

Mr. President, I should not like if I were a member of the Senate in this session, to be on any of these committees. It seems to me from what I have been hearing here yesterday and today that these committees have entirely to much studying to do. You know, Mr. President, that excessive and skull breaking study is a dangerous thing; it will break down the constitution of the most robust Senator.

As to the Butler Sanatorium, I have been asked by your adorable Excellency and by many members of this body whether the institution is closed or open. Coming from the buckwheat fields of Butler County, I can assure you that the institution still remain locked and barred, and from all that I have been able to learn, it has most excellent prospects of remaining locked and barred, but I feel sure that no member of this body can blame that on me.

So, in closing, Mr. President, I repeat I had happy days here among you, I am glad to come down and look you in the faces again, and that I am still happy although not a member of this august and sacred body.

#### QUESTION OF PERSONAL PRIVILEGE

Mr. CARR. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Butler will state his question of personal privilege.

Mr. CARR. Mr. President, I ask unanimous consent to read an advertisement headed "Sipe Congratulates," which appeared in the Butler Eagle, November 6, 1940 and which reads as follows:

"I congratulate Jacob W. Carr on his election and hope he will have a successful term. While his lack of legal training will handicap him as a battling senator, yet he will never disgrace the people of his district by getting drunk on the floor of the Senate, as some Senators do."

#### ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Wednesday, March 5, 1941, at 11:00 o'clock, a. m.

Mr. SNOWDEN. Mr. President, I second the motion. The motion was agreed to.

The Senate adjourned at 1:46 o'clock, p. m., until Wednesday, March 5, 1941, at 11:00 o'clock a. m.

### HOUSE OF REPRESENTATIVES

TUESDAY, March 4, 1941.

The House met at 1 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

#### PRAYER

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

Gracious God, thou who art the Father of us all, we praise thee that thou hast bound humanity in a great unity of life so that each must lean on the strength of all, and depend for his comfort and safety on the help and labor of his brothers.

We invoke thy blessing upon all the men and women who have helped provide for our needs and our desires.

Grant us wisdom to deal justly with those who labor to make our lives more comfortable.

Speak to our souls, O God, and bid us strive for the coming of thy kingdom of justice when thy merciful and saving will shall be done on earth. Amen.

#### JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday when, on motion of Mr. ELLIOTT, unanimously agreed to, the further reading was dispensed with and the Journal approved.

#### SENATE MESSAGE

The Clerk of the Senate being introduced presented extracts from the Journal of the Senate which were laid upon the table.

#### BILLS INTRODUCED AND REFERRED

By Mr. ROSENFELD. HOUSE BILL No. 636.

An act to amend the act, approved the thirtieth day of March, one thousand nine hundred thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments, and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties, "as amended, redefining the powers and duties of the registration commission and its employes; revising the provisions regulating the filing of removal notices and the cancellation of registrations; changing the provisions and times for registration, change of party enrollment and the cancellation of registrations; imposing duties on certain city officers; revising the procedure on appeals to the courts; providing for the manner of reckoning time; and imposing additional penalties.

Referred to the Committee on Elections.

By Mr. PRESLEY N. JONES. HOUSE BILL No. 637.

An act for safeguarding persons and property, and promoting the welfare of the public; creating an electrical administrative board of the Commonwealth of Pennsylvania, and prescribing its duties and authority; establishing minimum standards for electrical equipment and its installation; providing for State-wide inspection of installations of electrical equipment; providing for the appointment of electrical inspectors for carrying out the provisions of this act; and prescribing their qualifications, duties, rights and authority; making it unlawful to undertake or perform the installation of electrical equipment without applying for inspection therefor except as otherwise provided; providing for the licensing by the electrical administrative board of persons, firms, or corporations engaged in the business of electrical contracting and electrical journeymen employed by them in the work of installing, maintaining, altering or repairing electrical equipment; making it unlawful to undertake or perform the installation of electrical equipment without a license

except as otherwise provided; providing penalties for the violation of this act, and repealing all statutes and parts of statutes in conflict with this act.

Referred to the Committee on Professional Licensure.

By Mr. BAKER. HOUSE BILL No. 638.

To amend section one of the act, approved the twenty-eighth day of May, one thousand eight hundred and fifty-eight (P. L. 622), entitled "An act regulating the rate of interest," by reducing the lawful rate of interest to four per centum per annum.

Referred to the Committee on Banking.

By Messrs. RONALD L. THOMPSON and MIHM.  
HOUSE BILL No. 639.

Requiring the Department of Property and Supplies, with the approval of the Department of Military Affairs to complete and thereafter maintain "The Twenty-eighth Division Shrine", at Boalsburg, Centre County; dedicating the same to the officers and men of the Twenty-eighth Division; and making an appropriation.

Referred to the Committee on Military Affairs.

By Messrs. DAVID P. REESE and WOODSIDE.  
HOUSE BILL No. 640.

Establishing certain public roads and streets, and certain roads and streets not yet in existence in the City of Harrisburg and the County of Dauphin as a state highway; and providing for their laying out, opening, construction and maintenance by the Department of Highways subject to certain terms and conditions.

Referred to the Committee on Highways.

By Mr. MUIR. HOUSE BILL No. 641.

Making an appropriation for the purpose of reconstruction, preservation and maintenance of public roads, and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township, Warren County, Pennsylvania.

Referred to the Committee on Appropriations.

By Messrs. WOLF and PAUL A. BRUNNER.  
HOUSE BILL No. 642.

Authorizing the formation of county and state associations of tax collectors; and providing for payment by the counties of the costs of meetings and expenses of delegates thereto.

Referred to the Committee on Counties.

By Mr. EDWIN A. LEE. HOUSE BILL No. 643.

An act to further amend sections one and two of the act approved the thirty first day of May, one thousand eight hundred and ninety-three (P. L. 188), entitled "An act designating the days and half days to be observed as legal holidays, and for the payment, acceptance and protesting of bills, notes, drafts, checks and other negotiable paper on such days," declaring McKinley's Birthday, the twenty-ninth day of January, a legal holiday.

Referred to the Committee on Banking.

By Mr. JAMES. HOUSE BILL No. 644.

An act to further amend section 1302 of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," exempting certain contracts for public utility service

from the provisions of said act regulating advertising and bidding for contracts.

Referred to the Committee on Townships.

By Mr. HARKINS. HOUSE BILL No. 645.

An act to further amend article four, section three hundred forty-eight of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), as amended by the act, approved the seventh day of May, one thousand nine hundred and thirty-five (P. L. 143), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto", by requiring all contracts of county commissioners over five hundred dollars to be made with the lowest and best bidder, after due notice published.

Referred to the Committee on Counties.

