

## HOUSE OF REPRESENTATIVES

MONDAY, February 24, 1941.

The House met at 9 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

## PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

We thank Thee for this, our land, wherein Thou hast set our feet. We express unto Thee our gratitude for its rich material resources. We glorify Thee for its opportunities for advancement. We are moved to praise Thee for the freedom which is ours to make of ourselves the very best. May we in turn prove ourselves worthy of all heritage which is ours. Help us to promote honorable industry. May we stress such education that coming generations shall be better than all preceding ones have been. May our conduct be worthy in the sight of both God and man. Let our ideals be of the highest, having roots in the very foundation of that which Thou hast created. Give us unity of thought and purpose in these trying times. Save us from violence and discord, from lawlessness and pride, from arrogance, pestilence and famine. Guide those in whose hands authority has been put. Give them wisdom from on high so that they may legislate wisely, act with justice and prudence, and themselves set the example of what a citizen should be. Amen.

## JOURNAL APPROVED

The SPEAKER. The clerk will read the Journal of Wednesday, February 19, 1941.

The Clerk proceeded to read the Journal of Wednesday, February 19, 1941 when, on motion of Mr. Haines, unanimously agreed to, the further reading was dispensed with and the Journal approved.

## BILLS INTRODUCED AND REFERRED

By Mr. McFALL. HOUSE BILL No. 493.

To amend section five of the act, approved the twenty-eighth day of June, one thousand nine hundred and twenty-three (P. L. 888) entitled "An act to safeguard human life and health throughout the Commonwealth by providing for the reporting, quarantining, and control of diseases declared communicable by this act or by regulation of the Department of Health; providing for the prevention of infection therefrom; and prescribing penalties," by requiring school registries to contain additional information.

Referred to the Committee on Public Health and Sanitation.

By Mr. KOLANKIEWICZ. HOUSE BILL No. 494.

Providing for the observance of a Bill of Rights Week in the public schools of this Commonwealth.

Referred to the Committee on Education.

By Mr. FALKENSTEIN HOUSE BILL No. 495.

To amend article nineteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local or any parts thereof

that are or may be inconsistent therewith," by providing for the establishment of free city colleges in school districts of the first class.

Referred to the Committee on Education.

By Mr. RUSH. HOUSE BILL No. 496.

To further amend section seven of the act, approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (P. L. 465), entitled "An act to provide for the safety of persons employed, housed, or assembled in certain buildings and structures not in cities of the first class, second class, and second class A, by requiring certain construction and ways of egress, equipment, and maintenance; providing for the licensing of projectionists; requiring the submission of plans for examination and approval; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the Department of Labor and Industry and, in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealing certain acts," requiring as many licensed projectionists to be employed in a projecting room as there are projecting machines therein.

Referred to the Committee on Labor.

By Mr. RUSH. HOUSE BILL No. 497.

Prohibiting the performance or use of equipment of bands and orchestras of schools and public institutions supported in whole or in part from moneys raised from state, county, or municipal taxes or granted tax exemption, at certain functions; and prohibiting teachers and supervisors of such schools and institutions and other persons from directing or allowing such performance or use; and prescribing penalties.

Referred to the Committee on Education.

By Mr. GYGER. HOUSE BILL No. 498.

To add section three to the act, approved the second day of May, one thousand eight hundred ninety-nine (P. L. 163), entitled "An act legalizing, and making it lawful to build, fences constructed in whole or in part of wire along the public highways, and as division fences," by authorizing the use of barb wire fence under certain circumstances.

Referred to the Committee on Agriculture.

By Mr. D'ORTONA. HOUSE BILL No. 499.

To amend section eighteen of article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," by preventing the reduction in pay or position of any public officer or fireman by reason of any superannuation classification.

Referred to the Committee on Cities—First Class.

By Messrs. REUBEN E. COHEN and CHARLES H. BRUNNER HOUSE BILL No. 500.

To consolidate, revise and amend the laws relating to penal proceedings and pleadings.

Referred to the Committee on Judiciary Special.

By Messrs. ROYER and NORMAN WOOD. HOUSE BILL No. 501.

Making an appropriation to the Trustees of the Thaddeus Stevens Industrial School of Pennsylvania, at Lancaster, Lancaster County, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. McKINNEY. HOUSE BILL No. 502.

Authorizing the Department of Property and Supplies with advice and approval of the Pennsylvania Historical Commission to acquire on behalf of the Commonwealth of Pennsylvania, certain land which is the site of an old fortress known as Old Garrison in the City of Franklin, Venango County, or so much thereof as may be necessary as a historical memorial; providing for the control, management, supervision and improvement thereof; authorizing the Pennsylvania Historical Commission in cooperation with other agencies to make and enforce rules and regulations for the preservation and visitation thereof; authorizing the Pennsylvania Historical Commission to cooperate with the Daughters of the American Revolution and interested patriotic societies in providing funds for a restoration of Old Garrison; and making an appropriation.

Referred to the Committee on Appropriations.

By Mr. McCLESTER. HOUSE BILL No. 503.

