurance is includable for estate tax purposes in New York and by the Federal Government; in fact, those jurisdictions, subject to specified deductions, include insurance proceeds payable to specifically designated beneficiaries other than the insured's estate, his executor or administrator.

The Division of Taxation advises me that approval of this measure would adversely affect our State revenue, and that the loss will be substantial. If we are to continue existing services without the impact of new and additional taxes, it is essential that we do not impair current revenues.

Accordingly, I am constrained to return Assembly Bill No. 177 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 244

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 244, for the following reasons:

This bill deals with the personnel policies of counties, municipalities and school districts operating under Title 11 (Civil Service) of the Revised Statutes. Such policies include decisions as to the number of employees required by each unit of local government, their compensation, working conditions, leaves of absence, sick leave and vacation time, either with or without pay. Among the various units of local government some may offer more attractive opportunities and personnel policies than others, depending upon their financial conditions as well as general employment conditions in their area and the requirements of fair treatment of all employees.

It has been customary for the Legislature to set up certain minimum standards, applicable throughout the State, with regard to public employment. In this way the general State interest in maintaining at least minimum conditions is upheld. Over and above the minimum, it is the responsibility of each local government, and of its employees, to decide and agree upon fair and reasonable conditions affecting their employments. Merely because the State government has adopted a good policy, does not mean that counties, municipalities and school districts should necessarily adopt the same policy; nor does it show that they have the ability to do so.

Last year the State government adopted a policy of increased vacation time for older employees. From the point of view of the administration of State government, we believe that this was a desirable policy and we have been prepared to adjust our finances accordingly. It is the responsibility of those in charge of the administration of local government to decide for themselves upon the best policy to follow with respect to vacation time. State law has guaranteed all employees a certain minimum vacation. It has not placed any ceiling on vacation time. In any local government where longer vacations are desirable, the local governing bodies have full power and responsibility to apply such policies as they find in the best interest of their employees and of their public responsibility, commensurate with the salary scales and other working conditions in each separate local government.

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

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 252

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 252, for the following reasons:

This bill would amend Section 40:37–165 of the Revised Statutes, relating to park police pension or retirement funds in certain counties by, among other things, providing a pension for widows of members where death of the member occurs before retirement and not in the performance of duty.

No provision is made in the bill for increased contributions to meet the cost of the additional benefits. In addition, R. S. 40:37–162 provides that if the pension or retirement fund shall not be sufficient at any time for the payment of the pensions provided under the law establishing the pension program (R. S. 40:37–157 et seq.) all pensions payable out of the fund shall abate proportionately.

In the light of these two conditions, the effect of the enactment of Assembly Bill No. 252 would be to ultimately reduce the pension being paid to those who are now or who may be pensioned under the provisions of the law creating the pension system. This will mean, for example, that widows of members who have lost their lives in the performance of duty will have their pensions reduced so that widows of members who die from natural causes can be pensioned.

Although the objective of the measure is desirable, the method of financing the proposed new pensions would depart from the principle of an actuarially sound structure. I have repeatedly stated that in the absence of actuarial soundness there can be no enduring pension system.

If the provisions of the bill were actuarially sound I would be pleased to add my unqualified approval to it. The contrary being the case, I am returning Assembly Bill No. 252 without my approval and with the recommendation that the matter be given further study by the Legislature to the end that there may be adopted appropriate legislation to protect the promised benefits with an actuarially sound basis of contributions.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 260

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 260, for the following reasons:

This bill represents a revision of the Walsh Act (commission form of government law) prepared by a committee of the State League of Municipalities to accomplish important changes in the charter under which some 61 municipalities in this State operate. It does not appear that the revision has had the benefit of any citizen participation in this charter-making activity. It is intended to take effect January 1, 1953, without any action on the part of the citizens of the municipalities affected.

The present bill consists in large part of provisions of a technical character, designed to conform the Walsh Act to the election law, to clarify the recall sections, and to correct some of the references to the courts. These changes would be helpful, but they hardly comply with the stated purpose of the bill "to strengthen the fundamentals of commission government." On review of the remaining provisions of the bill, I am convinced that not only will it fail to strengthen the fundamentals but, if it were to become law, it would actually weaken commission government as we have known it.

One of the basic principles of the bill is apparently directed toward the practice which has, unfortunately, cropped up from time to time of a majority on the board of commissioners stripping the minority of their administrative functions. As a substitute for this unhappy arrangement, the bill would require that the board of commissioners assign powers and duties to "appropriate departments" in such manner that there may be "as nearly as possible an equal division of the various divisions, bureaus, officers and functions of government among the departments . . ." At first glance, it might appear that this amendment would go back to the provision of the commission form of government law that existed before 1927, requiring assignments be "to the appropriate depart-

ments." It soon became apparent that this provision was entirely unworkable because it substituted judicial discretion for the board's discretion in the assignment of powers and duties, and the courts were not suited to exercise that discretion. It was necessary to repeal the provision by Chapter 330 of the Laws of 1927.

As a matter of principle, the assignment of powers and duties by the governing body, under commission government, presents a problem of achieving the most efficient organization of the administrative activities of the local government. The amendment proposed in the present bill would demand an equal division of the various bureaus, officers and functions of government. If this is to imply an equal division of the spoils, it hardly can square with an intention to make the assignment to the most appropriate department. If it is intended to present a standard to guide a court, it will be more confusing than ever. It is impossible to divide functions equally and at the same time divide officers equally, since the number of officers required by any given function obviously varies considerably. Similarly, an equal division of the bureaus may prevent an equal division of either functions or officers. Above all, as the Commission on Municipal Government has said: "The idea of divying up the jobs, which is implicit in this proposal, is in fact one of the glaring deficiencies that commission government has produced."

Further evidence of the unworkable character of the proposal is that it is coupled with the provision that once an assignment of powers and duties has been made, it may not be changed without unanimous consent of the board, as compared with the majority vote which is permissible with respect to all legislative matters. This suggests a complete distrust of the judgment of the commissioners in administrative matters. The whole idea of good organization of government implies reasonable flexibility to make changes as new conditions and experience develop. While I heartily disapprove of a political stripping of a commission, I am equally opposed to the proposed freezing contemplated in this bill.

Another major point of attention in the bill is the power of the mayor. In the past he has had nominal power to "supervise all departments," although the courts have seen little content in this phrase. The present bill would

take away the power to supervise and replace it with the power "to investigate" any one of the other commissioners or their departments. Within the framework of the commission form of government, such a power could only lead to friction rather than efficiency. The power to investigate should be accompanied by the power to take appropriate action. Assuming the investigation disclosed the need to relieve a commissioner of his departmental activities, the commission's power to act would be effectively blocked by the requirement of unanimous consent. Having observed the depth of the bitterness that develops in commission government in our larger cities, it is hard for me to believe that the commissioner investigated would help the majority achieve its objective be that objective commendable or political.

The necessity of improving the mayor's position under commission government is recognized in other States by having him separately elected. This not only gives him a recognized position, but also eliminates one of the elements of bargaining which usually enters into the assignment of divisions, bureaus and officers among the five commissioners. All impartial studies of commission government have recognized, moreover, that the main weakness in organization is in the budget process. But the proposed bill does nothing to enhance the mayor's role in this connection or to improve the process in any other way.

In fact, the bill contains an invitation to higher local budgets in the form of a provision repealing the State statutes which now establish minimum and maximum salaries for members of the board of commissioners and transferring the authority to fix their own salaries to the commissioners. The Optional Municipal Charter Law adopted in 1950 allows the local governing body such authority. But under those charters there is no mingling of legislative and administrative powers, as in commission government, and the power of the council is checked and balanced by the centralization of responsibility for the budget in the mayor, and by the requirement of a two-thirds vote in the council to increase his recommendations. This provision to take the lid off commissioners' salaries would not be justified by anything else contained in the present bill.

There is still a real opportunity for strengthening the Walsh Act. The present bill does not come to grips with the recognized weaknesses of that act and would import

new ones not heretofore experienced. The bill does not recognize the principle of home rule which would allow the voters of each municipality to decide for themselves whether or not they want to make the substantial changes in their charter that the bill would impose.

The efforts of the municipal officials who have sought sincerely to produce a better law should not be fruitless, however. A broadened approach to the problem with adequate participation by civic organizations and citizens at large will, I am sure, produce an acceptable improvement in this important part of our local government law. Further study of this important subject is desirable.

For these reasons I am returning Assembly Bill No. 260 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL NO. 352

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 352, for the following reason:

Following passage of this measure by the Legislature, the sponsor of the bill advised that the bill would not completely effectuate the purposes for which it was introduced.

Accordingly, and without going into the merits of the proposed legislation, I am returning Assembly Bill No. 352 herewith, without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 373

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 373, for the following reasons:

This bill would amend section 30 of Chapter 138 of the Laws of 1951. By its terms the measure would not become effective before July 1, 1953.

The subject of the amendment covers one of the many phases of the overall study of the administration of welfare currently being undertaken by the commission appointed pursuant to Joint Resolution No. 9 of 1951 and continued by Joint Resolution No. 2 of 1952. It is expected that the commission will submit its report to the Legislature before January, 1953. It would, therefore, appear appropriate to await the commission's report prior to the enactment of legislation on the subject.

Accordingly, I am constrained to return Assembly Bill No. 373 herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 463

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 463 for the following reasons:

In 1930 the Legislature addressed itself for the first time in a comprehensive fashion to the subject of municipal planning. By section 14, P. L. 1930, c. 235 (R. S. 40:55–15) it was provided that any owner or agent of any owner of land located within a subdivision controlled by sections 11 and 12 of the act, who transferred or sold any land "by reference to or exhibition of or by other use of a plat of a subdivision," before the plat had been approved by the planning board and duly recorded, was subject to a penalty of not less than $100 for each lot or parcel so transferred or sold. The municipality was authorized to enjoin such transfer or sale, or to recover the penalty by a civil action.

In 1948 and again in 1950 this section was re-examined in the light of two decades of municipal planning experience. By P. L. 1948, c. 464, section 6, and P. L. 1950, c. 67, section 8, the Legislature provided that any owner or agent of any owner of land who transferred or sold land which formed a part of a subdivision "before a plat thereof has been approved by the approving agency, whether the planning board or governing body," and recorded, was to be subject to an injunction or penalty action. Chapter 213 of the Laws of 1951 eliminated the specific reference to the $100 penalty and the civil action which the municipality might institute for its recovery. In addition, it refined the provisions of R. S. 40:55–15 relating to the injunction proceeding, and limited the right of the municipality to bring any such action to two years after the date of the recording of the instrument of transfer, sale or conveyance of the land.

Assembly Bill No. 463 would amend the existing law and reinstate the language of the original 1930 act. Under this bill, injunction proceedings might be brought by a municipality only if the owner or agent of the owner of land located within a platted subdivision controlled by R. S.

40:55–12 and 13 transferred or sold or agreed to sell any land "by reference to a plat of a subdivision," before such plat had been approved by the approving agency. The amendment also eliminates the provision that R. S. 40:55–15 is not to apply in any case where the requirement of approval by the approval agency has been waived.

If this measure becomes law, municipal planning may be set back 25 years. I know that this was not the intention of the sponsor of this bill, nor of the Legislature. The high price that the citizens of New Jersey are now paying for the lack of adequate planning in the past is every day becoming more apparent. Under Assembly Bill No. 463 all that a land owner need do to avoid the planning laws of New Jersey is to sell lots in his subdivision by a metes and bounds description, without "reference to a plat" of the subdivision. The whole structure of municipal planning would thus be rendered worthless.

I am informed that R. S. 40:55–15 as it now stands imposes undue hardship on property owners in some cases. This undoubtedly explains the reason for several separate bills having been introduced at the recent session to amend or repeal P. L. 1951, c. 213. It is claimed that Assembly Bill No. 463, the only bill passed, makes the present law more workable. However, it has gone entirely too far.