By Mr. SHAFFER. HOUSE BILL No. 646.

An act establishing certain public roads and streets as a State highway, and providing for their construction, reconstruction and maintenance by the Department of Highways, subject to certain terms and conditions.

Referred to the Committee on Highways.

By Mr. GOODWIN. HOUSE BILL No. 647.

An Act relating to the bonds to be given by county officers, their deputies, clerks and assistants, in counties of the second class, the amount and conditions thereof, the sureties for such bonds, the payment of the premiums therefor and the recording and custody thereof.

Referred to the Committee on Counties.

By Mr. REYNOLDS. HOUSE BILL No. 648.

An Act to amend section 873 of the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, twelve hundred and seventy-eight) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising amending and consolidating the laws relating thereto" providing roads to be county roads as soon as so determined and maintenance of such roads within the limits of boroughs and cities.

Referred to the Committee on Highways.

By Mr. OWENS. HOUSE BILL No. 649.

To further amend subsection (c) of section seven of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1216), entitled "An act to define real estate brokers and real estate salesmen; and providing for the licensing, regulation, and supervision of resident and nonresident real estate brokers and real estate salesmen and their business," by providing for the granting of a real estate brokers license to certain persons without examination.

Referred to the Committee on Professional Licensure.

By Mr. MIHM. HOUSE BILL No. 650.

To amend section seven of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one, (Pamphlet Laws, seven hundred twenty), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public

utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the motor license fund for the purposes of this act," as last amended, by providing for the changing of width, lines, location or grades of streets in cities of the second class, second class A and third class, by the Department of Highways without the consent of the city in which said street is located; relieving the city from liability for damages in such cases; and imposing liability for damages upon the Commonwealth of Pennsylvania.

Referred to the Committee on Highways.

By Messrs. YESTER and POWERS.

HOUSE BILL No. 651.

To amend section three of the act approved the twenty-third day of March, A. D. one thousand eight hundred and sixty-five (Pamphlet Laws 607) entitled "An act for the better management of the Allegheny county prison" by requiring all contracts involving an expenditure of one hundred dollars to be in writing and prohibiting the making of any contract involving the expenditure of over five hundred dollars unless made with the lowest and best bidder after due advertising and requiring all purchases to be made through the purchasing department of the county.

Referred to the Committee on Counties.

By Mr. BENTLEY.

HOUSE BILL No. 652.

An Act authorizing any county, city, borough, town, township, poor district, school district or institution district to execute a special warranty deed for any real property which it has acquired at any sale for the nonpayment of taxes or municipal claims.

Referred to the Committee on Municipal Corporations.

By Mr. BENTLEY.

HOUSE BILL No. 653.

An Act to add clause eighteen A to section three of article nineteen of the act, approved the seventh day of March, one thousand nine hundred one (P. L. 20), entitled "An act for the government of cities of the second class," authorizing cities of the second class to impose and collect charges for the care and treatment at municipal hospitals of persons who are financially able to pay the expenses of such care and treatment.

Referred to the Committee on Cities—Second Class.

By Mr. BENTLEY.

HOUSE BILL No. 654.

An Act authorizing counties, cities, boroughs, towns, townships, school districts, poor districts and institution districts, at any sale of real property for the nonpayment of taxes or municipal claims to take title jointly in proportion to their tax claims; provide for the management of such real property and for the re-sale and conveyance of their interests to a purchaser.

Referred to the Committee on Municipal Corporations.

By Mr. BENTLEY.

HOUSE BILL No. 655.

An Act to amend section nine of the act, approved the twenty-third day of May, one thousand nine hundred and

seven (P. L. 206), entitled "An act to regulate and improve the civil service of the cities of the second class in the Commonwealth of Pennsylvania; making violations of its provisions to be misdemeanors, and providing penalties for violations thereof," providing for examinations in the use of firearms to be given applicants for positions on the police force in cities of the second class.

Referred to the Committee on Cities—Second Class.

By Mr. BENTLEY.

HOUSE BILL No. 656.

An Act to amend the third paragraph of article seven of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class," permitting the city treasurer to collect delinquent taxes under the act approved the thirtieth day of March, one thousand nine hundred and three (P. L. 106).

Referred to the Committee on Cities—Second Class.

By Mr. BENTLEY.

HOUSE BILL No. 657.

An Act to amend sections one, two, three and four of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-seven (P. L. 787), entitled "An act authorizing the compromise or reduction of tax claims on real property purchased by any county, city, borough, town, school district or poor district at any sale for the nonpayment of taxes; and the reconveyance or private sale of such property," extending the provisions of said act to properties purchased by said political subdivisions at sales for municipal claims, and to the payment of such claims from the proceeds of such compromises or sales, and changing the time when such compromises may be made.

Referred to the Committee on Municipal Corporations.

By Mr. BENTLEY.

HOUSE BILL No. 658.

An Act to amend the act, approved the thirtieth day of March, one thousand nine hundred three (P. L. 106), entitled "An act authorizing and empowering the city treasurers of the several cities of the second class and third class of this Commonwealth to sell at public sale all properties upon which the taxes, assessed and levied, are delinquent and remain unpaid," by adding thereto section nine and one-tenth authorizing the divestiture of mortgages, judgments and charges against properties sold at such sales in cities of the second class by common pleas court.

Referred to the Committee on Judiciary General.

By Messrs. KOMOROWSKI and GALLAGHER.

HOUSE BILL No. 659.

An Act to amend General Rule twenty-three of article twelve of the act, approved the second day of June, one thousand eight hundred and ninety-one (P. L. 176), entitled "An act to provide for the health and safety of persons employed in and about the anthracite coal mines of Pennsylvania and for the protection and preservation of property connected therewith," providing that each anthracite coal mine shall be equipped with a water spraying system for the alleviation of the dust condition in the underground working places.

Referred to the Committee on Mines and Mining.

By Mr. LEVY.

HOUSE BILL No. 660.

To amend section two hundred twenty-two of the act, approved the ninth day of April, one thousand nine hundred and 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 departments, 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 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 employees in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," as amended, providing that State employes may accumulate their authorized leaves of absence and take such accumulated leaves at one time.

Referred to the Committee on State Government.

By Mr. VOLDOW. HOUSE BILL No. 661.

To add section forty-three to article four of the act approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled, as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth at the time of his death; defining and taxing transfers made in contemplation of death; defining as a transfer and taxing the right of survivorship in property as to which such right exists; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," by regulating the opening of safety deposit boxes of a decedent.

Referred to the Committee on Judiciary General.

By Messrs. HIRSCH and KLINE.  
HOUSE BILL No. 662.

Providing for the creation, maintenance and operation of a county employes retirement system in counties of the fourth class; and imposing certain charges on counties.