To amend section two thousand two of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative department, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," requiring completion bonds on State highway contracts to be purchased through agents residing in counties where work is to be performed.

Referred to the Committee on State Government.

By Mr. WIESS. HOUSE BILL No. 504.

An Act to amend section three and clause (88) of section one hundred one of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1019), entitled "An act relating to statutory laws; prescribing an enacting clause for statutes; fixing the effective date and time of statutes hereafter enacted; providing for notice of application for local and special legislation, for the correction of errors in statutes, and for the printing and publication of statutes; prescribing rules for the interpretation of statutes; defining certain words and phrases when used in statutes; and prescribing rules for the construction and operation of amendments, re-enactments and repeals of statutes," further providing for the position of the enacting clause; and further defining the phrase "political subdivision."

Referred to the Committee on Judiciary General.

By Mr. REUBEN E. COHEN. HOUSE BILL No. 505.

An Act providing for the licensing, bonding and regulation of junk dealers, and prescribing penalties.

Referred to the Committee on State Government.

By Mr. BRADLEY. HOUSE BILL No. 506.

An Act providing for the licensing by the Department of Welfare, and legalizing when so licensed, daily lotteries or pools operated by bona fide clubs, as herein defined.

Referred to the Committee on Law and Order.

By Mr. WILLIAMS. HOUSE BILL No. 507.

An Act to amend article twenty-five of the act, approved the ninth day of June, one thousand nine hundred eleven (P. L. 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," requiring the employment of and assistant to every motor-man operating a locomotive in or about any mine.

Referred to the Committee on Mines and Mining.

By Messrs. PAUL A. BRUNNER and WOLF.  
HOUSE BILL No. 508.

An Act to further amend section two of the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three, (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by amending the definition of "club"; defining "licensed business"; and providing that the records which must keep for the board shall pertain only to their licensed business.

Referred to the Committee on Liquor Control.

By Mr. ELLWOOD B. WELSH. HOUSE BILL No. 509.

An Act relating to the practice of veterinary medicine; defining such practice and providing for the licensing and registration of persons engaged therein and for the revocation and suspension of such licenses and registrations, subject to appeal, and for their reinstatement; defining the powers and duties of the State Board of Veterinary Medical Examiners and the Department of Public Instruction; providing penalties; and repealing existing laws.

Referred to the Committee on Professional Licensure.

By Mr. O'BRIEN. HOUSE BILL No. 510.

An Act to amend section five of the act, approved the second day of July, one thousand nine hundred thirty-five (P. L. 599) entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection incidental thereto on Sunday during certain hours, and also during other hours, unless the electors of a municipality approve thereof; regulating the employment of persons in conducting such exhibitions on Sunday; providing for referendums to ascertain the will of the electors; and providing penalties; and repealing inconsistent laws," by changing the method whereby future referendums be initiated.

Referred to the Committee on Law and Order.

By Mr. ROSENFELD.

HOUSE BILL No. 511.

An Act authorizing mutual savings banks to establish life insurance divisions; providing for issuance of certificates by the Secretary of Banking and Insurance Commissioner; defining the duties of the Insurance Commissioner; providing for the procedure and prerequisites and making an appropriation.

Referred to the Committee on Insurance.

By Mr. O'BRIEN.

HOUSE BILL No. 512.

An Act requiring all authorities of political subdivisions of the Commonwealth, who contract for policies of insurance on behalf of such political subdivisions, to so contract with stock insurance companies only.

Referred to the Committee on Municipal Corporations.

## RESOLUTIONS INTRODUCED AND REFERRED

By Mr. SAMUEL ROSE.

RESOLUTION No. 33.

In the House of Representatives, February 19, 1941.

Whereas, Under the provisions of the Selective Service Act, registrants who have been convicted of a felony are not eligible for induction; and

Whereas, Many selectees, otherwise fully qualified, voluntarily commit felonies to evade operation of the law; and

Whereas, Others have, by exemplary behavior, long eradicated the stigma of their conviction; therefore be it

Resolved, That the House of Representatives request the Governor, as head of the State Selective Service Program, to direct a communication to the Congress of the United States, praying that body to so amend the Selective Service Act so that local draft boards may exercise discretion in the cases of such individuals, and select those which in their opinion are now socially rehabilitated.

Referred to the Committee on Rules.

By Mr. HIRSCH.

RESOLUTION No. 34.

In the House of Representatives, February 19, 1941.

Whereas, The Works Progress Administration of the Federal Government has, with the cooperation of the Commonwealth of Pennsylvania, established sewing projects within this Commonwealth, affording employment to approximately 12,000 women; and

Whereas, The contribution of the Commonwealth towards the total cost of these sewing projects has, in the past, been approximately 3½% while the Federal law requires a contribution of 25%; and

Whereas, The Works Progress Administration threatens to abandon these sewing projects unless the Commonwealth increases its proportionate contribution; and

Whereas, The Executive branch of the State Government has refused to make the 25% contribution now required by the Works Progress Administration or even to make the suggested compromise contribution of 15%; and

Whereas, If means are not found to adjust this difference and continue these sewing projects, some 12,000 needy women will be thrown out of work, many of whom have dependent families; and

Whereas, Any such cessation of these sewing projects will result in a material increase in the number of persons on the direct relief rolls of the Commonwealth thereby causing a much greater expense to the Commonwealth than would be occasioned by the 25% contribution towards these sewing projects; now therefore be it

Resolved, That the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania hereby pledges itself to adopt an appropriation bill furnishing the necessary 25% contribution by the Commonwealth for the continuation of these Works Progress Administration sewing projects.