A conference was recently held at the suggestion of the Commissioner of Conservation and Economic Development, attended by all agencies interested in any way in the zoning and municipal planning laws—municipal attorneys and engineers, real estate interests, planning boards and others. I am informed that the conference was unanimous in agreeing that fractional revision of the zoning and planning acts was inadvisable, and a committee was appointed to work on a complete revision of the laws.

The work of this committee and further study by all concerned will, I am sure, accomplish constructive results.

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

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

COMMITTEE SUBSTITUTE FOR ASSEMBLY BILL No. 469

To the General Assembly:

I am returning herewith, without my approval, Committee Substitute for Assembly Bill No. 469, for the following reasons:

R. S. 11:14–1 as amended by P. L. 1951, c. 215, provides for annual leave for vacation purposes with pay for every permanent employee in the classified service of the State service. Committee Substitute for Assembly Bill No. 469 provides that in determining such annual leave, credit shall be given for all continuous, full-time service which such employee shall have served, "whether the same shall have been served under temporary or permanent appointment in an office, position or employment in the classified or unclassified service of the State service."

It is a matter of common knowledge that in many instances there have been temporary employees who served for a long time before successfully competing in one or more examinations and thereby becoming eligible for permanent employment. There are other cases where temporary employees have been blanketed into the permanent classified service by operation of statute. To give such employees the same advantage as those who have had permanent status throughout their entire length of service would be inequitable. The strength of our Civil Service law lies in equal treatment of employees under equal circumstances. To do less would be to defeat the very purpose of the merit system.

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

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 516

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 516, for the following reasons:

This bill proposes that retail liquor licensees shall not, notwithstanding the provisions of any statute, rule, regulation or ordinance limiting the hours for sale of alcoholic beverages at retail, be required to conform to the change in standard time, during the period commonly referred to as daylight saving time, on the first and last days of such period.

The language of the bill is vague and indefinite. Varying interpretations may be applied to its terms. Moreover, the bill employs a term, "sale day," which is foreign to legislation regulating the sale of alcoholic beverages, without attempting to define this new phrase. The term has no commonly accepted meaning either in the Division of Alcoholic Beverage Control or in the alcoholic beverage industry.

The bill would permit the sale of alcoholic beverages between 12 midnight and 1:00 A. M. on the fourth Sunday in April even in municipalities which prohibit sales on Sunday. I doubt if the Legislature intended to override municipal policy, nor do I approve of such a policy.

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

Respectfully,

ALFRED E. DRISCOLL,
Governor.

[SEAL]
Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 517

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 517, for the following reasons:

Under the present law, any one who sells alcoholic beverages to a minor is guilty of a misdeameanor unless he is able to establish *all* of the following facts as a defense: (a) that the minor falsely represented in writing that he was of full age, and (b) that his appearance was such that an ordinary prudent person would believe him to be of full age, and (c) that the sale was made in good faith in reliance upon such written representation and appearance and in the reasonable belief that the minor was actually of full age.

Assembly Bill No. 517 emasculates these salutary provisions. A person selling alcoholic beverages to a minor could successfully avoid punishment if he proved *any one* of the following: (a) the minor's false written representation of full age, plus the fact that the sale was made in good faith, in reliance upon that representation and in the reasonable belief that the minor appeared of age; or (b) that the minor was in fact 19 years of age and would to the ordinary prudent person appear of full age; or (c) the minor's false representation of full age by "some documentary evidence or proof," plus the fact that the sale was made in good faith in reliance thereon and in the reasonable belief that the minor appeared of age.

The instant measure in effect lowers the legal age for the sale of alcoholic beverages from 21 to 19. Further, any one of three situations is available to an offending seller as a defense, rather than the full combination of three sets of facts presently required. Finally, it would be all too easy for a minor to acquire "*some* documentary evidence or proof" by which he can falsely represent his age and so provide the seller with his needed defense.

The total effect of the bill is to provide licensees with many more escape doors by which they can avoid criminal prosecution and disciplinary action for selling alcoholic

beverages to minors. The sale of alcoholic beverages in New Jersey is a privilege granted to a few and denied to many. Those who apply for the privilege and are granted a license should assume the accompanying responsibilities. Thus far, these responsibilities have included the protection of persons under 21 years of age. I am opposed to changing the law and weakening the protection we now strive to provide for our younger citizens.

To take the action contemplated in this bill would render society a disservice and, incidentally, would in the long run place the licensee in jeopardy. Our license system is dependent upon public confidence in that system.

I am advised by representatives of the Division of Alcoholic Beverage Control that the Division opposes this bill. I concur in its position.

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

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILLS NOS. 543 AND 559

To the General Assembly:

I am returning herewith, without my approval, Assembly Bills No. 543 and 559, for the following reasons:

Assembly Bill No. 543 authorizes the State Board of Control of Institutions and Agencies to establish a facility for the confinement, care and treatment of persons addicted to the use of narcotics or who have been convicted of using narcotics or of violating any law of this State relating to narcotic drugs.

The provisions of this measure have received most careful consideration by the Legislature and the special commission to study the laws relating to narcotics which presented its excellent report at the recent legislative session. These provisions reflect the highest level of thinking in a field which has received our increasing attention. Our efforts to meet and conquer the evil of the narcotics menace has gained for New Jersey a position of unquestioned leadership in the Nation. The proposal to create a facility for the treatment of drug addicts is in the enlightened pattern of our entire narcotics program.

Assembly Bill No. 559, the companion measure to Assembly Bill No. 543, allots from any unexpended balances in the accounts of the Department of Institutions and Agencies such sums as may be necessary for establishing the proposed facility and for its maintenance and operation until June 30, 1953. Such funds do not exist. The Department of Institutions and Agencies requires every dollar now appropriated to it to carry on the many programs which have been entrusted to it.

To approve these two bills would be an empty gesture. We should not create a hope we cannot satisfy. We should not act until the money is in hand to permit the accomplishment of the legislative objective.

Accordingly, I am constrained to return Assembly Bill No. 543 and Assembly Bill No. 559 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 568

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 568, for the following reasons:

This bill would require the addition of a new State Highway route between Perth Amboy and Middlesex Borough, connecting with Route No. 29 and with interchanges with U. S. Route No. 1 and New Jersey Routes Nos. 25, 35 and 28.

The need for new highway facilities in the area designated in this measure is apparent. However, if the proposed new route is to become a part of our State Highway system, it should be constructed on a freeway or limited-access basis. This necessary provision is not included in Assembly Bill No. 568.

Moreover, the entire subject of new State Highway routes will properly come before the State Highway Study Commission, established pursuant to Joint Resolution No. 9 of 1952, which I approved on May 16, 1952.

I am, accordingly, returning this bill without my approval, and with the recommendation that the State Highway Study Commission carefully consider this proposal, and report thereon to the next session of the Legislature.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 583

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 583, for the following reasons:

This bill would eliminate the requirement of a surety on the bond of the guardian of a minor where the value of the minor's estate does not exceed $50,000 and the assets are in cash and invested in legal securities, or are partly in cash and partly so invested, and the cash and such securities are deposited by court order in the manner prescribed by N. J. S. 3A:7–10.

The bill has the effect of completely abrogating the sound provisions of N. J. S. 3A:7–1 which authorizes the surrogate to require bond of a guardian "in such a sum and with such proper conditions and sureties, having due regard to the value of the estate in his charge and the extent of his authority, as the court shall approve", as well as of N. J. S. 3A:7–11 which states that where cash or securities are deposited in a place of safekeeping by court order, "the court may fix the amount of the bond with respect to the value of the remainder only of the estate or fund, or in case all of said estate or fund is so deposited, then in such amount as the court shall determine to be sufficient under the circumstances."

The effect of the instant measure is to deprive an infant ward of the court with an estate of less than $50,000 of any bond protection whatsoever as long as the assets are impounded.

The general purpose of the bond requirement is that those interested in the estate may be protected by some security in addition to the mere personal liability of the fiduciary for the faithful discharge of his duties. The present bill loses sight of this objective. While the deposit of assets in a place of safekeeping may safeguard the assets physically, it is equally true that the fiduciary is not by reason thereof released from his responsibilities to manage the assets, and there is, therefore, no safeguard against their loss in value under circumstances which would make the

fiduciary liable to surcharge. The assets may be physically safe, but if they depreciate in value through the irresponsibility of the fiduciary, there is recourse only to the personal responsibility of the fiduciary, and it may turn out to be that he is financially worthless. In addition, the effect of this measure would be to leave the infant unprotected as to the income from the assets deposited.

Our courts have historically been solicitous of infants as a class, recognizing that they are helpless to protect themselves over long periods of time. The existing law is sound; it was re-enacted in 1951, effective January 1, 1952. Assembly Bill No. 583 would run counter to a policy and practice which has been entirely practical and satisfactory.

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

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL NO. 616

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 616 for the following reasons:

Our present law (R. S. 48:3–7) expressly requires, among other things, approval by the Board of Public Utility Commissioners of any sale by a public utility of any of its lands. Any such sale made without such approval is declared to be void.

Assembly Bill No. 616 would nullify this provision of the law with respect to sales made by a public utility of its lands, without the Board's approval, where the deed of conveyance has been of record for a period of 15 years and no proceedings are pending to set aside the sale or deed.

There appears to be no sound reason for this broad validation. To approve the present measure would be to set a precedent which would encourage loose practice.

Accordingly, I am constrained to return Assembly Bill No. 616 herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 618

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 618, for the following reasons:

Under the present law (N. J. S. 2A:3–15) in those counties in which the Governor may appoint more than one judge of the County Court and has not done so, the judge is required to devote his full time to his judicial duties and may not engage in the practice of law. The purpose of Assembly Bill No. 618 is to amend N. J. S. 2A:3–15 so that the County Court judge in such county does not become full-time and is not prohibited from practicing law, until such time as the Governor has actually appointed more than one judge.

The proposed amendment will only serve to confuse the entire situation. The Governor is presently authorized to appoint additional County Court judges in certain instances "whenever in his judgment the public interest requires" (N. J. S. 2A:3–13). It may happen that in a given county the judge was appointed on a part-time basis, and with a salary fixed proportionately. If in the future the Governor were to appoint an additional judge, the proposed amendment might be construed to transform the first part-time judge to a full-time judge, perhaps in the middle of his

term; and if, when the term of the first judge expired, the Governor should decide it was then unnecessary to have two judges, it might be argued that the second judge, originally appointed on a full-time basis, would suddenly become a part-time judge with part-time salary.

If any changes are to be made in the statutes relating to appointment of County Court judges, it would seem more advisable to await the outcome of pending proposals for basic changes in the County Courts. Any other approach would be to deal with a complex situation in a piece-meal fashion.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 622

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 622, for the following reasons:

This bill would authorize municipal governing bodies, by resolution, to declare an emergency in case of a flood affecting public or private property, or both, and by resolution to authorize the expenditure of public moneys to alleviate the emergency.

R. S. 40:2–31, as amended, authorizes municipalities to make emergency appropriations for purposes not foreseen at the time of the adoption of the annual budget, in order to protect or promote the public health, safety, morals or welfare. That law provides necessary controls over the amount of such emergency appropriations that are unfortunately not included in the proposed legislation. Moreover, Chapter 96 of the Laws of 1951 authorizes emergency appropriations between the beginning of the fiscal year and the date

of the adoption of the annual budget. These statutes thus fully cover all emergency expenditures, including the necessities of floods. It would appear therefore that Assembly Bill No. 622 could not in any way improve upon existing law.

For these reasons, I am constrained to return the measure without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 631

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 631, for the following reasons:

This bill makes a strong appeal on the superficial equities of the situation, that is, where a property owner is called upon to pay taxes for a full year even though his property has been destroyed soon after the first of the tax year. The equities appear all the stronger since existing law (Laws of 1945, c. 137, and Laws of 1949, c. 144) requires an added assessment where the physical condition or taxable status of property changes substantially after January 1st and before October 1st in the tax year. It would seem logical to allow the property owner a comparable adjustment where the value of the property is impaired or destroyed due to fire or other disaster.