Referred to the Committee on Counties.

By Mr. McDOWELL. HOUSE BILL No. 663.

Authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June, one thousand nine hundred forty-one; evidenced by tax anticipation notes secured by and payable from current revenues, levied, assessed, collectible, and accruing during such two fiscal years; defining the powers and duties of the Governor, the Auditor General, and the State Treasurer in relation thereto; providing for the payment of interest on and the repayment of such loans; and making an appropriation.

Referred to the Committee on Ways and Means.

By Messrs. WEISS and MAXWELL.  
HOUSE BILL No. 664.

To amend section seventy-six of the act approved the sixteenth day of June, one thousand eight hundred and thirty-six (P. L. 755), entitled "An act relating to executions," by providing for the filing of a transcript of the judgment with testatum writs of execution and permitting

defenses to be interposed in counties to which such writs are directed in certain cases.

Referred to the Committee on Judiciary General.

By Messrs. WEISS and MAXWELL.  
HOUSE BILL No. 665.

Prescribing presumptions of authority and rules of evidence, where payments are made on account of the principal of mortgages in certain cases.

Referred to the Committee on Judiciary General.

By Mr. GERARD. HOUSE BILL No. 666.

To amend section one of the act approved the twenty-sixth day of August, A. D., one thousand nine hundred thirty-two, entitled "An act authorizing collectors of delinquent taxes, except in cities of the first class, to accept payments of delinquent taxes or water-rents or rates in installments," by including counties.

Referred to the Committee on Municipal Corporations.

By Mr. LOVETT. HOUSE BILL No. 667.

An Act creating an independent board to be known as The Regulatory Board of Review; conferring powers and duties on said Board, describing procedure on appeals to said Board and to the courts of common pleas; and making an appropriation.

Referred to the Committee on State Government.

By Mr. RILEY. HOUSE BILL No. 668.

An Act to amend article thirty-one of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the laws relating thereto," by adding thereto section 3210.1; providing for exonerations of sewer assessments and the satisfaction of sewer liens and the discharge of properties covered thereby.

Referred to the Committee on Cities—Third Class.

By Mr. RILEY. HOUSE BILL No. 669.

An Act providing for the support and promotion of aviation training through public school districts of the Commonwealth; authorizing school districts to acquire real estate for such purpose; conferring powers and imposing duties on the Superintendent of Public Instruction; and making an appropriation.

Referred to the Committee on Education.

By Messrs. KOMOROFSKI and GALLAGHER.  
HOUSE BILL No. 670.

An Act to add General Rule twenty-three A to article twelve of the act, approved the second day of June, one thousand eight hundred and ninety-one (P. L. 176), entitled "An act to provide for the health and safety of persons employed in and about the anthracite coal mines of Pennsylvania and for the protection and preservation of property connected therewith," providing for the installation, in anthracite coal mines, of water sprinklers or other suitable dust removal devices.

Referred to the Committee on Mines and Mining.

By Messrs. HIRSCH and FINNERTY.  
HOUSE BILL No. 671.

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and re-

organizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments 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 in certain departments boards and commissions shall be determined" as amended by creating the State Board of Barber Examiners as a departmental administrative board in the Department of Public Instruction.

Referred to the Committee on Professional Licensure.

By Messrs. SARRAF and STOCKHAM.

HOUSE BILL No. 672

An act to create and provide for the Fund of the State Board of Examiners for Licensure of Nurses covering all license fees recording fees and other moneys received or collected under the laws administered by the State Board of Examiners for Licensure of Nurses and regulating the handling and disposition thereof.

Referred to the Committee on State Government.

By Messrs. SARRAF and STOCKHAM.

HOUSE BILL No. 673.

To further amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purpose or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended establishing a Fund of the State Board of Examiners for Licensure of Nurses by adding clause twenty-one to section three hundred two of said act.

Referred to the Committee on State Government.

By Messrs. SARRAF and STOCKHAM.

HOUSE BILL No. 674.

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws

one hundred seventy-seven) 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 departments 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" as amended by making certain changes in the name qualifications powers and duties of the State Board of Examiners for the Registration of Nurses and providing for the election of a Director of Nursing Education who shall also be Secretary and Executive Officer of the Board and an Assistant Director of Nursing Education who shall also be Assistant Secretary and Assistant Executive Officer of the Board and other officers and employes thereof.

Referred to the Committee on State Government.

By Messrs. SARRAF and STOCKHAM.

HOUSE BILL No. 675.

An Act providing for and regulating the State Licensing and registration of nurses of several classes the biennial recording of licenses regulating nursing imposing penalties and repealing certain existing laws.

Referred to the Committee on State Government.

By Messrs. FINNERTY and HIRSCH.

HOUSE BILL No. 676.

To further amend the act approved the nineteenth day of June one thousand nine hundred and thirty-one (P. L. 589), entitled as amended "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops and barber schools and apprentices and students therein regulating compensation for service rendered conferring certain powers and duties on the Department of Public Instruction and providing penalties "by changing the provisions as to fees charged apprentices and students prohibiting advertising of prices by registrants requiring all barber shops to be registered and transferring the administration of several provisions of this act to the State Board of Barber Examiners.

Referred to the Committee on Professional Licensure.

By Mr. HUNTLEY.

HOUSE BILL No. 677.

Making an appropriation to the Department of Labor and Industry, for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds.

Referred to the Committee on Appropriations.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. EDWIN F. THOMPSON and JEFFERSON.

RESOLUTION No. 46.

In the House of Representatives, February 4, 1941.

Whereas, The Honorable George E. Jones and the Honorable Charles A. Auker, members of this House from Blair County, have filed their brief with the Members of this

House, in order to show that so called "Rugg" books should be barred from our schools; and

Whereas, It is difficult to comprehend the true significance of the excerpts from such books referred to in said brief; and

Whereas, It would enlighten the Members of this House considerably if it were possible for them to examine the contents of said books; therefore be it

Resolved, That the Honorable George E. Jones and the Honorable Charles A. Aufer be directed to make available to the Members of this House, if at all possible, a copy of each of the "Rugg" books in question, by leaving the same in the office of the Speaker for the convenience of the Members of this House.

Referred to the Committee on Rules.

### COMMUNICATIONS AND PETITIONS

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

#### LIQUOR LICENSES

Communications addressed to the Speaker from  
The Philadelphia Federation of Churches  
B. Topham, Philadelphia  
Mrs. William P. Brimes, Philadelphia  
Mr. George H. Peace, Philadelphia

protesting against passage of House Bill No. 156 and 259.

Referred to the Committee on Liquor Control.

#### UNIONS

A resolution from Steel City Industrial Union Council opposing recommendation of Joint State Government Commission and statements of Secretary of Labor and Industry Lewis G. Hines, relative to the forming of unions by state employes.