Referred to the Committee on Welfare.

By Messrs. McGRATH and McSURDY.

RESOLUTION No. 35.

In the House of Representatives, February 24, 1941.

Whereas, The sole industry of the Lower Anthracite Region located in north Schuylkill County is the mining, preparing, and selling of coal; and

Whereas, The coal industry has suffered greatly during the years of the National depression, resulting in great unemployment in this region; and

Whereas, This condition of unemployment will not be corrected in the course of anticipated business improvements throughout the Nation as a whole, due to the fact that many of the mines are now flooded and the collieries demolished and can be made productive only at prohibitive cost; and

Whereas, The people have suffered greatly from reduced incomes and the various state relief agencies have been required to expend tremendous sums of money to maintain them; and

Whereas, It is the policy of the State and National Governments to create employment as one of the purposes in the reconstruction of the Defense Program of the Nation; and

Whereas, The government, as part of the National Defense Program, is at present distributing contracts for production of defense needs; and

Whereas, The geographical location of the region offers suitable sites for the construction of airports; and

Whereas, This petitioning region has sufficient skilled and unskilled labor and sufficient sites with adequate transportation facilities to warrant the location of defense industries; and

Whereas, The Borough Councils of Ashland, Trackville, Gilberton, Girardville, Gordon, Mahanoy City, and Shendoah, their members, officers, and constituents have appealed to the Legislature directly for an immediate and thorough survey of the above mentioned region and its possibilities to determine the feasibility of maintaining and constructing factories, airports, or any other needs for the defense program, and such a survey would greatly aid in the reduction of the unemployment, which would in turn relieve the state agencies of the tremendous burden of providing for the unemployed of the region; therefore be it

Resolved, That the House of Representatives request the President of the United States and the Hon. Joseph Guffey and the Hon. James P. Davis, Senators from Pennsylvania, and all members of Congress from Pennsylvania, to make all possible effort to have the Federal agency directly in charge of the defense program make such a survey and take all steps necessary to achieve the objectives above; and be it further

Resolved, That a copy of this resolution be mailed to the President of the United States, and the Hon. Joseph Guffey and the Hon. James P. Davis, Senators from Pennsylvania, and all members in Congress representing the great Commonwealth of Pennsylvania.

Referred to the Committee on Rules.

## COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read.

## BILL OF RIGHTS

A communication from the Communist Party of Eastern Pennsylvania, Philadelphia, addressed to the Speaker, protesting against legislation for outlawing the Communist Party.

Referred to the Committee on Elections.

## STERILIZATION

A communication from Mrs. Lillian S. Clayton, Phila-

delphia, addressed to the House of Representatives, protesting against the passage of the Winner Sterilization Bill (H. B. 420).

Referred to the Committee on Judiciary General.

#### JUVENILE COURT

A communication from the Federation of Social Agencies, Pittsburgh, addressed to the Speaker, opposing passage of House Bill No. 18.

Referred to the Committee on Judiciary General.

#### LIQUOR LICENSES

Petitions from citizens of Pennsylvania advocating and protesting legislation to extend hours for the sale of intoxicating beverages in restaurants and hotels.

Referred to the Committee on Liquor Control.

#### COAL MINING

A telegram from Local No. 854, Roscoe, addressed to the House of Representatives asking support of bills introduced by Mr. Williams with regard to safety of coal miners.

Referred to the Committee on Mines and Mining.

#### UNIONS

A communication and resolution of the Allegheny Valley Industrial Council addressed to Mr. Petrosky condemning recommendations of Secretary of Labor and Industry, Lewis G. Hines and the Joint State Government Commission, relative to the forming of unions by state employes.

Referred to the Committee on State Government.

#### SEWING PROJECTS

A telegram from Mr. George Caldwell, addressed to the Speaker, requesting support for jobs on Sewing Projects.

Referred to the Committee on Welfare.

#### RESOLUTION NO. 15—COMMITTEE APPOINTED

The SPEAKER. In accordance with the provision of House Resolution No. 15, Printer's No. 20, adopted Tuesday, February 18, the Chair appoints the following select committee, Messrs. Moul, Chairman, Haberlen and Snyder.

#### SENATE MESSAGES

##### TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, February 24, 1941.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday afternoon, March 3, 1941, at 4:30 o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, March 3, 1941, at 9:00 o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate? It was unanimously concurred in.

Ordered, That the Clerk inform the Senate accordingly.

#### HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

##### HOUSE BILL No. 263.

An Act transferring money from the Motor License Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

With the information that the Senate has passed the same without amendment.

#### LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Reuben E. Cohen for Mr. ALLMOND for the week on account of death in the family.