The bill requires, however, that we reconcile the general public interest in the continued ability of local government to render services in time of emergency with the possibility of hardship on one or more particular property owners. Certainly, if there is justification for recognizing physical changes in property which affect its value and take place

between January 1 and January 10 of the tax year, there is every reason to recognize such changes taking place at any other time in the course of the tax year. In the event of a major conflagration (and it is apparently the purpose of this bill to cover the worst fire in Atlantic City's history which occurred on January 7, 1952) the requirements of the bill could paralyze the ability of local government to operate and render emergency services as well as normal services required during the tax year. In fact, the greater the fire, the more demands there are likely to be upon local government for extra health, welfare and relief services of all kinds. It is quite apparent that the kind of tax relief that this bill would offer might well make it impossible for local government to survive the event of a major disaster.

Looking at the problem from the viewpoint of the property owner, moreover, the hardship will rarely be substantial. It is almost universal practice to insure properties against loss by fire and destruction by acts of nature, and the economic position of the property owner will ordinarily be protected by insurance proceeds. While this may not be true universally, the balance of the equities in favor of the continued ability of local government to render its services under all circumstances, as opposed to possible hardship upon property owners who have not adequately insured their interest, is heavily in favor of the public necessities.

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

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 633

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 633, for the following reasons:

This bill would add a new route to the State highway system between the Newark Turnpike in the Town of Harrison and the intersection of Routes S-3 and 17 in the Township of Lyndhurst.

The alignment described in the bill is in close proximity to Route 101 as set forth in Chapter 290 of the Laws of 1951. I am advised by the State Highway Department that there would be no need of two routes in such close proximity with each other. Moreover and perhaps even more important, no provision is made in the bill requiring the proposed route to be a limited-access highway.

For these reasons, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

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 prevent the introduction of proof at the trial of any civil action founded upon a tort of any payment made by one or more of joint tortfeasors, not parties to the action which would otherwise be admissible in mitigation of the damages of any tortfeasors made a party to the action.

Any verdict for the plaintiff would be required to be rendered without deduction of such payment. In such case, the bill would make it the plaintiff's duty, and allow any other party to the action, to apply to the court to credit on the judgment the amount so paid, for the benefit of any defendant in the judgment who would have been entitled to credit such payment in mitigation of damages except for the provisions of the bill. Upon sufficient proof of the facts, an order would be required to be entered satisfying the judgment as against such defendant to the extent of the amount so paid.

The statement appended to the bill states that its purpose "is to prevent the confusion of the jury by evidence which does not affect the merits of the case, and which cannot assist in the determination of liability."

The subject matter of this bill appears to be essentially procedural and one that should be dealt with by rule of court in accordance with the Constitution of 1947, Article VI, Section II, paragraph 3; *George Ziegler Co.* vs. *Norton,* 8 N. J. 374 (1952).

Accordingly, I am constrained to return Assembly Bill No. 634 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 651

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 651, for the following reasons:

This was one of three bills adopted by the Legislature to amend Section 34:15–43 of the Revised Statutes. In order to avoid internal conflict among the three bills it is

necessary to conform their provisions and to incorporate them in one of the three. This may be done through the adoption of the amendment proposed in the qualified veto message appended to Senate Bill No. 315.

Beyond the technical accomplishment. of the legislative objective, there lies the substantial fact that as a result of this bill legislation may be enacted to eliminate a form of discrimination against the elective public officer as compared to those holding appointive public office. But it is appropriate to recognize that the amendment will not grow into the full-fledged blessing which it might appear to promise those newly admitted to the covered fraternity.

The workmen's compensation act applies to "every employee of the State, county, municipality" as well as of other local governmental entities which are described in the present law. The designation "employee" may at first trouble legal minds conversant with the distinctions between employment, position and office which are made by our courts, but the Legislature has long ago avoided that kind of question by defining an employee to include "all natural persons who perform service for another for financial consideration, . . ." (R. S. 34:15–36). Workmen's compensation is based, of course, on the amount of that consideration—the weekly benefit being at present two-thirds of wages but not more than $30.00 nor less than $10.00 per week. In order to be entitled to $30.00 in weekly benefit rate, therefore, the public office must carry compensation of at least $45.00 a week.

It is fair to ask who may benefit from the new coverage. There is obviously a substantial number of county and municipal officials who would come under workmen's compensation who might otherwise remain dependent upon less desirable protection now provided by the county or municipality in the event they suffer an injury arising out of and in the course of their employment. Taking elective municipal officials as a whole, however, there are relatively few who are paid enough to qualify for maximum benefits, that is $2,340 a year. The great majority of local governments in our State are boroughs and townships, in which elected officials generally serve with little or no compensation. Members of boards of education similarly contribute their time and talents. Unless they are paid a financial consideration for their services, it seems that officers in either of these groups cannot expect any benefits if need ever

arises. Therefore prudence and fairness require an adequate insurance program for which the program contemplated by this bill can never be a complete substitute.

Even though experience indicates that they suffer under a variety of occupational hazards which heretofore have been uninsurable, the members of the Legislature probably could not become beneficiaries of the new coverage. Our State Constitution of 1947 prohibits any "allowance or emolument, directly or indirectly, for any purpose whatever", in addition to such compensation as shall from time to time be fixed by law. The organic law seems to deal somewhat more lightly with the office of Governor in that it provides that he shall receive "for his services a salary, which shall be neither increased nor diminished during the period for which he shall have been elected." This may have an element of abstract justice in view of the greater exposure of any person holding the office of Governor to ailments of the digestive tract. Since in your wisdom you were foresighted enough to accept the policy of full coverage of occupational diseases as one of your acts during the present Administration, it may be comforting to future Governors to have assurance that their peptic ulcers and other forms of occupational diseases somewhat peculiar to the office of the Chief Executive, might not go uncompensated.

It is therefore for purely technical reasons and in view of the fact that the purposes of the bill will be accomplished in another way, that I am constrained to return Assembly Bill No. 651 herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

ASSEMBLY BILL No. 664

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 664, for the following reasons:

This bill provides that a widow of a deputy clerk of any county district court in any county of the first class of over 800,000 population, where the husband died subsequent to September 14, 1949, and prior to July 3, 1950, shall be entitled to the benefits provided for widows of deputy clerks under P. L. 1945, c. 281, as amended by P. L. 1950, c. 296, upon her paying the county treasurer a sum equal to 2 per cent of the amount of salary received by the husband between July 1, 1945, and the date of his death. The measure repeals all acts and parts of acts inconsistent therewith.

Chapter 296 of the Laws of 1950, which amended the 1945 act providing for the retirement of clerks and deputy clerks of county district courts in first-class counties of over 800,000 population, became effective July 3, 1950. It provided that the widow of a deputy clerk who had served the district court at least 25 years and died in service, was entitled to receive for life, or as long as she remained unmarried, a pension in such sum as the board of chosen freeholders might determine, but not less than one-half the salary received at the time of death. No pension was to be paid the widow if she married such employee after he reached age 50. The widow's pension provision was to become effective only if the husband paid the county treasurer 2 per cent of his salary from July 1, 1945, to July 3, 1950, and a like sum thereafter.

Assembly Bill No. 664 does not contain the 25-year service limitation of the 1950 act, nor the requirement that the marriage should have taken place before the employee reached age 50. Nor does it contain the provision that the widow is to receive the pension as long as she remains unmarried. Although the objective of the bill appears to be meritorious, it would destroy the uniformity of treatment provided in the legislation which established this pension program.

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

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 21

To the Senate:

I am returning herewith, without my approval, Committee Substitute for Senate Bill No. 21, for the following reasons:

This bill proposes a special act to relate to the widow's benefits of a member of the State Employees' Retirement System who retired between March 1, 1952, and March 10, 1952. The bill deals with a difficult situation under our present retirement law which has arisen in the past on a number of occasions and may well arise again. Admittedly, it may appear unreasonable to deprive a widow of benefits which she would have received had her retired husband lived 30 days after retirement. I am advised by the officers of the Retirement System that whenever such situations have occurred, it has been necessary to follow the provisions of the retirement law.

My sympathies have been aroused by this case as they have been in other cases. Common fairness, however, requires that all cases be treated alike. As a special act, the bill would violate Article IV, Section VII, paragraph 9 (5) prohibiting any private, special or local law "Creating, increasing or decreasing the emoluments, term or tenure rights of any public officers or employees." In view of this constitutional objection to the bill, and particularly in view of the established policy in situations of this kind, however unfortunate the results may be, the bill should not become law. The situation it seeks to cover has arisen sufficiently often, however, to require a review of our State Employees' Retirement System legislation for the purpose of determining what steps may be taken to eliminate this seemingly inequitable result, on a sound actuarial basis. It is my intention to establish a suitable committee of State administrative officers to examine into the question and to report to the next session of the Legislature.

The present bill would require an additional $20,000 for which there has been no appropriation and for which no provision has been made in the contributions heretofore payable to the Fund by the employer.

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

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 26

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 26 for the following reasons:

It has been suggested on numerous occasions that the issues raised by this controversial bill should be decided by the people. This would certainly be the path of least resistance—perhaps the most expedient course and certainly the easiest way out of a difficult situation. It has not been my policy, however, to follow the path of expediency. My conscience would certainly trouble me if I were to adopt such a policy at this time. Furthermore, I am confronted by a specific constitutional mandate that imposes upon me a solemn obligation I will not ignore. Article V, Section I, paragraph 14(a), provides: "Every bill which shall have passed both houses shall be presented to the Governor. If he approves he shall sign it, but if not he shall return it, with his objections, to the House in which it shall have originated, which shall enter the objections at large on its journal and proceed to reconsider it." This provision of the Constitution envisions a Governor as something more than a rubber stamp, something more than a mere conduit passing "hot potatoes" from the Legislature to the citizens.

The simple argument to let the people decide the issue or issues, however complex, would abdicate the responsibility of the elected representatives of the citizens. If carried to its logical conclusion, the argument that the people should decide all difficult issues would require the abandonment of our representative form of government.

The argument provides an easy and conscienceless way of tossing problems back into the laps of our constituents. It represents an easy out for those who look upon public office as little more than a stepping stone to personal popularity. Our responsibilities must not rest on so mean a level, nor will our principles of constructive service to the citizens of this State be satisfied by submitting a proposition to the voters which we know to be bad and which our experience has taught us to recognize as an economic time-bomb. There are, of course, occasions upon which basic issues properly should be submitted to the citizens for their approval. The submission, however, presumes that the proposal or the legislation for which an endorsement is sought is technically sound and, in addition, the principle or principles involved are readily understandable. In other words, the issue submitted should be basic. Our citizens generally should not be asked to assume responsibilities that are legislative in character.

While reasonable men may differ upon the basic issue, none can deny that this is an occasion for those in places of public responsibility to provide the guidance which they believe to be right.

The proposal to submit the issue contemplated by Senate Bill No. 26 to our citizens in November, 1952, involves more than an expression of approval or disapproval of the "operating and conducting of games of chance of, and restricted to, the specified kind commonly known as bingo or lotto, . . .".

The Constitution, in Article IV, Section VII, provides "no gambling of any kind shall be authorized by the Legislature *unless the specific kind, restrictions and control thereof* have been heretofore submitted to, and authorized by a majority of the votes cast by, the people at a special election or shall hereafter be submitted to, and authorized by a majority of the votes cast thereon by, the legally qualified voters of the State voting at a general election." (Emphasis ours.)