Referred to the Committee on State Government.

#### LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Samuel Rose for Mr. FINNERTY for the remainder of the week on account of illness.

#### REPORTS FROM COMMITTEES

Mr. STINE, from the Committee on Judiciary General, reported as committed, House Bill No. 475, entitled:

An Act to further amend section seven of the act approved the twenty-fourth day of June, one thousand eight hundred and ninety-five (P. L. 212), entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice and relation to the Supreme Court and other courts; providing for the reports of its decisions, the compensation of the judges and other officers and the practice and costs on appeals from its judgments", as amended, to extend the original jurisdiction of the Superior Court to include mandamus and prohibition in certain cases.

Mr. O'BRIEN, from the Committee on Motor Vehicles, reported as committed, House Bill No. 570, entitled:

An Act to add two new definitions to Section 102, to amend the table of contents to Article VI, to further amend Sections 601, 603, 605, and 606, and to amend Section 609, to further amend Sections 613, 620, and 621, to add Sections 623, to 638, both inclusive, to article VI, and to further amend Section 713 of the act approved the first day of May, one thousand nine hundred 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," providing for the issuance of commercial operators' licenses; further regulating the operation of motor vehicles, commercial motor vehicles, motor busses, omnibuses, and school busses; fixing fees; and imposing additional penalties.

Mr. KENEHAN, from the Committee on Cities-Second Class, reported as committed, House Bill No. 238, entitled:

An Act requiring cities of the second class A, having fire departments, to allow members of said fire departments twenty-four consecutive hours of rest each week, and fourteen days vacation with pay each year, except in emergency cases.

Mr. VOLDOW, from the Committee on Judiciary General, reported as amended, House Bill No. 603, entitled:

An Act requiring prothonotaries to return jury fees where cases are settled before a jury is sworn.

Mr. NORMAN WOOD, from the Committee on Agriculture, reported as amended, House Bill No. 498, entitled:

An Act 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 fences by authorizing the use of barb wire fence under certain circumstances.

Mr. MARKS, from the Committee on Judiciary General re-reported as amended House Bill No. 11, entitled:

An Act to create a uniform and exclusive system for the administration of parole in this Commonwealth; establishing the "Pennsylvania Board of Parole"; conferring and defining its jurisdiction, duties, powers and functions, including the supervision of persons placed upon probation in certain designated cases; providing for the method of appointment of its members; regulating the appointment, removal and discharge of its officers, clerks and employees; dividing the Commonwealth into administrative districts for purposes of parole; fixing the salaries of members of the board and of certain other officers and employees thereof; making violations of certain provisions of this act misdemeanors; providing penalties therefor and for other cognate purposes; and making an appropriation.

### BILLS ON SECOND READING

#### BILL PASSED OVER

There being no objection House Bill No. 466, Senate Bill No. 79, Printer's No. 6, was passed over at the request of Mr. ACHTERMAN.

Agreeably to order.



The House proceeded to the second reading and consideration of House Bill No. 312, entitled:

An Act to amend clause (e) of section five of the act approved the eighteenth day of July, one thousand nine hundred and nineteen (P. L. 1045), entitled "An act providing for the establishment of a Bureau of Rehabilitation in the Department of Labor and Industry, and conferring upon the Commissioner of Labor and Industry the power to supervise and direct the rendering of certain physically handicapped persons fit to engage in remunerative occupations; providing for the appointment of a chief of the bureau, subordinate officers, and employes, and furnishing suitable accommodations; and making an appropriation," by providing for furnishing artificial limbs to children over ten years of age.

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. 1, entitled:

An Act to further amend paragraphs six and nineteen, and to eliminate paragraph seven, of section twelve hundred ten of the act approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 303), 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" fixing the minimum annual salary and increments of members of the teaching and supervisory staff in school districts of the fourth class; increasing the percentage of state-aid for all districts; and providing additional state-aid through an equalization fund created by this act to be maintained from state appropriations.

The first section was read.

On the question,

Will the House agree to the section?

#### BILL RECOMMITTED

Mr. HARKINS. Mr. Speaker, I move that this bill be recommitted to the Committee on Education for the purpose of a public hearing and possible amendment.

The motion was agreed to.

#### BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 225, as follows:

An Act relating to national and State defense providing for the establishment of a State Council of Defense and of local and district councils of defense prescribing the powers and duties thereof and making an appropriation therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Short Title This act shall be known and may be cited as the "State Council of Defense Act"

Section 2 Establishment of State Council of Defense The Governor is hereby authorized and empowered in time of emergency or public need in the nation or the State to create by proclamation a State Council of Defense hereinafter designated as the "Council" for the general purpose of assisting in the coordination of the State and local activities related to national and State

defense Whenever he deems it expedient the Governor may by proclamation dissolve or suspend such council or re-establish it after any such dissolution or suspension

Section 3 Organization of Council (a) The council shall consist of the Governor (who shall be chairman) the Lieutenant-Governor the State Treasurer the Auditor General the Secretary of Internal Affairs the Adjutant General the Speaker of the House of Representatives and the President pro tempore of the Senate and their respective successors in office and three citizens of Pennsylvania one to be appointed by the Governor one by the Speaker of the House of Representatives and one by the President pro tempore of the Senate

(b) The council may employ an executive director and such technical clerical stenographic and other personnel and fix their compensation and may make such expenditures within the appropriation therefor or other funds made available to it as are necessary to carry out the purposes of this act

(c) The members of the council shall serve without compensation but may be reimbursed for their actual and necessary traveling and other expenses incurred in connection with attendance upon meetings of the council

(d) The council shall be provided with appropriate office space furniture equipment supplies stationery and printing in the same manner as other State agencies are supplied

Section 4 Powers and Duties The council shall have the following powers and duties

(a) To adopt amend and repeal rules regulations and by-laws governing its procedure and activities

(b) To cooperate with the Advisory Committee to the Council of National Defense through its Division of State and Local Cooperation or with any similar Federal agencies hereafter created and with any departments or other Federal agencies engaged in defense activities

(c) To cooperate with similar councils of defense in other states

(d) To cooperate with local defense councils

(e) To supervise and direct investigations and report to the Governor with recommendations for legislation or other appropriate action as it may deem necessary with respect to the following matters in so far as they are or may be related to defense