Mr. Falkenstein for Mr. FINNERTY for the week on account of illness.

Mr. Wagner for Mr. HARE for tonight's session.

#### SENATE MESSAGE

##### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

##### HOUSE BILL No. 262.

Making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance law, for the two fiscal years ending May thirty-first, one thousand nine hundred and forty-one.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 2, by inserting after the word "Assistance" the words "and providing for certain allocations therefrom;" also in line 5, by inserting after "forty-one" the words "and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first, one thousand nine hundred thirty-nine."

Amend Section 1, page 1, line 4, by striking out after "Assistance" the words "to provide assistance and for local and certain state administrations expenses in the manner provided in the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred forty-one" and inserting in lieu thereof the following: "for the payment of assistance administrative expenses and expenses of liquidating the State Emergency Relief Board as provided by the Public Assistance Law and for the payment of attorney's fees and court costs necessary for the proper conduct of the work of the Department of Public Assistance for the two fiscal years beginning June first one thousand nine hundred thirty-nine and for the payment of assistance administrative expenses expenses of liquidating the State Emergency Relief Board attorneys' fees and court costs accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred thirty-one."

Amend Section 2, page 2, line 16, by striking out after

the word "allocate" the following: "from time to time among the several county boards of assistance funds with which to provide assistance and administrative expenses Allocations so made to a county board of assistance shall be available for expenditure in that county for assistance and for administration expenses in the manner provided by the Public Assistance Law" and inserting in lieu thereof the following: "funds from time to time for the several assistance programs (old age assistance aid to dependent children pensions for the blind general assistance and other programs provided by the Public Assistance Law) for administrative expenses of the several county boards of assistance for such administrative expenses incurred by the department which are chargeable to such boards and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the department."

Amend bill by striking out all of Section 3.

Amend Section 4, page 3, line 10, by striking out "4" and inserting in lieu thereof "3".

On the question,

Will the House concur in the amendments made by the Senate?

#### BILL LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the bill together with the communication be laid upon the table. The motion was agreed to.

#### BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 103, entitled:

An Act to repeal the act, approved the twenty-seventh day of June, one thousand nine hundred and thirty-nine (P. L. 1184), entitled "An act requiring all employable persons receiving public assistance with certain exceptions, to perform certain work or be refused further assistance; conferring powers and imposing duties on county boards of assistance, and on certain State and local officers and employes, and on charitable institutions, persons, copartnerships, associations, corporations, and State and Federal employment officers; and requiring payments to the Commonwealth on account of certain work performed."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 349, entitled:

An Act to authorize cities, boroughs, incorporated towns, townships, and school districts to file suggestions of non-payment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims, and to revive judgments where the lien of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

#### BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 320, entitled:

An Act to amend section one of the act approved the sixth day of April, one thousand eight hundred and fifty-nine (P. L. 387), entitled "An act to authorize execution of process in certain cases in equity, concerning property

within the jurisdiction of the court, and on defendants not resident or found therein," authorizing execution of process in certain cases for the perpetuation of testimony.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 366, entitled:

An Act to add clause seven to subsection (b), and to further amend subsection (c) of section one thousand two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled, "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation and providing for refunds," changing the provisions of said act relating to the speed of such vehicles while being operated on highways under the supervision and control of a Turnpike Commission.

The first section was read.

On the question,

Will the House agree to the section?

#### BILL RECOMMITTED

Mr. HEATHERINGTON. Mr. Speaker, I move that this bill be recommitted to the Committee on Motor Vehicles for the purpose of further study and possible amendment.

The motion was agreed to.

#### BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 202, entitled:

An Act to amend the act approved the second day of June, one thousand nine hundred and thirty-seven (P. L. 1206), entitled "An act relating to memorial halls in counties of the second class, erected in memory of the soldiers, sailors and marines who served in the Civil War; and providing for the use, upkeep, and management and control of such halls," including Disabled American Veterans of the World War among the organizations named in the act.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 51, entitled:

An Act to amend section one of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 851), entitled "An act fixing the pay and mileage of jurors and witnesses," changing the pay of jurors and witnesses and the mileage of witnesses.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

### RESOLUTIONS SYMPATHY EXTENDED

Messrs. EDWIN F. THOMPSON and YOUNG offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted as follows:

In the House of Representatives, February 24, 1941.

Whereas, We have learned with a profound sense of sorrow of the passing on February 19, 1941, of Robert J. Allmond, son of the Honorable William A. Allmond, a member of this House; and

Whereas, A true appreciation of the values of democracy was fostered in the said Robert J. Allmond, who was born on October 23, 1913 and educated at the South Philadelphia High School and the Princess Anne Academy of Maryland; and

Whereas, By perseverance and ability he was a success among his people having formerly been employed by the Department of Property and Supplies of the Commonwealth of Pennsylvania; and

Whereas, His passing leaves a profound sorrow in the hearts of those close to him including his young sons, Robert Jr. and William Jr., to whom he was a splendid and sympathetic father and true friend; and

Whereas, Since we who knew him can now only offer inadequate words as our last tribute; therefore be it Resolved, That with this resolution we commend Robert J. Allmond to the memory of his fellow-men; and be it further

Resolved, That the Chief Clerk of the House be directed to send a copy of this resolution to the bereaved members of his family as a token of its sincere sympathy for its great loss.