Senate Bill No. 26, therefore, authorizes a referendum in which our citizens are asked to vote for or against the bill itself. If adopted, the bill would become the charter or constitution for the undefined "games of chance" purported to be authorized therein. Despite the fact that most of our citizens would undoubtedly assume they were voting for or against bingo, presumably the kind of bingo with which they may be familiar, Senate Bill No. 26 in section 22, page 8, line 3, states: "If you favor making the *act* entitled below operative within the State, make a cross (×), plus (+) or check (√) in the square opposite the word 'yes.'" (Emphasis ours.) There is a similar opportunity for those wishing to vote against making the act "operative." The Constitution and the specific provisions of the bill therefore require a careful scrutiny of every feature of the proposed law.

Even if we assume that we are in favor of bingo or lotto, we are now compelled to determine whether or not the proposed charter, namely, Senate Bill No. 26, authorizing a new, questionable and highly controversial undertaking, would provide the kind of bingo that is desired. Is the proposed charter (Senate Bill No. 26) reasonably designed to protect the general welfare of our citizens?

The measure is loosely and unskillfully drawn. A member of the Legislature reports "it was thrown together." While the bill has the outward appearance of craftsmanship, careful study of the bill discloses inherent fundamental defects that confirm the legislator's report.

The bill fails to comply with the Constitution. Article I, Paragraph 4, provides: "There shall be no establishment of one religious sect in preference to another; . . ." This bill proposes to grant a preference to "churches or congregations of Christians or Jews or religious societies associated therewith." In addition, it grants similar privileges to an undefined number of veterans', charitable, educational, fraternal, volunteer and rescue organizations and associations. No matter how small the religious sect may be, it is entitled to the full protection of our Constitution. We should not now establish a bad precedent. If this bill became a law and were challenged in the courts, this defect could be fatal.

The bill fails to comply with the provisions of Article IV, Section VII, Paragraph 2, of the Constitution. The expressed language of the Constitution plainly vests the

power to decide the basic issue in the voters of the entire State. In view of the nature of the subject, the precedent of pari-mutuel betting and the history of the gambling clause at the Constitutional Convention, it is apparent that the Constitution contemplates uniformity of laws and regulations throughout the State in the event that "gambling of any kind shall be authorized by the Legislature."

The whole concept of regulating "games of chance . . . commonly known as bingo or lotto" under Senate Bill No. 26 assumes the possibility of as many different forms of regulation, restriction and control as there are municipalities in the State. The bill says in effect to the various municipal officials—The State gives its blessing to "games of chance" of "the specific kind commonly known as bingo or lotto," now you decide how you are going to control it. It is left to the municipal officials to give definition to all the fuzzy terms employed in the bill, to determine who shall run the games and where they shall be played, and under what circumstances and during what hours, except Sundays, to decide how to keep out the undesirable element and police the entire venture. This is clearly contrary to the intent of the Constitution.

Local option is certainly a desirable principle, and it has a long tradition of use in this State. I firmly subscribe to its desirability. But local option does not relieve the Legislature of its constitutional responsibility to prepare a law which is complete in itself and which leaves only its operation contingent upon a local referendum. Senate Bill No. 26 would turn over almost the whole task of law-making to the local governments. So far as I know, no one has ever successfully contended that the gambling laws should be different in each municipality. At the moment, we are considering bingo. We should not, however, forget that the governing constitutional provision covers all "gambling."

Under the expressed provisions of Senate Bill No. 26, the "restrictions and control" of bingo are vested in the local governing body and there is no way of telling in advance what regulations will be adopted. The Constitution, however, requires that the "restrictions and control" be authorized by the voters of the entire State. The delegation of the task to municipal government is patently inconsistent with the decision of the question by the voters of the entire State. Our courts have held that where the Legislature has authority to submit a proposition to the voters

of a particular municipality, no independent will may intervene between the Legislature and the action of the municipal electorate. It follows that where the Constitution requires the subject matter of gambling to be decided by the voters of the entire State, no Legislature can delegate to the voters of a single municipality or its governing body the power to intervene between the completion of the State legislation and the vote of the State-wide electorate.

The operation of the bill, and its restrictions and controls, would depend upon independent and diverse action in the various municipalities. This may be a desirable policy, but unfortunately it is in direct conflict with the constitutional provision that gambling may be authorized by a majority vote of the legally qualified voters of the State voting at a general election. Where the Constitution intends to vest legislative power in municipalities, it does so by specific provision, as in the zoning enabling amendment. But here there is no such provision, for the very good reason that the gambling laws of the State should be uniform throughout the State. This does not necessarily mean that there can be no local option, but it does mean that there can be no legislative abdication.

If the Legislature had adopted a complete law, it could very well have left it, as I believe it should, to the decision of the individual municipalities to determine whether or not they wished to permit "games of chance" in their municipalities pursuant to such general law.

Aside from this basic constitutional weakness, how does Senate Bill No. 26 answer the questions of those citizens of New Jersey who sincerely desire a bingo bill?

Does the bill effectively bar racketeering in bingo?

Under the language of this bill, gangsters' "fraternal" clubs, as well as communist-front "educational" organizations would have a legal right to demand a bingo license in any municipality that voted for bingo. There is not a word in the bill which even requires those who conduct bingo games to be of good moral character.

Certainly the bill would cover the leading veterans organizations and other important religious, charitable and fraternal organizations. But it could place them side by side, if not in competition, with some of the worst elements in our society. There are any number of "fraternal" organ-

izations and communist-front "educational" organizations which, behind a facade of respectability, would be permitted to carry on public bingo games to finance their nefarious purposes. Some would, of course, be weeded out by alert local officials, but under the sanction of a constitutional referendum, it would even be difficult for the courts to deny these undesirables the right to a license. It is even quite likely that well-established and useful fraternal organizations might find themselves "captured" by operators in the same way that some labor unions have found themselves invaded by communist elements. The bill is so loosely drawn and so lacking in definition that it is made to order to furnish a legal haven for the variety of characters who are now engaged in one form or another of racket. This certainly is not the way to legalize bingo.

Does the bill limit bingo to non-profit organizations?

Commercialized bingo is implied in almost every important section of this bill. At first reading, the bill has a subtle suggestion that it is confined to non-profit groups, but a careful examination discloses that the word "non-profit" appears nowhere in the bill. Quite to the contrary, the bill includes some recognized non-profit organizations but actually applies to any organization, profit or non-profit, incorporated or unincorporated, which might come under the umbrella of vague terms which describe the organizations that might demand a license. Section 2 of the act provides that "the entire net proceeds" of the game "are to be devoted to the use of such organization." Section 12 of the act requires a report of the amount of the "net profit" derived from the game. The usual provision in laws applying to non-profit enterprises, that "no part of the earnings shall inure to the benefit of any individual, partner, member, private shareholder or stockholder," is conspicuously missing. It is plain that the requirements of the bill, that the proceeds be "devoted to the use of such organization," could be met in full, in the case of a corporation or association for profit, by the payment of substantial salaries (to persons other than the managers) or the distribution of dividends to the owners or members.

It is startling to observe, moreover, that some of the leading charitable, civic and economic associations of our State would be excluded from the possibility of a license under this bill. It is common knowledge that corporations with charitable purposes, and even religious corporations, have

been organized under Chapter 1 of Title 15 of the Revised Statutes which relates to "corporations not for profit." It may be impossible for these corporations to identify themselves within one of the permissible classes of licensees. It is quite clear, moreover, that civic associations, service clubs, trade associations and labor unions may not fall in any of the categories that might be described as veterans, religious, charitable, educational or fraternal organizations. The bill thus could have the curious effect of barring from the bingo privilege some of the leading non-profit organizations in this State while it would, at the same time, open the door to organizations of dim and nebulous character.

The bill openly invites commercialized bingo. It could require local authorities to issue licenses regardless of the character of a "fraternity" or of an "educational" organization, and regardless of the uses to which the profits from bingo would be applied. The reputable and worthy fraternal and educational institutions of our State would thus be used as a decoy to attract attention away from unsavory enterprises which would be free to class themselves as educational or fraternal. Despite the provision of the bill for audit of the net profits, its provision for "a license fee" (section 6) could even serve to prohibit local taxation of bingo games for revenue.

Recent experience with the difficulties of law enforcement where bookmaking and the numbers games flourish, suggests that the provision for reporting net profits to the municipality, without any public control over those profits, might even result in opportunities for corrupt influences to enmesh unwary local officials. On the surface, the bill appears to bar any "commission, salary or compensation to any person engaged or assisting in the conduct" of bingo games. This obviously does not bar the distribution of profits to members and shareholders. It does not bar the payment of large rentals for the use of equipment nor the payment of substantial fees of bingo promoters. It certainly does not bar the payment of a large percentage of the gross in the form of rentals for the use of the place where bingo games may be conducted, even though the owner of the hall may not himself be authorized to obtain a bingo license. The bill is so full of holes on the non-profit side, apparent even to an amateur, that a professional bingo operator would have no trouble in growing rich under it.

Does the bill minimize the gambling element?

The bill proceeds upon the assumption that bingo is gambling. Following this theory it provides (section 11) that "no prize shall be offered or given in cash, and no prize shall be offered or given in merchandise in excess of the value of twenty-five dollars." What would this mean to the commercial operator? Would it limit the number of prizes that may be awarded to any single individual who purchases, acquires or is given any number of cards? Would it prevent the redemption of merchandise prizes by the payment of cash after the game was over? Would it prevent the issuance of fractional "shares" in merchandise which itself is worth many times the dollar limit for a single prize? Would it prevent the cash redemption of merchandise prizes at far above their real value? These are no idle speculations, they are part of the machinery of commercialized bingo. They suggest opportunities to distort bingo into a worthy competitor of lotteries, the numbers racket, slot machines, roulette, and other devices which have served to impoverish innocent people who have been infected with the gambling fever. The bill is so preoccupied with protection of professionals that it even neglects to amend the criminal law, as was done with respect to parimutuel betting, and would leave the bingo players technically subject to arrest and punishment for violation of the anti-gambling statutes.

Where penalties are needed, on the other hand, the bill is silent. While the municipal governing body is given supervision "over all such games of chance to the end that the same may be fairly conducted, and that the proceeds thereof shall be applied in accordance with the provisions of this act", the delegated power appears to be limited to a suspension or revocation of the license and such proceedings as may be instituted pursuant to municipal ordinance. Recent experiences have shown that exclusive municipal responsibility for the punishment of offenses against the State is haphazard and ineffective. The act as drawn could very well result in as many different methods of license, operation and enforcement as there are municipalities. Clearly the bill should have given an opportunity to prosecutors and grand juries of the counties in appropriate cases to take reasonable steps to keep operations within proper control.

In summary, the mischief this bill would do if it became law is twofold: it would offend those who oppose, as a

matter of conscience or otherwise, legalized "games of chance." It would likewise do a great disservice to those who are in favor of bingo, either as a matter of conscience or otherwise.

The bill is replete with invitations to unscrupulous persons to abuse the privilege that it purports to grant. Assume, for example, a small municipality in need of money (there is apparently no limit to the license fee that may be charged under section 6); assume, also, an eager landlord, looking for a highly profitable lease, perhaps a percentage of the gross take (there is no requirement that the games of chance be played on premises owned by the licensee, nor is there any limit on the rents that may be paid); assume, also, a pseudo-charitable, fraternal, or educational organization, willing to pay exorbitant rents, perhaps to its own members. (There are many such organizations with charters available for purchase, for such a profitable enterprise.) The stage is now set for a lotto (or should we use a more descriptive term, lottery) casino that would outdraw and nullify the best efforts of the fine legitimate organizations supporting this bill. It is apparent that these organizations were unaware of the dangers inherent in the bill and that they were moved to support it by their desire to find an easy way to finance themselves.