- (1) Industrial materials and facilities
- (2) Production and manufacturing facilities
- (3) Agriculture food supply and land use
- (4) Transportation facilities
- (5) Labor supply and training labor relations and human resources professions trades and skills
- (6) Consumers and consumer protection
- (7) Housing and related facilities
- (8) Health hospitals and sanitation facilities
- (9) Welfare
- (10) Educational facilities
- (11) Recreational areas and facilities
- (12) Finance
- (13) Civil liberties but without limitation the protection thereof maintenance of law and order and measures to guard against sabotage and subversive activities
- (14) Civil defense including police mobilization coordination for fire protection and disaster relief
- (15) Any other type of activity directly or indirectly related to defense

(f) To create committees either within or without its membership to aid it in the discharge of its powers and duties

(g) To require and direct the cooperation and assistance of State and local governmental agencies and officials

(h) To make full investigations as to all questions directly or indirectly relating to the powers or duties vested in it by this act or by any other law

(i) To do all acts and things not inconsistent with law for the furtherance of defense activities

Section 5 Utilization of Existing Services and Facilities In order to avoid duplication of services and facilities the council and the local and district councils of defense established under the authority of this act are directed to utilize the services and facilities of existing officers

offices departments commissions boards bureaus institutions and other agencies of the Commonwealth and of the political subdivisions thereof All such officers and agencies shall cooperate with and extend their services and facilities to the council and to the local and district councils of defense as they shall request

Section 6 Local Councils of Defense Each political subdivision of the Commonwealth may establish a local council of defense by the proclamation of the executive officers or governing body thereof Local councils of defense if and when established shall cooperate with and assist the council and shall perform such services as may be requested by it Local councils may act jointly with other such councils In so far as applicable local councils shall have the same power and duties within their respective jurisdictions as are vested in the council Such local councils shall terminate or cease activity whenever the council is dissolved or suspended

Section 7 District Councils of Defense In cooperation with local officials the council is authorized to establish district councils of defense in critical areas of the Commonwealth of special importance in defense activities Such district councils shall act as coordinating agencies under the supervision and direction of the council and in cooperation with local governmental agencies

Section 8 Authorization for Appropriation The sum of twenty-five thousand (\$25,000) dollars or so much thereof as may be necessary is hereby appropriated to the council from the General Fund for the payment of expenses necessary to effectuate the purposes of this act Payments out of such appropriation shall be made by the State Treasurer upon requisition of the chairman of the council and the warrant of the Auditor General

Section 9 Separability of Provisions If any provision of this act or the application of such provision to any person or circumstance is held invalid the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby

Section 10 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I do not desire to oppose the passage of this bill, although I believe it does need amendments. I have asked the sponsor of this bill, Mr. Achterman, to permit amendments as to the make up of the Council of Defense. I have no personal reason to oppose the gentleman named, or the officers named, in the bill as members of the Council of Defense. I have always had the most pleasant relations with them, but having had something to do with the origin of the program for state Councils of Defense, it would seem to me that the Council as appointed in this state should be streamlined with the National Council of Defense. What are the agencies that will have something to do with defense, and the advancement of our National Defense promulgated in Pennsylvania? One would be the Adjutant General, another would be the Attorney General, another would be the Secretary of Commerce dealing with industries; another would be the Secretary of Labor dealing with labor, another would be the Secretary of Health because the health problem is an important problem in this state, another would be the Secretary of Public Instruction, dealing with public instruction. Public instruction is interested in vocational training and the restraining of people who take part in our defense program. Agriculture also has a place in the defense program. Highways have a very important place in the defense program. It

seems to me that the President pro tempore of the Senate, and the Speaker of the House would be proper members of that Council because they would bring to the work of the Council the legislative viewpoint, and should it be necessary to prepare legislation at some future session, or some special session of the Legislature, they would be there with first hand knowledge of the workings of the Council and the problems of that would be presented.

It also seems to me that a Council of Defense should have a very substantial representation of citizens of the state, because there are a great many worthwhile citizens who may have particular knowledge, may have particular information that would be of service in the program for national defense.

Therefore, Mr. Speaker, I offered amendments to this bill for the purpose of changing the personnel, not with any intent of depriving any of our state officers of the opportunity to serve, but to make it more effective, but the sponsor of the bill has seen fit to refuse the amendments. If I wanted to try to insert them, I would have to go back through the process of getting the bill back to second reading before being able to insert them.

I am, therefore, going to vote for the bill but I do think it would be a more effective Council if it were streamlined with the National Council of Defense.

Mr. ACHTERMAN. Mr. Speaker, I feel perhaps it would be proper for me to explain the reasons why I refused to concur in the amendments that the gentleman from Delaware suggested. The particular legislation before us now, and I believe I am breaking no confidence in saying that this legislation has been framed as it has been discussed and finally approved by the Governor and the Speaker of this House, not only in relation to the legislation but also as to the personnel that was to compose the Council. I can appreciate what the gentleman has said in relation to this great mass of people who could very properly be included in this State Council. As a matter of fact I can think of many different types of individuals engaged in various occupations that could quite properly be included until you got the Council so large that it would be unable to function. The bill gives the Council the power to call in any agency of the state and request and require their cooperation. I believe what the gentleman desires to obtain by this amendment can be obtained in the present measure and it is for those reasons that I do not agree with the gentleman from Delaware.

Mr. BROWN. Mr. Speaker, I do not rise to oppose this bill but there is a glaring defect in the draftmanship which I call to the attention of the majority floor leader and I hope it will be amended. I'm hardly in favor of what the bill purports to do, that is, setting up a Council.

On page four, line twelve, paragraph fifteen, the bill has these words, "To require and direct the cooperation and assistance of the state and local governmental agencies and officials".

I only oppose the draftmanship of this bill. It does not seem to me to make very good logic to say that you can direct cooperation. The other part of the bill on page three dealing with the duties of the commission Council says, "to cooperate with similar councils of defense in other states." And, "to cooperate with local defense Councils" and yet when it gets over here where it has to do with local governmental agencies, agencies that



are set up under the Constitution, and are governmental divisions of the state, the bill uses language with which I cannot agree.