### SYMPATHY EXTENDED

Mr. FLEMING offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted as follows:

In the House of Representatives, February 24, 1941.

Honorable James H. McClure, prominent Pittsburgh attorney and a former member of this House for six terms, died Monday evening February 17, 1941 in the Allegheny General Hospital.

James H. McClure was born in McKeesport, Allegheny County on June 27, 1886, and received his early education in the public schools of that city. He graduated from Gettysburg College in 1908 and from the Law School of the University of Pennsylvania in 1911.

In 1912 Mr. McClure was admitted to the Bar of Allegheny County and continued in the practice of law in that county until the time of his death.

His ability and energy as an attorney early brought him into prominence in Allegheny County. He served as solicitor for the Borough of Glassport and also for the Glassport School District. Mr. McClure also served for a time as Assistant County Solicitor of Allegheny County.

In 1912 Mr. McClure was elected to the House of Representatives of the General Assembly of the Commonwealth where he conducted himself so ably and rep-

resented his constituents so conscientiously that he was returned for five subsequent terms.

After his retirement from the Legislature Mr. McClure engaged in the practice of law in Pittsburgh, being a member of the firm of McCrady, Nicklas and Hirshfield. For the past six months he had been acting as special consultant to the District Attorney of Allegheny County.

Mr. McClure was a Mason and a member of the Alpha Tau Omega fraternity, therefore be it

Resolved, By the House of Representatives of the General Assembly of the Commonwealth, that the Commonwealth and the County of Allegheny have lost an outstanding citizen and a resident who served them well, both in public and private life, and be it further

Resolved, That the House extends its most sincere sympathy to the family who so deeply mourn his loss, and that a copy of this resolution be transmitted by the Chief Clerk of this House to his widow Mrs. Mary Walton McClure.

### THANKS EXTENDED

Messrs. GATES and HELM offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted as follows:

In the House of Representatives, February 24, 1941.

Almost the first action taken by the House of Representatives at its present sitting was the adoption of a resolution for the appointment of a committee to investigate all the circumstances surrounding the indicated failure of the Commonwealth to make its proper contribution to the W. P. A. sewing projects and to report its findings and recommendations promptly to the House, pursuant to which resolution, the Speaker appointed Mr. Shaw as Chairman and Messrs. Scanlon, Readinger, Bretherick and Stockham as members of the investigating committee.

The committee immediately entered upon its duties with vigor and efficiency, filing its preliminary report on February 17th, which shows that, through the efforts of the committee, demonstrations scheduled in Philadelphia and Harrisburg were averted; that the committee has very effectively inquired into all of the facts of the controversy, and has made findings and conclusions of inestimable importance; and that it has succeeded in having the sewing projects continue during further negotiations looking towards a permanent adjustment of the matter, thereby preventing untold suffering to the 12,000 women and their dependents who look to these projects for their means of sustenance, therefore be it

Resolved, That the House of Representatives hereby thanks its committee for its prompt action and the thoroughness and effectiveness with which it has performed its services, and congratulates it on the magnificent results which it has already attained. It is the earnest conviction of this body that the work of this committee sets a new standard of promptness, efficiency and impartiality that other committees may do well to follow as an example, and that if every commission and agency of the State performed its functions in accordance therewith, the affairs of the Commonwealth would be better administered, and be it further

Resolved, That copies of this resolution be delivered to the chairman and to each of the members of the Committee Named to Investigate the Sewing Projects Dispute.

### RESOLUTION NO. 14

Mr. ROSENFELD. Mr. Speaker, I desire to call up Resolution No. 14, Printer's No. 34.

The resolution was read by the Clerk as follows:

In the House of Representatives, February 4, 1941.

Whereas, The mayor and city council of the city of

Philadelphia have deliberately refused to cooperate with the United States Housing Authority to facilitate construction of low-rent housing projects, and

Whereas, Such refusal has been extremely detrimental to business, labor, and the welfare of many citizens of the City of Philadelphia; and

Whereas, Such refusal has been extremely detrimental to the national defense because of the great influx of workers in defense industries located in the City of Philadelphia, particularly in the section south of Market Street; therefore be it

Resolved, That the Speaker of the House appoint a committee of three members of the House of Representatives to make a thorough and impartial study of the housing situation in the City of Philadelphia particularly as it affects workers in defense industries and be it further

Resolved, That the said legislative committee shall hold public hearings in the City of Philadelphia, so that the citizens of Philadelphia may be enlightened on all matters pertaining to the said housing situation; and be it further

Resolved, That said committee shall make a report of its findings and recommendations to the General Assembly as speedily as possible.

On the question,

Will the House adopt the resolution?

It was adopted.