All of these fears may appear preposterous to those who are not familiar with the history of licensed activities in this State and elsewhere. An examination of the Alcoholic Beverage Control reports will disclose that there are always, unfortunately, a few officials who are also landlords or members of a fraternity, charitable or educational association or organization, ready and willing to help an innocent customer enjoy a "game of chance." Where such circumstances prevail, the municipal ordinance may be expected to be lenient and cooperative.

All of this is a far cry from what the sponsors of the referendum idea contemplated. Could such organizations compete with the lush places that this bill would permit? And how long would it be before the public would rise up in its wrath and terminate the whole business? It may be possible to draft a bill that will meet the honest desires of legitimate organizations. This bill is not it.

The issue of gambling occupied the attention of the Constitutional Convention of 1947. On Friday, August 15, 1947, the minutes of the Constitutional Convention disclose

that Mr. Frank Eggers, a delegate, offered a resolution purporting to memorialize "the members of the New Jersey Legislature of 1948 to enact legislation which will permit the playing of games of chance or bingo by and for bona fide veteran, charitable, religious, and fraternal organizations, the proceeds of which are to be *devoted entirely* to the uses of such veteran, charitable, religious and fraternal organizations." (Emphasis ours.) (Senate Bill No. 26 uses the term "net proceeds" and includes many organizations and corporations not included in the Eggers resolution.)

When the question was put to a vote, the record discloses that there were "some ayes and some noes." Before there could be a roll call, the resolution was laid over. On August 18, Mr. Eggers agreed to amend the resolution to include volunteer firemen. In the debate on the resolution, a delegate stated: "I wonder, however, whether inadvertently, and perhaps unintentionally, we seem to be giving a mandate to the Legislature to enact certain legislation. Would it be agreeable to you, and to the Convention, as a whole, if we should amend the phrasing to memorialize the members of the New Jersey Legislature of 1948 to consider legislation which will permit the playing of games of chance or bingo?" The sponsor of the resolution thereupon agreed to amend his resolution to "Request the Legislature to consider legislation." It is significant that on September 10, prior to the referendum on the Constitution of 1947, a number of the principal supporters of Constitutional Revision met in Essex County, including the delegates from that county, and declared their support for the new Constitution, but also announced that they would not be bound by the Constitutional Convention's memorials to the Legislature.

It is perfectly apparent that the Legislature has complied with Mr. Eggers' request "to consider legislation."

Without passing on whether the garden variety of bingo as it is generally known and played is gambling or not, it is pertinent to observe that Senate Bill No. 26 assumes that it and all its allied games are "games of chance." Upon this assumption, we must ask ourselves, therefore, whether this is the time to expand and promote gambling activities in this State. In my judgment, it would be a great mistake for the State to put its stamp of approval on any increase in gambling activities.

If I thought for one moment that a further legalization of gambling would make the task of our law enforcement agencies easier, promote the general welfare or eliminate dangerous by-products of promiscuous gambling, I would have long since made such a recommendation to the Legislature. Senate Bill No. 26 appears to go much further than our judicial decisions. It characterizes all bingo and lotto as "games of chance." Because of this characterization, I have been compelled to review the entire history of legalized gambling in this country. On many occasions the legalization of gambling has been advocated upon the ground that it would eliminate undesirable elements and practices. This was one of the arguments that was used by the advocates of pari-mutuel betting at race tracks. Within the past year I have been urged to advocate the legalization of "wheels," "50-50 clubs," a State lottery, "wagering at cards," "slot machines,""pinball machines" and a variety of other very real or imagined gambling activities. It is already difficult to say "No" to these requests, harmless or otherwise, so long as this State places its stamp of approval upon pari-mutuel betting at race tracks. Nonetheless, there is always one additional straw that breaks the camel's back.

In 1945 the Chicago Crime Commission reported: "On the whole, the legalization of gambling in the United States has failed completely. Instead of eliminating abuses, it increased them. In many instances the gambling business, operating under the sanction of law got completely out of hand." The report continues: "The conclusion is inescapable that licensing of gambling has not afforded a solution to the gambling problem."

As I have indicated, Senate Bill No. 26 does far more than permit the playing of the old-fashioned game of bingo under restricted circumstances. It is wide open to abuse. Under one guise or another, Senate Bill No. 26 would permit unscrupulous organizations, wolves in sheep's clothing, to operate in substance, if not in name, a lottery. One of the keenest observers of democracy in America has said, governments "must practically teach the community day by day that wealth, fame and power are the rewards of labor, that great success stands at the utmost range of long desires, and that there is nothing lasting but what is obtained by toil."

In 1951 a somewhat similar bill was adopted by the Legislature of the State of Connecticut and promptly vetoed by the Governor of that State upon the advice of his Superintendent of State Police. If we encourage commercialized gambling activities at this time (the bill requires that the "entire net proceeds of the games of chance are to be devoted to the use of such organization, company or squad, . . ."), we will be ignoring the significance of the recent exposes, encouraging activity that needs no encouragement and, perhaps, initiating a train of consequences that will have disastrous results.

The bill would require the establishment of a vast new licensing system, different in each municipality, of course, replete with restrictions, ordinances, applications, affidavits, controls, supervisions, audits, prescriptions and proscriptions. At a time when most people think we have all the government we can stand, our State would be called upon to establish a new bureaucracy. It is hard to imagine a bill more vulnerable to attack or less likely to succeed. If we should permit it to become law, it would almost appear that it was enacted with the knowledge that it would fail in its purpose or be set aside in the courts if, despite its defects, it should be adopted by our citizens at a referendum.

It is hard to believe that a great State is placed in the position of making so much out of so little. At a time when the world's affairs and a meaningful national election should engage the attention of the voters, we are asked to conduct a State-wide referendum at which the voters of the entire State, acting upon the assumption that bingo is gambling, would express the sovereign will on this activity. What started as a movement to help a number of very deserving organizations and to meet the desires of a good many decent citizens, might very well, if the present proposal were adopted, do far more harm than good.

For all of these reasons, I am constrained to return Senate Bill No. 26 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 39

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 39, for the following reasons:

This bill proposes to give permanent status in the classified service of the Civil Service, without examination, to a number of veterans now under temporary status in the Division of Veterans' Services, Department of Conservation and Economic Development, who were in the employ of that Division prior to December 31, 1951.

At least nine employees are involved. I am informed that two are temporarily serving in a position for which a promotion test has been announced but not yet held, and for which there are 14 applicants. Three others are serving temporarily in another position for which an open competitive test has been announced and for which there are 49 applicants. Four are serving temporarily in still another position, for which an open competitive test has also been announced and for which there are 65 applicants.

It is obvious, therefore, that the terms of Senate Bill No. 39 are in conflict with the spirit and intent of the provisions of Article VII, Section I, Paragraph 2, of the State Constitution which requires 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; . . .". It would also defeat the intent and policy of existing civil service preferences for disabled veterans and other veterans seeking to compete in the scheduled examinations.

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

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 50

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 50, for the following reasons:

This bill would amend Section 2A:8–7 of the New Jersey Statutes, concerning qualifications for appointment as a municipal court magistrate, and would provide that a person "who has had actual experience as a municipal court magistrate, recorder, police judge or justice of the peace", shall be eligible for appointment.

The provisions of this bill would qualify a great many persons for appointment even though they have not had any recent or substantial judicial experience. For example, a person who served as a justice of the peace for a short period, 20 years ago, and has had no legal experience since, could, under the proposed amendment, be appointed a municipal magistrate.

If we are to continue to keep the State of New Jersey in the forefront in the field of judicial reform, it is essential that we do everything possible to strengthen our municipal courts, for it is here that most of our citizens get their first and frequently only close contact with the administration of justice. The proposed amendment would be a retrogressive step.

Accordingly, I am constrained to return Senate Bill No. 50 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL NO. 69

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 69, for the following reasons:

This bill deals with tax foreclosure proceedings brought in the former Court of Chancery by a tenant in common where one or more of his co-tenants were parties defendant to the action, and where the final decree has been on record for at least 9 years before the effective date of this measure. The bill would make such decree valid and binding upon the defendant co-tenants and give it the same force and effect as though the respective interests of the complainant and such defendants, in respect to the property foreclosed, were separate and distinct and not in common. The only proviso to such validation is that no action shall have been heretofore instituted or shall be begun within three months after passage of the bill, by any co-tenant, to obtain relief against the foreclosing complainant as to the property by reason of the co-tenancy or the final decree.

The principle is well settled that where a tenant in common acquires a tax title, or redeems land from a tax sale, his action inures to the benefit of his co-tenants upon their reimbursing him for their proportionate share of the amount paid by him. *Roll* vs. *Everett,* 73 N. J. Eq. 697. The co-tenants must elect within a reasonable time "so to consider the purchase and offer to contribute their respective proportions of the purchase price." *Breitman* vs. *Jaehnal,* 99 N. J. Eq. 243, affirmed 100 N. J. Eq. 559.

Senate Bill No. 69 would, therefore, accomplish a very substantial change in the law governing the relationship between tenants in common. While 9 years may be a reasonable lapse of time under one given set of facts, it may prove to be entirely unreasonable under other circumstances, particularly where some of the tenants in common are infants.

Legislation which, in effect, would cut off property interests of defendant co-tenants in a tax foreclosure action, however small these interests may be in a particular case,

is to hazard the possibility of a cut-off of more substantial interests in an unknown number of cases.

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

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL NO. 82

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 82 for the following reasons:

The bill would apply to any city of the second class having a population in excess of 25,000 and operating sewer, water and electric utilities. The only municipality to which it could apply is the newly consolidated city of Vineland (Borough of Vineland and Landis Township), since other municipalities do not operate the three utilities mentioned. The new city, which has adopted a mayor-council form of government under the Optional Municipal Charter Law does not require legislative action to fix the compensation of its mayor and councilmen. Under its new charter, this matter is fully within the local legislative power. Moreover, under the Optional Municipal Charter Law, the city's power to fix the compensation of these officers is subject only to the charter law and to "general laws" as therein defined, namely, to any law "which by its terms is applicable or available to all municipalities." (Laws of 1950, c. 210, sections 2-1 and 2-3.) Were this bill to become law, therefore, it could not be effective with respect to the city concerned because of its expressly limited application.

This bill was introduced after the sponsor discussed the objective with me. We were in agreement that the two municipalities should be encouraged to consolidate and

adopt a mayor-council form of government under the Optional Municipal Charter Law. The citizens of two of our most progressive communities are to be congratulated upon their constructive decisions. It is now apparent that this bill is not required.

Accordingly, with the approval of the sponsor, I am returning it to the Senate without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 95

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 95 for the following reason:

The amendments proposed to section 3 of P. L. 1951, c. 139, by this measure are completely incorporated in one of the sections contained in Assembly Bill No. 215 which I have already approved and which is now chapter 24 of the Laws of 1952.

Accordingly, and solely for the reason that the provisions of the bill are now law, I am constrained to return the measure herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 102

To the Senate:

I am returning herewith, without my approval, Committee Substitute for Senate Bill No. 102.

This bill would provide salary increases for the members of the county boards of taxation and also additional compensation to the president of each such county board.

The Annual Appropriations Act for the coming fiscal year, recently adopted, does not contain a sufficient appropriation to meet all of the increased cost required by this measure. Moreover, the Legislature recently adopted, and I approved, Assembly Joint Resolution No. 7 (J. R. No. 8 of 1952). This Resolution is related to the subject matter of the instant bill. It calls upon the Commission on State Tax Policy to undertake a special study of the problem of equalization throughout the State of assessments upon real and personal property. This study would appropriately consider the work of county tax boards and the compensation of members of such boards.

For these reasons, the revision of the salary schedule contemplated by Committee Substitute for Senate Bill No. 102 should be deferred until next year.

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

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 107

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 107 for the following reasons:

This bill would amend R. S. 53:5–5 to provide a pension for the surviving widow of a retired member of the Division of State Police, where she was married to the member at the time of his retirement and for two years prior thereto (the present provision is 5 years), so long as she remains unmarried.