I do not see how this Council, or any other commission so far as that is concerned, can "direct" the cooperation of certain state and local governmental agencies. Therefore, it seems to me a very grave question of draftmanship. While I'm going to vote for this bill I hope that before the bill reaches final passage that section will be amended so as to use the word "require" the cooperation rather than "direct" cooperation, which I feel is not only misleading but cannot be done in certain governmental functions according to law, and thereby might lead us into dubious ways on account of innocent wording in a very pertinent paragraph of the bill. I hope before the bill reaches final passage the section I referred to will be amended.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 205

- |                 |                |               |                  |
|-----------------|----------------|---------------|------------------|
| Achterman,      | Gallagher,     | Marks,        | Royer,           |
| Allmond,        | Gates,         | Maxwell,      | Rush,            |
| Auker,          | Gerard,        | McClanaghan,  | Sarge,           |
| Baker,          | Gillan,        | McClester,    | Sarraf,          |
| Balthaser,      | Gillette,      | McDermott,    | Scanlon,         |
| Baughner,       | Goodwin,       | McDowell,     | Schwab,          |
| Bentley,        | Greenwood,     | McFall,       | Serrill,         |
| Bentzel,        | Gross,         | McGrath,      | Shaffer,         |
| Boles,          | Gryskewicz,    | McIntosh,     | Shaw,            |
| Boney,          | Gyger,         | McKinney,     | Shepard,         |
| Boorse,         | Habbyshaw,     | McLanahan,    | Simons,          |
| Bower,          | Haberlen,      | McLane,       | Skale,           |
| Bradley,        | Haines,        | McMillen,     | Snyder,          |
| Breth,          | Hall,          | McSurdy,      | Sollenberger,    |
| Bretherick,     | Hamilton,      | Melchiorre,   | Sorg,            |
| Brown,          | Hare,          | Mihm,         | Stambaugh,       |
| Brunner, C. H., | Harkins,       | Modell,       | Stank,           |
| Brunner, P. A., | Harmuth,       | Monks,        | Stine,           |
| Burns,          | Harris,        | Mooney,       | Stockham,        |
| Burris,         | Heatherington, | Moran,        | Tarr,            |
| Cadwalader,     | Helm,          | Moul,         | Tate,            |
| Chudoff,        | Hering,        | Mulr,         | Taylor,          |
| Cochran,        | Herman,        | Munley,       | Thompson, E. F., |
| Cohen, M. M.,   | Hersch,        | Nagel,        | Thompson, R. L., |
| Cohen, R. E.,   | Hewitt,        | Nunemacher,   | Trout,           |
| Cook,           | Hirsch,        | O'Brien,      | Turner,          |
| Cooper,         | Holland,       | O'Connor,     | Van Allsburg,    |
| Cordier,        | Huntley,       | O'Dare,       | Verona,          |
| Corrigan,       | Imbrie,        | O'Mullen,     | Vincent,         |
| Croop,          | James,         | O'Neill,      | Vogt,            |
| Cullen,         | Jefferson,     | Owens,        | Voidow,          |
| Dalrymple,      | Jones, G. E.,  | Petrosky,     | Voorhees,        |
| Dennison,       | Jones, P. N.,  | Pettit,       | Wagner,          |
| DiGenova,       | Keenan,        | Polaski,      | Watkins,         |
| Dix,            | Kenehan,       | Polen,        | Weingartner,     |
| Dolon,          | Kline,         | Powers,       | Weiss,           |
| D'Ortona,       | Knoble,        | Prosen,       | Welsh, E. B.,    |
| Early,          | Kolankiewicz,  | Rank,         | Welsh, M. J.,    |
| Eckels,         | Komorowski,    | Rausch,       | Wilkinson,       |
| Elder,          | Krise,         | Readinger,    | Williams,        |
| Elliott,        | Lee, E. A.,    | Reagan,       | Winnier,         |
| Ely,            | Lee, T. H.,    | Reese, D. P., | Wolf,            |
| Falkenstein,    | Lelsey,        | Reese, R. E., | Wood, L. H.,     |
| Finestone,      | Leonard,       | Regan,        | Wood, N.,        |
| Fisher,         | Lesko,         | Reynolds,     | Woodring,        |
| Fiss,           | Levy,          | Rhea,         | Woodside,        |
| Fleming,        | Leydic,        | Riley,        | Wright,          |
| Fletcher,       | Lichtenwalter, | Rooney,       | Yeakel,          |
| Flynn,          | Longo,         | Rose, S.,     | Yester,          |
| Foor,           | Lovett,        | Rose, W. E.,  | Young,           |
| French,         | Lyons,         | Rosenfeld,    | Kilroy,          |
|                 | Malloy,        |               | Speaker.         |

NAYS 0

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 81, as follows:

An Act to amend section nine hundred eight of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by further prescribing the procedure to be followed by shareholders who desire to become dissenting shareholders of a corporation which becomes a party to a plan of merger or consolidation limiting the rights and remedies of shareholders who desire to object to or dissent from any merger or consolidation and making the rights and remedies herein provided for exclusive.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows.

Section 1 Section nine hundred eight of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" is hereby amended to read as follows

Section 908 Rights of Dissenting Shareholders A If any shareholder of a corporation which becomes a party to a plan of merger or consolidation shall file with such corporation prior to or at the meeting of shareholders at which the plan of merger or consolidation is submitted to a vote a written objection to such plan of merger or consolidation and shall not vote in favor thereof and such shareholder within twenty days after the merger or consolidation was effected shall also make written demand on the surviving or new corporation for the payment of the fair value of his shares as of the day prior to the date on which the vote was taken approving the merger or consolidation without regard to any depreciation or appreciation thereof in consequence of the merger or consolidation the surviving or new corporation shall pay to such shareholder the fair value of his shares upon surrender of the share certificate or certificates representing

his shares The demand of the shareholders shall state the number and class of the shares owned by him [Any] Unless a shareholder [failing to file] files such written objection [or make] and also makes such demand within the twenty-day period he shall be conclusively presumed to have consented to the merger or consolidation and shall be bound by the terms thereof If within thirty days after the date on which such merger or consolidation was effected the value of such shares shall be agreed upon between the dissenting shareholder and the surviving or new corporation payment thereof shall be made in cash within ninety days after the date on which such merger or consolidation was effected upon the surrender of the share certificate or certificates representing his shares Upon payment of the agreed value the dissenting shareholder shall cease to have any interest in such shares or in the corporation.

B If within such period of thirty days the shareholder and the surviving or new corporation do not so agree then the dissenting shareholder may within sixty days after the expiration of the thirty-day period apply by petition to the court of common pleas in equity within the county in which the registered office of the surviving or new corporation is situated for the appointment by the court of three disinterested persons to appraise the fair value of his shares without regard to any depreciation or appreciation thereof in consequence of the merger or consolidation The award of the appraisers or of a majority of them shall be submitted to the court for determination and the judgment of the court thereon shall be final and conclusive The costs of such appraisal including a reasonable fee to the appraisers shall be fixed by the court and shall be borne by the surviving or new corporation unless in the opinion of the court the action of any shareholder in refusing the offer of the corporation has been arbitrary vexatious or in bad faith in which case the costs shall be assessed in the discretion of the court The award shall be payable only upon and simultaneously with the surrender to the surviving or new corporation of the share certificate or certificates representing the shares of the dissenting shareholder If the award shall not be paid by the surviving or new corporation within thirty days after the order of the court thereon the amount of the award shall be a judgment against the surviving or new corporation as the case may be and may be collected as other judgments in such court are by law collectible Upon the payment of the award or judgment the dissenting shareholder shall cease to have any interest in such shares or in the surviving or new corporation Such shares may be held and disposed of by the surviving or new corporation as it may see fit Unless the dissenting shareholder shall file a petition within the time herein limited such shareholder and all persons claiming under him shall be conclusively presumed to have approved and ratified the merger or consolidation and shall be bound by the terms thereof