#### RESOLUTION NO. 14—COMMITTEE APPOINTED

The SPEAKER. In accordance with the provision of House Resolution No. 14, Printer's No. 34, adopted February 24, the Chair appoints the following select committee: Messrs. Rosenfeld, Chairman, O'Brien and Voorhees.

#### QUESTION OF PERSONAL PRIVILEGE

Mr. MOUL. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from York will state his question of personal privilege.

Mr. MOUL. Mr. Speaker, last week the gentleman from Indiana asked that the letter which we received from the Supervisors of the Soil Conservation District in Indiana County be read. At this time I want to fulfill that request. There was some insinuation last week that there possibly was no letter. I want to assure the gentlemen of the House that there is, and I want to read the letter at this time.

This letter is written on the letter head of "The District Supervisors of the Black Lick, Pa. No. 1 Soil Conservation District, Community Center Bldg. "Y. M. C. A." Indiana, Pa." The letter is dated February 10, 1941, and is addressed to Clayton E. Moul, State Agricultural Committee, House of Representatives, Harrisburg, Pa., and reads as follows:

"Dear Mr. Moul:

"With regard to the Supervisors of the Black Lick Soil Conservation District receiving pay for their duties, expense money for travel, and mileage for their cars, etc. I should like to state the following:

"The Supervisors did receive mileage for their cars for two meetings held near the beginning of the District's formation. They were then notified to submit no more bills until the required funds would be available, at which time the Supervisors would be so informed.

"The above notification was received by the Supervisors over two years ago, and they have received no further information nor compensation for their time or mileage expended since that time.

"It is apparent that the Supervisors should at least receive expense money for the cars, trips, meetings, etc. as this would be considerable encouragement to them in their attempts to advance the soil conservation

work of the District which is badly needed in this area.

Very truly yours,

JAMES S. CORNELL,  
Chairman, Board of Supervisors  
Black Lick District"

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

#### INTERROGATION

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from York, Mr. Moul.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. MOUL. I shall, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from York whether the letter which he has just read is in reply to a communication to him?

Mr. MOUL. No sir, Mr. Speaker.

Mr. TURNER. Mr. Speaker, was it in reply to a communication from someone else?

Mr. MOUL. No sir, Mr. Speaker. I will say this, however, that the gentleman from Indiana, after he saw what happened last week, was afraid there was no letter, and I have a second letter here, and if the gentleman wants to hear what the gentleman from Indiana said the second time, I will be glad to read the one he wrote under date of February 21, 1941. In other words, he feared apparently that it was lost and then he wrote a second one. The one I read was the first one, dated February 10, 1941, and was the original. I did not have any correspondence with the gentleman whatsoever.

Would the gentleman from Delaware wish to have the second letter read?

Mr. TURNER. Mr. Speaker, I never ask questions of people who volunteer information. I would like further to interrogate the gentleman from York, Mr. Moul.

The SPEAKER. The gentleman will proceed.

Mr. TURNER. Mr. Speaker, does the gentleman from York, know how it came that this letter was addressed to him?

Mr. MOUL. I do not, Mr. Speaker.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. LEVY asked and obtained unanimous consent to address the House.

Mr. Speaker, I have in my hand a newspaper account under today's date line, and I wish to read to the House the following remarks made by the Hon. Eugene Alessandroni of the Common Pleas Court in Philadelphia, in sentencing a gentleman who had committed certain acts contrary to public policy.

"The imposition of sentence brings to a close, one of the most sordid and shocking cases in the annals of our courts," Judge Alessandroni said.

"The imagination falters as it contemplates the ease with which one man was able to draw, as if by a magnet, nearly \$2,000,000 of other people's money to do with virtually as he pleased."

That, gentlemen, was the opening remark in imposing sentence upon Robert J. Boltz of Philadelphia in connection with various investment practices.

Mr. Speaker, many of you who have served in the Legislature before know that up until the advent of the Earle administration in Pennsylvania the Pennsylvania

Securities Commission was nothing more or less than a tool of the investment bankers of Pennsylvania, and it is of the greatest importance to both the members of this Assembly and the people of Pennsylvania that on the eve and after the occurrence of this sordid crime in Philadelphia, and one incidentally which is about to be disclosed, that the securities law of Pennsylvania be discussed, and also in view of the fact that Pennsylvania stands as the number two state in the United States in the retail sales and distribution of investment securities.

May I give you, gentlemen, a little of the history involved. In 1935 George H. Earle appointed a Commission which started a fearless fight for the protection of the public's rights in connection with the manipulation and sale of investment securities. But, Mr. Speaker, the commission very early realized that the tools extended to it by the securities act of 1937 were wholly inadequate for the protection of the investing public. The Earle administration in 1937, not desiring to proceed with a legislative program without proper study, had introduced into this Legislature a resolution, and I refer specifically to resolution No. 71, Printer's No. 807, which was introduced by the gentleman from Philadelphia, Mr. Cohen, on April 26, 1937.