Senate Bill No. 107 must be considered together with P. L. 1949, c. 251, which provides for the compulsory retirement of members of the Division of State Police, with certain exceptions, upon reaching 55 years of age, after 25 years of service.

The bill makes no provision for additional payment by the members of the pension fund to provide for the proposed extension of benefit eligibility to certain widows. Aside from the fact that there appear to be sound reasons for maintaining the present requirements, particularly since the adoption of c. 251 of the Laws of 1949, any effort to increase the pension benefits of men who have retired, and are no longer members of the Division of State Police, should certainly be based upon actuarial considerations which are lacking in the present bill.

For these reasons, I am constrained to return herewith Senate Bill No. 107 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 115

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 115, for the following reasons:

The apparent purpose of this bill is to provide for the expiration of the terms of office of all appointed county officers on the first day of January according to the term conferred. The policy of the bill may be tested as against two purposes: (A) Is it desirable to require the term of every officer appointed by the board of chosen freeholders to begin as a mandatory matter on January 1st? (B) What effect would this provision have on existing provisions for the appointment of county officers? This second question must be considered in terms of (1) Those officers whose appointment is specifically provided for by law; and (2) Those whose appointment is provided for by resolution of the board of chosen freeholders.

It is either on the first or second of January that a new county board organizes, and if there has been a change of the balance of power within the board, there may be advantages in new appointments as early as possible. It would also make for more convenient record keeping insofar as planning for the occurrence of vacancies is concerned. Since most appointive offices have hold-over provisions, moreover, the establishment of a uniform time for new appointments would not hamper the conduct of the county business.

The disadvantage of a mandatory provision for all terms to begin January 1st is that a new office may not be created until the middle of the year, and with respect to some existing offices the term is intended to be temporary. For example, the board of freeholders, under the statute, may appoint a purchasing agent, general storekeeper, county physician, superintendent of public works, and such other officers as they may deem necessary, in addition to those specifically required by statute. The decision to make these or other appointments may not be made until a considerable time after the first of the year, but the present bill would mandatorily require that the term of office begin on the

first day of January. This would have the effect of either postponing the program or of providing for a retroactive term, neither of which is a desirable alternative.

In counties of the first class, the statute specifically provides that a chief medical examiner shall hold office for five years from the first day of May (R. S. 40:21–61). In counties of the second, third, fourth and fifth classes, the office of fire marshal may be created by resolution of the board, and such an officer is required to hold office for one year and his term is required to terminate on January fifteenth following his appointment (R. S. 40:22–16).

A similar difficulty exists with respect to county libraries. They are established by referendum pursuant to statute, and the board of chosen freeholders may appoint a county library commission within sixty days after the referendum article becomes effective (R. S. 40:33–7). In the case of county water supply commissions, which may be appointed in any county of the second or fifth class with a population of more than 205,000 inhabitants, the term is fixed by law "for two years from the date of their appointment." (R. S. 40:36–1.) The bill does not fit into the pattern of such appointments. Existing inconsistent laws are not repealed by this bill.

Finally it will not be possible to equalize existing terms so as to end on December 31st where there is a present vacancy, since the bill only adjusts the terms of those now in office. The mandatory requirement that the term of every officer hereafter appointed by the board of chosen freeholders shall begin on the first day of January may even make it impossible to fill a vacancy until next January first where the term of the previous incumbent has already expired.

Although the basic idea of the proposed legislation appears desirable, the bill should be further reviewed in the light of the problems which I have indicated herein.

Accordingly, I am constrained to return Senate Bill No. 115 herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*

LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 120

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 120 for the following reasons:

This bill would repeal certain sections of the Revised Statutes which regulate the transportation of explosives by common carriers engaged in intrastate commerce. These sections are subject to administration by the State Board of Public Utility Commissioners. It apparently was felt that these statutes are no longer necessary in view of the State Explosives Law of 1941 (P. L. 1941, c. 27). That law is administered by the Department of Labor and Industry. The bill would have the obvious advantage of eliminating any possibility of administrative confusion over the same or similar subject matter. But the six sections of the Revised Statutes that would be repealed under this bill were apparently thought to be necessary to afford complete regulation of this very dangerous subject matter when the 1941 law was enacted. While neighboring sections are repealed that act carefully refrains from repealing the sections which are the subject matter of this bill.

The six sections that would be repealed include important provisions that are not covered by the 1941 law. It is apparent that some administrative difficulties could develop in the administration by different agencies of these two closely related laws, the 1941 act and the sections of the Revised Statutes that are referred to in the present bill. This is hardly a problem for legislation in light of the established practice of administrative co-operation between principal departments of the State government. The solution to any existing inconvenience certainly does not lie in a repeal of existing law which affords or should afford a measure of protection of the public safety.

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

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 135

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 135 for the following reasons:

The proposed legislation would authorize the State Board of Education, acting for the State of New Jersey, to sell certain lands, therein described, located in Jersey City to that municipality on such terms and conditions as the State Board and the city shall agree upon.

This bill falls within the purview of Article IV, Section VII, paragraph 8, of the Constitution of 1947 relating to private, special or local laws. Notice of intention to apply for the passage of such bill must be given in accordance with R. S. 1:6–1. The notice in this case was not published at least one week before the introduction of the bill, as required by this statutory provision. Moreover, although the authority to convey, as set forth in this measure, is permissive, I am advised that the State Board of Education does not desire to sell the described property.

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

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 139

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 139 for the following reasons:

The problem of adequate examination and regulation of the practice of chiropractic has been a major concern of this Administration.

Since the passage of Senate Bill No. 139 by the Legislature on the closing day of its session, I have had numerous conferences on this subject with representatives of the chiropractic profession, the medical profession, public health officers and other interested citizens. As a result I am now confident that no phase of the problem has been overlooked. From all of my studies I am convinced that adequate provision for examination, supervision and regulation of the chiropractic profession is unquestionably required. There is, in my judgment, no doubt but that proper provision for licensing and supervision of this profession should be made as soon as possible.

In 1920, when the practice of chiropractic was relatively young, legislation (P. L. 1920, c. 4) establishing a State Board of Chiropractic Examiners, and authorizing the Board to examine and license chiropractors, was adopted. That law was discontinued in 1921 (P. L. 1921, c. 136). This latter legislation provided for limited licenses to be issued by the State Board of Medical Examiners, upon examination, and provided for a chiropractic member on the Board of Medical Examiners. The report of the Committee, appointed pursuant to A. C. R. No. 13 of the 172nd Legislature, to study the subject of licensing and regulating the practice of chiropractic shows that the Board of Chiropractic Examiners, during the time of its existence (1920-21), issued some 597 licenses to practice chiropractic. Further legislation was adopted in 1923 (P. L. 1923, c. 161), authorizing the Board of Medical Examiners to examine those who had graduated from chiropractic schools on or before March 31, 1921 (the effective date of the discontinuance of the 1920 law). Legislation adopted in 1925 (P. L. 1925, c. 126) provided certain exemptions for war veterans

who applied for licenses. In addition to the licenses issued under the 1920 law, 105 licenses were issued under the 1921 act and the 1923 amendment, and 26 licenses were issued under the 1925 legislation. Accordingly, the Committee reported a total of 728 licenses to practice chiropractic in New Jersey have been issued.

It is a matter of common knowledge that many persons presently engaged in the practice of chiropractic in this State are unlicensed. There are many instances where unlicensed practitioners, after investigation by the Board of Medical Examiners, are tried and convicted of violating the Medical Practice Act and immediately return to their unlicensed practices.

From both a public health and law enforcement viewpoint the present situation is neither practical, desirable nor realistic. It is fully apparent that the qualified chiropractor has established himself in the American community. There are many citizens in this State who desire to avail themselves of his services. For his protection and, more particularly for the protection of the public, there should be adequate legislation whereby those men and women who can qualify to practice this profession are permitted to do so and those who cannot so qualify are effectively prevented from continuing their activities in this field. The apparent object of Senate Bill No. 139 was to accomplish this constructive purpose.

An examination of the bill, however, clearly demonstrates that this measure falls far short of its objective. It contains provisions that are in direct conflict with constitutional limitations; provisions which go beyond anything required to achieve reasonable objectives; provisions which are vague and inconsistent; and provisions which are in direct conflict with the administrative reorganization program of 1948. A few are enumerated below:

1. This bill has been drafted without any regard to the reorganization program of 1948. It contains no restrictions with respect to preparation and approval of budgets of the proposed board, such as those in Chapter 439 of the Laws of 1948 with respect to the other professional boards in the Division of Professional Boards in the Department of Law and Public Safety. The bill contains no provision regarding removal of members of the board; and the power of appointment of personnel of the board is placed in the board

itself, without restriction. These provisions are also in direct conflict with P. L. 1948, c. 439. In fact, the head of the Department of Law and Public Safety, the Attorney General, is given no authority or supervision with respect to this proposed board. This is in open conflict with the spirit and intent of Article V, Section IV, of the State Constitution.

2. The provisions of section 4 of the bill, authorizing payment of compensation to members of the board "from the receipts of the board before any unused balances are paid over to the State Treasurer," are in direct conflict with the provisions of section 22 of the bill and with the provisions of Article VIII, Section II, paragraph 2, of the State 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; . . . ."

3. The practice of chiropractic is defined in the bill as "a system of adjusting the articulations of the spinal column, by hand only, for the correction of a cause of disease." However, a person who would be licensed under the bill, is given the specific right in the examination of patients to use all scientific instruments and X-ray necessary for the purpose of analysis. No limitation is placed upon the type of scientific instruments which may be used nor the scope of the examination. The bill would prohibit a licensee from prescribing, administering, or dispensing drugs in the *treatment* of any human ailment, disease, pain, injury, deformity, mental or physical condition. No provision is contained in the measure prohibiting the licensee from using drugs for examination purposes.

4. The bill specifically permits a licensee "to sign any and all certificates required by law or any other healing profession the practice of his profession, as herein defined, or by law." The language of this provision is indeed obscure. In any event no limitation is placed on the type or character of the certificates to be signed. This provision could, for example, refer to birth certificates, although another provision of the bill prohibits the licensee from practicing obstetrics.

5. An applicant for a license is required, among other things, to show to the satisfaction of the board that he

"shall possess a high school education, or its equivalent acceptable to the board". This provision would impose upon the board the duty of examining and investigating as to academic standings of high schools and the extent of equivalent education. This is a matter which is properly for determination by the State Department of Education as in the case of other professions.

6. License by reciprocity (without examination) is authorized where the qualifications to practice chiropractic are "substantially equal" to those of this State. No reference is made to the time when such qualifications are to be "substantially equal." If the bill in this respect intends that the "substantially equal" qualifications must have existed at the time of application in this State, and not at the time of licensing in another State, it would authorize the licensing of persons who may not be as competent or qualified as those applying from this State.

7. The bill creates a special class for special examination, covering those engaged actively in the practice of chiropractic in this State since July 1, 1951. Persons qualifying under this provision (section 8) may be granted a permit to practice chiropractic until the examination is taken, but no specific limitation is placed upon the duration of the "permit to practice chiropractic."

8. The type of examination to be given to applicants not in the "special class" is specified in the bill. The measure requires that "questions on all examinations given under this act shall be printed and the answers shall be submitted in writing . . . ." The bill contains no specific provision authorizing the board to conduct any other type of examination. Since the practice of chiropractic is defined as "a system of adjusting the articulations of the spinal column . . ." it would appear that demonstrations of the applicant's ability may reasonably be required to determine his fitness to practice.