C The rights and remedies at law or in equity of any shareholder who desires to object to or to dissent from any merger or consolidation shall be limited to those prescribed under this section and such rights and remedies under this section shall be exclusive

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Gallagher,	Marks,	Royer,
Allmond,	Gates,	Maxwell,	Rush,
Auker,	Gerard,	McClanaghan,	Sarge,
Baker,	Gillan,	McClester,	Sarraf,
Balthaser,	Gillette,	McDermott,	Scanlon,
Baucher,	Goodwin,	McDowell,	Schwab,

Bentley,	Greenwood,	McFall,	Serrill,
Bentzel,	Gross,	McGrath,	Shaffer,
Boles,	Gryskewicz,	McIntosh,	Shaw,
Boney,	Gyger,	McKinney,	Shepard,
Boorse,	Habbyshaw,	McLanahan,	Simons,
Bower,	Haberlen,	McLane,	Skale,
Bradley,	Haines,	McMillen,	Snyder,
Breth,	Hall,	McSurdy,	Sollenberger,
Bretherick,	Hamilton,	Melchiorre,	Sorg,
Brown,	Hare,	Mihm,	Stambaugh,
Brunner, C. H.,	Harkins,	Modell,	Stank,
Brunner, P. A.,	Harmuth,	Monks,	Stine,
Burns,	Harris,	Mooney,	Stockham,
Burriss,	Heatherington,	Moran,	Tarr,
Cadwalader,	Helm,	Moul,	Tate,
Chudoff,	Hering,	Muir,	Taylor,
Cochran,	Herman,	Munley,	Thompson, E. F.,
Cohen, M. M.,	Hersch,	Nagel,	Thompson, R. L.,
Cohen, R. E.,	Hewitt,	Nunemacher,	Trout,
Cook,	Hirsch,	O'Brien,	Turner,
Cooper,	Holland,	O'Connor,	Van Alsbury,
Cordier,	Huntley,	O'Dare,	Verona,
Corrigan,	Imbrie,	O'Mullen,	Vincent,
Croop,	James,	O'Neill,	Vogt,
Cullen,	Jefferson,	Owens,	Voldow,
Dalrymple,	Jones, G. E.,	Petrosky,	Voorhees,
Dennison,	Jones, P. N.,	Pettit,	Wagner,
DiGenova,	Keenan,	Polaski,	Watkins,
Dix,	Kenehan,	Polen,	Weingartner,
Dolon,	Kilne,	Powers,	Weiss,
D'Ortona,	Knoble,	Prosen,	Welsh, E. B.,
Early,	Kolankiewicz,	Rank,	Welsh, M. J.,
Eckels,	Komorowski,	Rausch,	Wilkinson,
Elder,	Krise,	Readinger,	Williams,
Elliott,	Lee, E. A.,	Reagan,	Winner,
Ely,	Lee, T. H.,	Reese, D. P.,	Wolf,
Falkenstein,	Lelsey,	Reese, R. E.,	Wood, L. H.,
Finestone,	Leonard,	Regan,	Wood, N.,
Fisher,	Lesko,	Reynolds,	Woodring,
Fiss,	Levy,	Rhea,	Woodside,
Fleming,	Leydic,	Riley,	Wright,
Fletcher,	Lichtenwaler,	Rooney,	Yeakel,
Flynn,	Longo,	Rose, S.,	Yester,
Foor,	Lovett,	Rose, W. E.,	Young,
French,	Lyons,	Rosenfeld,	Kilroy,
	Malloy,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 481, as follows:

An Act to amend section eighteen of the act approved the second day of July one thousand nine hundred and thirty-five (P. L. 589) entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties" requiring local ordinances in certain cases to conform to this act and the regulations made thereunder

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eighteen of the act approved the second day of July one thousand nine hundred and thirty-five (P. L. 589) entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties" is hereby amended to read as follows

Section 18 The provisions of this act and the regulations made thereunder shall [not be taken nor deemed to] repeal existing municipal ordinances [nor to] and prevent municipalities from enacting and enforcing new ordinances

[for the further protection of the public health Provided That this] inconsistent with the provisions of this act This act shall be considered as establishing uniform requirements and regulations [and that nothing herein contained shall be deemed to prevent municipalities from ordaining and enforcing such additional requirements in excess of the requirements and regulations hereunder as may be deemed necessary from time to time for the preservation of public health and to require applications from and to issue permits to such persons as may be defined by local ordinances]

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HOLLAND. Mr. Speaker, I desire to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from York, Mr. Moul permit himself to be interrogated.

Mr. MOUL. Mr. Speaker, I shall.

Mr. HOLLAND. Mr. Speaker, we sympathize with the objections made by the farmers as to overlapping inspection as well as laws that do not conform to the regulations of the state. However, I have a telegram from Dr. Alexander, Director of Public Health of the City of Pittsburgh, who asked whether you would be kind enough to hold over this bill until Monday and until he has an opportunity of speaking with you regarding amendments that he thinks are important. Would you consent to hold this bill on the postponed calendar until then?

Mr. MOUL. Mr. Speaker, may I ask a question before answering that one?

The SPEAKER. The gentleman will proceed.

Mr. MOUL. Mr. Speaker, is Dr. Alexander the same gentleman who during the session of 1937, when we considered a bill of similar nature asked at that time that that bill be held over?

Mr. HOLLAND. Mr. Speaker, I am not positive. I am not really well acquainted with that time. I know that in 1939 he was very active when bills of similar nature were presented in this House and he did make requests time and time again.

Mr. MOUL. Mr. Speaker, did I understand the gentleman from Allegheny to say in the 1939 session?

Mr. HOLLAND. Mr. Speaker, I did. He sent a wire direct to me.

Mr. MOUL. Mr. Speaker, I want to go back to my question again. In the 1937 session of the Legislature we had a bill of similar nature. The question I asked pertained to the session of 1937. Was Dr. Alexander the gentleman who asked that a bill of similar nature be held over at that time.

Mr. HOLLAND. I cannot answer that question, Mr. Speaker. I am really not well acquainted with what was done at that time.

Mr. MOUL. Mr. Speaker, one more question before answering the gentleman; did I understand him to say that during the 1939 session of the Legislature there was a request made of a similar nature?

Mr. HOLLAND. Mr. Speaker, there was.

Mr. MOUL. Mr. Speaker, what was the result of the request in 1939?