For the purpose of the record, gentlemen, it might be well to read to the House Resolution No. 71, dated April 26, 1937. The resolution reads as follows:

"Whereas, during recent years there has been not only a marked and substantial change in the method of dealing generally in securities, but also an offering to the public of many novel types of investments and the furnishing of services in connection with securities; and

"Whereas, the jurisdiction of the Pennsylvania Securities Commission under existing law may not be sufficiently comprehensive to deal with such problems and to afford to the investing public adequate protection and safeguards in connection with such transactions. Now, Therefore, be it

"Resolved, That the Department of Banking and the Pennsylvania Securities Commission, of the Commonwealth of Pennsylvania, be and they are hereby directed to make a survey of such dealings, and activities, and a study of the existing law under which the Pennsylvania Securities Commission presently has jurisdiction over transactions in securities within this Commonwealth, and to report thereon to the next regular session of the House of Representatives, together with such conclusions, and such recommendations and suggestions for legislation, as are deemed necessary and expedient in the premises; and be it further

"Resolved, That a copy of this resolution be transmitted to the Secretary of Banking and the Pennsylvania Securities Commission, by the Chief Clerk of this House."

Mr. Speaker, this resolution was adopted on the 12th day of May, 1937, and transmitted to the State Department of Banking and to the Securities Commission on the 13th day of May, 1937. It is my understanding that a thorough and complete study of various investment practices in the Commonwealth of Pennsylvania was made by this Commission, and that some time in the early part of 1939, in January, I think a detailed report, representing the findings of the Commission, was submitted to this House; I believe to the then Speaker of the House. I do not know what became of the report as submitted and I doubt whether many of the Members of the House know what became of the report of the Committee, because very surprisingly the report was never printed in the Appendix

of the Journal. But, Mr. Speaker and Members of the House, knowing about the rendition of this report I was fortunate in securing a copy, and to the Membership of the House I think it is now very important that we read the report to the House so that it might enlighten the members of the 1941 session as to the findings of the Committee which were apparently ignored by the 1939 session. Mind you, gentlemen, that is two years prior to the scandal that hit Philadelphia only five weeks ago.

In Chapter No. 12 of the report on page 42 the Committee found it necessary at that time to delve into the question of investment counsel such as Mr. Boltz of Philadelphia called himself.

This is what the committee had to say:

"In addition to the offering of securities of novel types, there has grown up in this State, as elsewhere, a great variety of so-called investment services. The most important rapidly growing of these services is that of investment counsel, a genuine profession with many reputable firms and individuals and a notorious racket with others.

"A great many of the individuals and firms employed as investment counsel are honest and conscientious; many are exceptionally competent, and possess wide knowledge of market conditions and wise judgment in making purchases and sales for their clients.

"On the other hand, there are many others—and this number is rapidly growing—who are nothing more or less than swindlers who gain the confidence of investors for the purpose of defrauding them. In the interest of public welfare, it is important at this time to take cognizance of these conditions.

"Investigation has shown that a great many persons who have not been successful as salesmen or dealers in securities set themselves up as investment counsel. In some instances, discharged statisticians employed by stock exchange houses, with meager qualifications, have opened offices and solicited clients for the purpose of giving investment advice for a fee.

"The Code of Professional Practice of the Investment Counsel Association of America defines the 'profession' as follows:

"It is the function of the profession of investment counsel to render to client on a personal basis, competent, unbiased and continuous service regarding the sound management of their investments. An investment counsel firm should devote its time exclusively to the performance of this function and services incidental thereto; it should not engage in the business of security merchandising, brokerage, banking, the publication of financial services, or acting as custodian of the securities or funds of clients; and neither the firm nor any partner, executive or employe thereof should directly or indirectly engage in any activity which may jeopardize the firm's ability to render unbiased investment advice."

"The Commission recommends the enactment of a law for the professional licensing of investment counsel by a state board in the Department of Public Instruction, similar in general form to the boards for licensing engineers, physicians and public accountants, and the setting up of qualifications, educational standards and the conduct of examinations for investment counsel. This law should provide for the payment of a moderate license fee each year, prescribe methods of recording the transactions of investment counsel and provide for examination of the records of investment counsel by the Pennsylvania Securities commission."

Gentlemen, I read the report for the express purpose of showing the Members of this House that back in 1939 we had an Earle appointed Securities Commission who had at that time enough foresight and vision to look into the situation that now confronts us in Pennsylvania. But, gentlemen, that is not as important to me as the answer



which we received from the Republican administration to the study of investment practices in Pennsylvania.

What was the answer of the Republican administration to this study of investment practices? What steps did the James administration take in order to quiet the concern of the legislature as stipulated in the resolution adopted by this House?

What steps, if any, did the Chief Executive of this Commonwealth take as a result of the urgent demand of the 1937 legislature as recommended in its report by the State Securities Commission in the early part of 1939? What recommendations did the Governor make to the incoming legislature of 1939, relative to this dangerous condition that was felt two years before by this General Assembly?