These are a few of the objections to Senate Bill No. 139. It is obvious that the measure does not adequately provide for the examination, regulation, licensing and registration of chiropractors. I have been assured by representatives of the medical profession that they will co-operate completely in a sincere and determined effort to find a fair, equitable and workable solution to a problem that has plagued this State for too many years. Thus, thanks to the

introduction of this bill and its consideration by the Legislature a very useful purpose appears to have been well served. We have reconciled the difference that once existed between the osteopaths and the medical doctors. By a patient and consistent application of good will and reason, I am confident that we can find the right answer to the licensing of chiropractors.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 149

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 149 for the following reasons:

This amendment to R. S. 40:67–1 is intended to clarify the powers delegated to municipalities under paragraph "1" of that section to regulate the use of highways and streets of the municipality. The amendment enlarges the power to cover not only processions and parades (as currently included), but also "block dances, coaster derby races, automobile road races and other races, sporting, recreational and public events" and to close off temporarily such streets and highways to other traffic.

The amendment is entirely too broad and certainly will contribute nothing to the public safety and welfare by permitting municipalities to allow automobile road races along municipal streets and highways. Under the proposed amendment it will be entirely possible for a municipality to permit commercial sporting events to be conducted on public streets in conflict with the public trust in which such streets are held.

Only one year ago there was passed and approved what is now Chapter 23 of the Laws of 1951, the revised and

modernized motor vehicle and traffic code. Section 111 of that law (N. J. S. A. 39:4–197.1) provides:

> "No municipality in the exercise of its power to regulate parades, processions or assemblages, shall prohibit normal traffic on any county or State highway without the consent of the Board of Chosen Freeholders in the case of a county highway or the consent of the State Highway Commissioner in the case of a State highway."

It was necessary to adopt this new law because of the difficulty experienced by the State Highway Department in instances where local authorities purported to close off portions of State highways, sometimes on days of heavy traffic, for parades and assemblages, thereby causing traffic congestion and confusion. Approval of Senate Bill No. 149 will tend to nullify the above-quoted provision of P. L. 1951, c. 23 (N. J. S. A. 39:4–197.1). In addition, that part of the proposed amendment which would authorize the closing of highways and streets for automobile races would appear to be in conflict with the provision of R. S. 39:4–52 which prohibits the operation of a motor vehicle upon a public highway in a race.

For these reasons, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 150

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 150 for the following reasons:

This bill amends R. S. 27:16–1 by adding a new subsection authorizing freeholder boards to regulate and control the use of roads and highways of the county for "processions,

parades, block dances, coaster derby races, automobile road races and other races, sporting, recreational and public events'' and for that purpose to close temporarily such roads and highways to other traffic.

Much of what I have said in my veto message accompanying the return of Senate Bill No. 149 is applicable here. Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 171

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 171, for the following reasons:

Section 9 of P. L. 1950, c. 207, relating to the disposition of persons convicted of certain enumerated sex crimes and providing for their sentence, incarceration and treatment, required the several counties to pay one-half of the cost of examining and maintaining persons committed from such counties to the Diagnostic Center.

Senate Bill No. 171 requires this payment to be made by the county in which the person committed to the Diagnostic Center has a legal settlement, as determined by the order of commitment. Where the offender has no legal settlement in any county, the cost is to be borne by the State.

A person convicted of a crime should be and properly is the charge of the jurisdiction in which the crime was committed. In such cases, the settlement law has no proper application. Post-conviction diagnostic treatment of a sex offender certainly does not fall into the same category as the furnishing of hospital care and treatment to the mentally ill under Title 30 of the Revised Statutes.

Enactment of P. L. 1950, c. 207, was designed to prevent repetitive crimes. It was in no sense contemplated to relieve the several counties of their respective obligations in regard to criminal prosecutions and the cost thereof.

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

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL NO. 179

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 179 for the following reasons:

This bill would provide a per diem compensation of $25, but not more than $2,500 for any one fiscal year, for each member of the Employment Security Council in the Department of Labor and Industry. This would run counter to a major policy underlying the administrative reorganization program of 1948.

The Council is not an administrative agency and is not unlike the advisory councils that exist in a number of other divisions in the Executive Branch of the Government. Some of our most effective citizen participation in government has come from volunteer citizens who at most are reimbursed for necessary expenses. For example, there is the State Board of Control of Institutions and Agencies, the State Board of Agriculture, the State Board of Education, the Planning and Development Council, the Veterans' Services Council, the Fish and Game Council and the Banking Advisory Board, to name but a few. If the Employment Security Council is to be compensated it would then be appropriate to compensate the numerous other citizen boards and commissions of an advisory nature. This is a

policy which would depart from long established precedent in this State, and would be a step away from the valuable tradition of citizen volunteer services in government which we have established in New Jersey.

It is recognized that no State funds would be involved by the adoption of this measure, since payment for the Council would come from funds made available by the Federal Security Agency for administrative purposes. This is an insufficient reason to depart from the basic principle of citizen participation. It is pertinent to observe that these funds are themselves the product of taxes paid by New Jersey taxpayers and that the National Government collects far more from the citizens of the States than it allocates to the States for the administration of Unemployment Compensation. As I have heretofore pointed out, this unfortunate, unfair and expensive arrangement should be corrected by appropriate action of the National Government.

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

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 190

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 190 for the following reasons:

This bill deals with the qualification of a newspaper to receive legal advertising by State, county or municipal agencies. Under existing law, a newspaper may qualify by complying with various standards set forth in R. S. 35:1–2.1 and R. S. 35:1–2.2. Both sections require, among other things, that the newspaper "shall have been published

continuously in the municipality where its publication office is situate for not less than two years and shall have been entered for two years as second-class mail matter under the postal laws and regulations of the United States." Senate Bill No. 190 would provide that continuous publication shall not be deemed interrupted "by any involuntary suspension of publication" resulting from lack of "operating facilities, equipment or personnel from whatever cause."

Under this amendment, a newspaper could start publication for a week, suspend publication for the following two years, and resume publication alleging that the interruption was "involuntary." Immediately upon resuming publication it could qualify for legal advertising under the provisions of the bill. It is not apparent, however, who would determine whether the suspension of publication was involuntary, nor is it clear whether legal advertising placed in such a newspaper would be inserted at the peril of a future determination that the suspension of publication was not involuntary within the meaning of the act.

The bill is so broad in its implications that it would, in my judgment, nullify the salutary standards established for the qualification of newspapers for legal advertising. For example, a failure to pay personnel due to lack of funds, and a resultant stoppage of work and the presses might presumably comply with the "whatever cause" yardstick. This would permit the paper upon reopening many months later ("within one week after it again becomes possible") to qualify for legal advertising, its finances having been recouped with the advent of another political campaign and a new political angle.

Accordingly, I am constrained to return Senate Bill No. 190 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 195

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 195, for the following reasons:

N. J. S. 2A:170–59 now provides that any person "found entering or being in or upon any railroad engine or car, on any railroad or railroad property in this State, contrary to rules of the corporation owning or operating the same and with the intention of being in, riding or traveling upon such engine or car or upon such railroad property without paying fare, or of committing larceny, violence or destruction thereon, or of threatening, intimidating or assaulting travelers or other persons upon such engine or car" is a disorderly person who shall be punished by a fine of not more than $50.

Senate Bill No. 195 would amend this section by providing that any person "who, willfully and without right, enters upon any property, or any facility or other equipment owned by, in the possession of, or used by any railroad," is a disorderly person who shall be punished by a fine of not less than $5 nor more than $50, or by imprisonment for not more than 30 days, or both.

The amendment lacks the specific quality of the present statutory provision. Its language has indefinite application. It makes possible arrest, fine and even imprisonment, of a person who does nothing more than innocently enters upon railroad property.

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

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 196

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 196 for the following reasons:

The major objection to the proposed legislation is the fact that in order to conduct a post-mortem examination, the physician need only obtain the consent of any one of the following persons who shall have assumed custody of the body for purposes of burial: parent, surviving spouse, child over 18, guardian of the person or property of the deceased, or next of kin, and in the absence of any of these, any friend who has assumed responsibility for burial, or any other person charged by law with responsibility for burial.

Thus, in many cases autopsies may be performed on consent of the person who happens to have the body for purposes of burial where one much nearer and dearer to the deceased, as for example, a wife or a parent, would never give such consent because the thought of an autopsy was completely abhorrent to him or her. Under the provision of this bill, it is entirely possible that a friend, in whose home the deceased died and who had assumed responsibility for his burial, could consent to a post-mortem examination without the physician going to the trouble of determining whether there was a parent, surviving spouse, child or next of kin in the distant place from which the deceased had come to this State.

Accordingly, I am constrained to return Senate Bill No. 196 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 205

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 205 for the following reasons:

R. S. 45:4A–8, last amended in 1951 (P. L. 1951, c. 144, section 3), provides that no person shall receive an original certificate of registration or license to practice beauty culture as a manager-operator unless such person shall be at least 19 years old and has been a licensed operator of New Jersey for a period of three years.

Senate Bill No. 205 would relax this provision to authorize the issuance of such certificate or license to a person who has been lawfully engaged in the active practice of beauty culture for at least 18 years in another state or states, and who has been a licensed operator in New Jersey for at least one year and who, on May 31, 1951, had been such a licensed operator for at least nine months.

This legislation shows the usual characteristics of special legislation. No reason has been stated, nor has any been advanced, for this extraordinary exception to the requirements of our existing law.

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

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 222

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 222 for the following reasons:

This bill would authorize an increase in the annual salary of the county judge in counties of the third class having a population of more than 48,000 and less than 73,000, according to the 1940 Federal Census and having one county judge. The present annual salary of these judges, as established in the 1949 salary revision act (Chapter 257) is $7,500. An increase to $10,000 annually would be authorized by the bill.

Under the population classification prescribed in the bill, the county judges whose salary would be affected are those in Gloucester and Warren Counties. If the bill were approved an inequitable situation would result wherein judges in counties having a greater population than the two counties affected by the bill would still be receiving an annual salary of $7,500. Moreover, the changes in salary should await the outcome of pending proposals for basic changes in the County Courts.

For these reasons, I am constrained to return Senate Bill No. 222 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 268

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 268 for the following reasons:

This is an unusual bill in that it purports to be retroactive to January 1, 1948. It is apparently intended to validate a situation in which a township treasurer took over the office of borough treasurer upon the creation of a new borough out of territory formerly comprising all or part of the township. It should be noted that the township treasurer is an appointed office, to be filled by the township committee. Any officer so appointed must be a resident of the township (R. S. 40:145–12). In boroughs the borough collector also serves as treasurer, and is elected by the voters of the borough.

Under the present bill, which is limited to counties of the fifth class and to situations involving boroughs created out of *all or part* of a township, an elected borough collector could not serve as treasurer. While the bill provides that the township treasurer shall become the borough treasurer, it does not indicate whether he remains township treasurer as well. Of most importance, the great majority of boroughs have been created in whole or in part out of territory formerly comprising townships, and this bill could be reasonably construed to require all of those boroughs to be governed by it where they are located in counties of the fifth class (Monmouth and Atlantic). Although the treasurer in townships, and the collector-treasurer in boroughs, both have a fixed term by law, this bill would not limit the term of office for the township treasurer serving as borough treasurer beyond such limitation as may be implied in the phrase "until his successor is duly chosen and qualified into such office."

The bill would obviously have much more far-reaching consequences than was apparently intended, and might well cause confusion and the disruption of municipal government in boroughs throughout the two counties. If a validating act is required, it should be drawn in a form ade-

quate to cover the particular facts involved in the present situation, without being so broad as to disturb the status of officials in boroughs and townships generally.

I am therefore constrained to return Senate Bill No. 268 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 275

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 275 for the following reasons:

This bill would amend R. S. 40:150–1 so as to authorize a township committee to *construct, reconstruct, grade* and *drain,* at public expense, any roads or streets upon which public travel is sufficient, in the township committee's opinion, to warrant such expenditures, even though such roads or streets have not been taken over by the township or dedicated and accepted as public highways.

As now constituted, the section (R. S. 40:150–1) authorizes only the repair and maintenance of, the removal of snow, ice and other obstructions from, and the lighting of such roads and streets at public expense. The expenditure of public funds for the purpose of insuring the public safety is justifiable under the police power. It is obvious that the Legislature was concerned with the safety of the traveling public when it provided, in R. S. 40:150–1, that the township committee may, at public expense, "repair and maintain, provide for the removal of snow, ice and other obstructions from, and provide for lighting of, any roads or streets upon which the public travel is sufficient, in

the opinion of the township committee, to warrant such expenditures, even though such roads or streets shall not have been taken over by said township or dedicated and accepted as public highways."

However, provision for the expenditure of township funds for the *construction, reconstruction, grading* and *draining* of such roads or streets, which Senate Bill No. 275 proposes to incorporate into the present law (R. S. 40:150–1), would authorize the making of improvements, at township expense, beyond the need for the public safety, and in reality for the benefit of privately owned property. This, in my opinion, would be in contravention of Article VIII, Section III, paragraph 2, of our State Constitution, which provides: "No county, city, borough, town, township or village shall hereafter give any money or property, or loan its money or credit, to or in aid of any individual, association or corporation, or become security for, or be directly or indirectly the owner of, any stock or bonds of any association or corporation."

Accordingly, I am constrained to return Senate Bill No. 275 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 286

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 286 for the following reasons:

This bill would authorize the town of West Orange to pay a pension to the widow of its former town clerk. 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 meritorious case, I am, in view of the constitutional limitation, compelled to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 295

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 295 for the following reasons:

This is a municipal salary bill, not mandatory, but substantially defective in other respects. It relates to the salaries of the mayor and members of the governing body of any city having more than 12,000 population in the counties of the third class, except commission and manager governed cities. The bill is similar to Assembly Bill No. 121 which I have also been constrained to return without my approval.

Present law (R. S. 40:46–26) provides for the fixing of salaries of the mayor and members of the governing body by the legal voters, except in municipalities having more than 20,000 population where the governing body shall fix the salary of the mayor by ordinance. In counties of the third class (as well as of the fifth class) having a population of over 80,000 where the legal voters *have not* fixed salaries as above, the governing body may fix them.

The present bill would permit the governing body in the cities covered to "increase and fix" the salaries in question even though they had previously been fixed by the legal voters. This effect, permitting the governing body to override a referendum salary, was the reason for a veto of 1950. The awkward, costly and rarely-used procedure

of a remonstrance against a salary increase, which is incorporated in Senate Bill No. 295, cannot be considered as a substitute for the proper recognition of the existing authority of the legal voters.

Only last year, in an effort to meet this problem of salaries fixed by referendum, legislation was adopted (Laws of 1951, c. 327) to provide for the submission of a public question to the voters which, in effect, enables them to authorize the governing body to fix salaries previously fixed by the voters by referendum (N. J. S. A. 40:46–28.2). The legislation adopted in 1951 should furnish a complete answer to the objective presented by this bill.

Accordingly, I am constrained to return Senate Bill No. 295 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 296

To the Senate:

I am returning herewith, without my approval, Committee Substitute for Senate Bill No. 296, for the following reasons:

This bill is a special or private act. It would make an appropriation of $22,500 from general State funds to three counsel who represented taxpayers in recent litigation concerning the acquisition of the Burlington-Bristol and Tacony-Palmyra bridges by the Burlington County Bridge Commission.

As originally introduced, the bill provided for the payment of such compensation by the Burlington County Bridge Commission. The bill was referred to the Senate Judiciary Committee and reported out as a committee substitute for the introduced bill.

Article IV, Section VII, paragraph 8 of the Constitution of 1947, provides:

> "8. No private, special or local law shall be passed unless public notice of the intention to apply therefor, and of the general object thereof, shall have been previously given. Such notice shall be given at such time and in such manner and shall be so evidenced and the evidence thereof shall be so preserved as may be provided by law."

R. S. 1:6–1 specifies the time and manner in which the required notice of intention to apply must be given. It requires, among other things, that the notice be published "in at least one of the newspapers published in each county in which the bill is, or is likely, to take effect."

The Committee Substitute for Senate Bill No. 296 has attached to it proof of publication, of notice of intention to apply for the passage of the legislation, in only Burlington County. This would probably have been adequate publication within the requirements of R. S. 1:6–1 had the original bill been adopted. It is not adequate publication of the completely new bill, in the form of the Committee Substitute for Senate Bill No. 296, which was finally adopted by the Legislature. With respect to the Committee Substitute for Senate Bill No. 296, a strict construction of R. S. 1:6–1 would probably require that the notice of intention to apply for its passage, be published in the counties where the recipients of the proposed appropriation reside or have their office *and* in the County of Mercer where payment under the bill would be made. In any event, a most liberal construction of the statute would require the notice to be published, as a minimum, in at least one newspaper published in Mercer County.

Moreover, the subject matter of the bill should properly be submitted to the Joint Legislative Appropriations Committee to be disposed of in the general appropriations bill to be considered at the next regular session of the Legislature.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 297

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 297, for the following reasons:

This measure would permit the board of freeholders of a county having less than 150,000 population to surrender to the several municipalities, "jurisdiction over the designation of main traveled or major highways as 'through streets,' and the installation and maintenance of stop signs, upon any or all county roads within the county." Upon such surrender of jurisdiction, the respective municipalities through which such main traveled roads or major highways pass are to designate them as "through streets" and install stop signs at the entrance thereto from intersecting streets.

If enacted into law this measure will destroy much of the effectiveness of the "through street" principle. Such streets make for greater expedition of traffic on main traveled roads and major highways, and, assuming that motorists observe the stop signs on streets and roads entering the "through streets," assure greater safety.

County roads form an important part of the secondary highway system of the State. The recently-approved State-wide numbering system of these secondary roadways, together with the proposed program of making appropriate connections at county lines where such connections do not now exist, will greatly help to relieve traffic congestion on, as well as aid the development of, our total highway system. During the first five years of my administration the State's cash assistance to the counties and municipalities for the construction, maintenance and related services for these roadways has totaled more than $75,720,000. State government, therefore, has a substantial financial interest in this subject. Its primary interest, however, is the promotion of public safety on all highways.

If Senate Bill No. 297 becomes law, the possibility of a State-wide co-ordinated "through street" program for county roadways with the appropriate county supervision

is diminished. If we are to improve the expedition of traffic with safety, it is increasingly important that county authorities recognize responsibility with respect to co-ordinating county-wide and State-wide traffic control procedures and not delegate such responsibility to individual municipalities.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 302

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 302, for the following reasons:

R. S. 24:10–24 now permits a local board of health to fix the annual license fee for each vehicle used in the distribution or sale of milk or cream at not more than $2.00. The proposed amendment provides that this fee shall be fixed for each vehicle "principally" used in such distribution or sale, whether the vehicle is also used for the distribution or sale of other food products or not.

The difficulty with the proposed measure lies in the word "principally." Is the determination of whether a vehicle is principally used in the distribution or sale of milk or cream to be made on the basis of unit sales, dollar volume of sales, or the space occupied in the vehicle by the milk and cream as compared with the other food products? To pose the question is to indicate the administrative difficulties that are bound to arise under the amendment.

Accordingly, I am constrained to return Senate Bill No. 302 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 316

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 316 for the following reasons:

This bill would relocate, fix and establish the boundary line between the Borough of Collingswood and the Township of Haddon, Camden County, and fix and determine the respective rights and liabilities of the two municipalities by reason of such relocation of the boundary line.

This bill is special or local legislation within the meaning of Article IV, Section VII, paragraph 8, of the Constitution of 1947. This provision of the Constitution prohibits the passage of any private, special or local law "unless public notice of the intention to apply therefor, and of the general object thereof, shall have been previously given." R. S. 1:6–1 specifies the time and manner in which the required notice of intention to apply must be given. It requires, among other things, that the notice shall be published "at least one week before the introduction of such bill, and after the first day of January next preceding such introduction, in at least one of the newspapers published in each county in which the bill is, or is likely, to take effect." I am advised by the sponsor of this legislation that, through inadvertence, these requirements have not been met; and that the bill should be returned without approval, so that the matter may be properly considered at the next regular session of the Legislature.

In view of the above, I am returning the bill herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No 321

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 321 for the following reason:

This bill would blanket into the classified service of the Civil Service, without examination, a temporary parole officer employed in the Department of Institutions and Agencies for 5 or more years.

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 Senate Bill No. 321 are in conflict with both of these provisions of the Constitution.

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

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 323

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 323, for the following reasons:

This bill, like Senate Bill No. 222 which I have also returned without my approval, relates to the salary of County Court judges.

As I have stated in my message accompanying the return of Senate Bill No. 222, the changes in salary of County Court judges should await the outcome of pending proposals for basic changes in the county courts.

It is apparent that a piecemeal consideration of judicial salaries and of the application of the new 1950 census (see P. L. 1952, c. 1) to existing laws will create confusion, inequities, and is, therefore, undesirable.

I am, therefore, returning Senate Bill No. 323 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 330

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 330 for the following reasons:

This bill authorizes the Division of State Police in the Department of Law and Public Safety to purchase a helicopter, provide for its safe-keeping, maintenance and serv-

icing, and employ a qualified pilot to operate it and a mechanic to maintain it. The measure also provides that the cost of acquisition and of maintenance of the helicopter "shall be deemed to be expenses of the division and shall be within the amount of available appropriations to the said division."

While the use of a helicopter would be of value to the Department of Law and Public Safety in the administration of its law enforcement functions, and could be of some use to other departments in the administration of their duties, to approve this measure and enact it into law at the present time would be meaningless. No funds are available within the Department of Law and Public Safety to meet the cost which would be required to purchase, service and maintain the helicopter. Neither are the necessary funds provided for in the general appropriations law for the coming fiscal year. The entire matter should be referred to the Joint Appropriations Committee at the beginning of the next regular legislative session.

For these reasons, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 334

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 334 for the following reasons:

R. S. 26:6–12 now provides that if a death occurs in a town or township located in a county of less than 100,000 population, the undertaker may file the death certificate with the registrar of the district where the undertaker re-

sides, or the burial is to take place, and receive in exchange a burial or removal permit. The registrar is then required to forward the certificate of death, within 24 hours, to the registrar of the district where the death took place or the body was found, together with a statement that a burial or removal permit was issued.

Senate Bill No. 334 extends the provisions of this section so that it will include towns, townships or boroughs located in counties of less than 200,000 population.

Under this bill it would be quite possible for out-of-town funeral directors to conduct funeral services in various municipalities with the local health departments not becoming aware of the deaths until more than 24 hours after burial. If the deceased died from a communicable disease, lack of knowledge of the cause of death for such period of time would be detrimental in that the local health department would be unable to control the funeral unless application for a permit for a public funeral was received from the funeral director.

A further objection to the bill is the possible delay in the settlement of insurance and pension claims since only the Registrar of Vital Statistics of the district where a death occurs, and the State Registrar, are authorized to issue certified copies of death certificates. Completeness of registration of deaths would be affected since certificates would not be promptly forwarded or received. Also, original death certificates, which are important State records, could be lost due to incorrect mailing.

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

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE JOINT RESOLUTION No. 10

To the Senate:

I am returning herewith, without my approval, Senate Joint Resolution No. 10 for the following reason:

By Joint Resolution No. 3 of 1936, approved March 16, 1936, the Legislature designated State Highway Route No. 10 as the "American Legion Memorial Highway" as a memorial and in commemoration of the services of the members of the American Legion in World War I.

Senate Joint Resolution No. 10 proposes a new designation for this highway. It authorizes the State Highway Commissioner to designate Route No. 10 in its entirety as the "Sussex Freeway." The resolution contains no repealer of the 1936 designation of the route. The State Highway Commissioner would, accordingly, have before him two conflicting expressions of the Legislature.

It is solely for this reason that I am returning Senate Joint Resolution No. 10 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

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