The answer to these questions is written in the political record of the Republican party, under the leadership of Arthur James, because in the Ninth Biennial Budget transmitted to this House in 1939, the Governor seemed very cool towards the continuance of a State Securities Commission. In fact, after an appropriation had been made of \$150,000 for the supervision and audit of conditions such as confront us today, the Governor of the Commonwealth in 1940, in the special session, recommended to this House the transfer of Thirty Thousand Dollars out of that meagre fund, and contrary to what the Governor has said, the suggestion that the Securities Commission be abolished in Pennsylvania was not because of economy reasons, because the Securities Commission has always turned into the general fund moneys in excess of what it costs to run the department. Gentlemen, I can go further with the Republican party's attitude in regard to the Securities Commission, because I remember on the 27th day of May, 1939, in the dying days of the regular session the Republican party through its majority leader caused to have introduced into this chamber an amendment to the Administrative Code which would have abolished the Securities Commission and transferring the licensing power to the State Department of Banking.

Many of you men who were members at that time recall the heated debate on the subject, in fact there were a few Republican members of the House who resented the action of the administration, and I recall quite vividly a few members on the other side of the House who voted along with a solid Democratic block and helped defeat the very purpose which the James administration attempted to carry out in May of 1939. I remember quite distinctly that the question of unconstitutionality was raised at that time. It was clearly pointed out that in the case of *Wallace v. Denver Stock Yards* decided by the Supreme Court of the United States, that such a procedure as advocated by the amendment offered at that time to wipe out the Securities Commission was declared unconstitutional, but the Republican leadership in its desire to continue its effort to abolish the Securities Commission insisted upon the passage of this amendment even when its unconstitutionality was clearly advanced by the minority Democratic leader at the time.

I say to you, members of the House, that tonight we face a very serious problem. Are we to permit the same occurrences as were committed by Robert J. Boltz of Philadelphia, and this Dredger scandal which is about to be made public? Are we going to permit them to continue without a real Securities Commission in Pennsylvania to supervise and audit the actions of these invest-

ment counsel in Pennsylvania? I feel that tonight, although it may be a trifle late, nevertheless it is mighty opportune tonight that we should introduce into this Assembly legislation covering this very urgent demand of the people of the Commonwealth of Pennsylvania to protect once and for all the innocent investing public.

I say, Mr. speaker, tonight as a step forward in that direction I am going to file with the Clerk of the House a House bill which will tend to remedy this Boltz situation and every situation similar to it that might exist in Pennsylvania.

#### BILLS RE-REFERRED

Mr. REUBEN E. COHEN returned from the Committee on Judiciary Special with the recommendation that it be re-referred to the Committee on Municipal Corporations House Bill No. 95, entitled:

An Act requiring all public officers, tax collectors, and other persons charged with the collection of taxes for any County, City, Borough, Poor District, School District, Township, and other municipal subdivision, to furnish upon demand to any person applying therefor a certified itemized statement of the kind and amount of all taxes recorded in his office or in his hands for collection; fixing the fee therefor and providing that payment thereof shall be a full and complete discharge; and repealing inconsistent legislation.

The SPEAKER. The bill is re-referred to the Committee on Municipal Corporations.

Mr. REUBEN E. COHEN returned from the Committee on Judiciary Special with the recommendation that it be re-referred to the Committee on Municipal Corporations House Bill No. 140, entitled:

An act to add section eleven and one-tenth to the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," providing further procedure after claims are filed.

The SPEAKER. The bill is re-referred to the Committee on Municipal Corporations.

Mr. REUBEN E. COHEN returned from the Committee on Judiciary Special with the recommendation that it be re-referred to the Committee on Municipal Corporations, House Bill No. 215, entitled:

An Act to further amend sections one and four of this act, approved the sixteenth day of May, one thousand nine hundred and nineteen (P. L. 180), entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes or municipal claims," extending the provisions of said act to include land acquired at city treasurer's sales for unpaid taxes.

The SPEAKER. The bill is re-referred to the Committee on Municipal Corporations.

Mr. REUBEN E. COHEN returned from the Committee on Judiciary Special with the recommendation that it be

re-referred to the Committee on Municipal Corporations, House Bill No. 244, entitled:

An Act to further amend section sixteen of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof, requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," authorizing counties during period of redemption to collect rents, issues and profits of lands purchased by it, and to apply the same on accumulated taxes.

The SPEAKER. The bill is re-referred to the Committee on Municipal Corporations.

#### COMMITTEE MEETINGS

The following Committee meetings were announced:

Agriculture, Tuesday, February 25, at 11 a. m. in Room 329.

Cities, 2nd class, Tuesday, February 25, at 11:30 a. m. in Room 521.

Dairy Industries, Tuesday, February 25, at 12 noon in Room 329.

Judiciary General, Tuesday, February 25, at 10 a. m. in Room 246.

Judiciary Special, Tuesday, February 25, at 11:30 a. m. in Room 246.

Law and Order, Tuesday, February 25, at 12:30 p. m. in Room 331.

Municipal Corporations, Tuesday, February 25, at 12:30 p. m. in Room 323.

Special Committee on Sewing Projects, immediately after tonight's session in Room 246.

#### ADJOURNMENT

Mr. LEONARD. Mr. Speaker, I move that this House do now adjourn until Tuesday, February 25, 1941, at 1 p. m.

The motion was agreed to, and (at 10:10 p. m.) the House adjourned.