Mr. HOLLAND. Mr. Speaker, I think the bill was not passed. It was dropped from the calendar.

Mr. MOUL. Mr. Speaker, in answer to the gentleman's question as to whether we would be willing to hold it

over, I would like to request that we proceed to vote on the bill at this time, and after the interrogation, I will be glad to give the reasons for so stating.

Mr. HOLLAND. Mr. Speaker, in asking for a postponement of the bill until Monday, I do not think I am asking anything that should not be granted. All I am really trying to do is to cooperate with the farmers and the large milk dairies throughout the State in trying to solve the problem that they too are trying to solve. I regret as much as anyone else does that there are overlapping inspections, and overlapping laws and I think they should be corrected. There is also a question of health that enters into it, and I believe that we people in the cities, who after all are the big users of milk, should be given some consideration.

When Dr. Alexander took office in the city of Pittsburgh, there was a considerable number of deaths due to the use of raw milk. Dr. Alexander was one of the first to insist on the pasteurization of milk with the result that complaints of illness of infants were cut down to a very very small amount. Our mortality rate in the city of Pittsburgh has decreased to a minimum and I feel that we should be given some consideration.

#### MOTION TO POSTPONE

Mr. HOLLAND. I move, Mr. Speaker, that this bill be placed on the postponed calendar to permit these people to come and talk the matter over with the sponsors of the bill. I feel and I believe that these corrections can be made to the satisfaction of the farmers as well as the users.

On the question,

Will the House agree to the motion??

Mr. MOUL. Mr. Speaker, I rise to oppose the motion. During the 1937 session of the Legislature we had the same type of bill and at that time we had a request from the same gentleman. At that time we granted the request and after a delay of some two or three weeks, we finally came to the point where we are today. We eventually decided to vote on the bill and when we did, the majority of the House voted in favor of the bill. In view of the fact that we are now at the same place, it seems that there is not any particular reason why we should hold the bill over again and probably rehash the same information we heard in 1937, and in the end come to the point where we are going to vote on the bill at any rate.

I ask the members of the House to vote against the motion to postpone the bill, so that we can proceed to direct action on the bill itself. Mr. Speaker, I ask the Members of the House to vote "no" on the motion made by the gentleman from Allegheny.

On the question recurring,

Will the House agree to the motion?

It was not agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. MOUL. Mr. Speaker, I regret that there seems to be some misunderstanding on the part of some members of the House, and I think probably a few words might help to clear up some of that misunderstanding.

The bill we have before us is a bill that will establish uniform regulations insofar as sanitation of milk on the farms is concerned. For probably twenty years the farmers of Pennsylvania have gradually been subjected,

to more and more regulations from various types of inspectors. Some of them come as city inspectors, some of them come as inspectors of milk dealers, some of them call themselves municipal inspectors, some call themselves other types of inspectors, but in the end they always said that they were state inspectors.

In some instances farmers were subject to two different types of inspectors. The same farmer was subjected to a municipal inspector and a dealers' inspector. In each case the gentleman who came to the farm said he was a state inspector. We also have had conditions existing in certain sections where farmers were subjected to regulations because the milk was shipped into districts other than those in the immediate territory where the farms were located, so that in the end the sum total of the past twenty years has been that gradually the farmers have been subjected to more and more difficulty in the way of regulations, changes in his barns, changes in his cooling system, changes in the way he handles his milk. There is no uniformity in the handling. One inspector comes out to the farm and says, "You should have the windows on the right side of the barn." The next inspector, after the farmer proceeds to put the windows on the right side of the barn, may come out and say, "You should have the windows on the other side of the barn; you may tear these out if you want to but at any rate before you can ship milk to my plant, I am the state inspector, you will have to put the windows over here." The next inspector may come along and say "The windows should be on the south side." Then again you may have one inspector come in and say that the gutter in the rear of the stable should be here. The next inspector may come in and say, "That is all wrong," after the farmer has spent five hundred dollars in carrying out the wishes of the previous inspector. The next inspector comes along and says that he is a state inspector and makes a request entirely the reverse of the previous inspector. The inspectors have regulations whereby they have made the farmers turn around their cows. In other words the barn faces in one direction and the next inspector may come out and state that the farmer should face it in the other direction. As far as the cooling system is concerned one inspector may come in and say, "You must have this type of cooling system." Another inspector may come in and say, "You should have this type." Therefore in the end you have a multiplicity of inspection. This multiplicity of inspection is driving the farmer to a point where he doesn't know where he stands. He is not objecting to regulation, but he would like to have uniform regulations and know whether it is of one kind or another.

This bill, if it becomes a law, states that we shall have uniform inspection throughout Pennsylvania. It does not say that it shall not be the highest that we have in Pennsylvania; it does not even say it could not be higher than the highest at the present time, but it says that whatever that regulation is it shall be uniform. That is all we are asking for in this particular bill. We are asking that this situation be clarified.

There is one other point. The gentlemen seems to be worried about the health of certain cities of Pennsylvania. If I thought today as a sponsor of this bill that there would be any chance whatsoever of changing the high standards now maintained by any municipality in

the state of Pennsylvania, I would be the last to sponsor such a bill, but the condition under which you milk is produced on the farm is not the most important factor insofar as the bacteria in your bottle of milk is concerned. In other words, the bacteria that you get in a bottle of milk that is delivered on your door step in the city may get there from many, many places.

I do not know just how much of the milk that is delivered in bottles in Pennsylvania is pasteurized, but I am told that the great majority of the milk that is delivered is pasteurized, and for those of you who fear for the health of the citizens in the municipality, when your milk is pasteurized, it is not pasteurized before it is milked on the farm, nor before it is cooled on the farm, nor even before it is transported to the city. It is pasteurized after it reaches your plant, and if that pasteurization is any good, and we are told it is, then there can be no bacteria carried from the farm into that bottle as it is finally delivered to your doorstep. If there is bacteria that is harmful in your bottle of milk that is delivered to your doorstep, in a bottle of pasteurized milk, that bacteria must have gotten into the milk bottle after the milk was pasteurized in the plant. Bacteria could have been put in the milk while delivered, and I believe you will find if you will check the records of your health departments where pasteurized milk is delivered to your doorstep, when you have epidemics due to milk, epidemics of typhoid or any other type that is carried through the milk, you will find there always has been some unsanitary condition after it left the pasteurizing machines. You will never hear them say that it happened on the farm. So I do not know but that in a great majority of instances you will find if there is any danger, that danger lurks in the bottles from the handling after it is pasteurized, and not on the farm.

Then again, in the case of raw milk, your raw milk is delivered to your doorstep not on the basis of the way it is produced, but it is delivered on your doorstep according to the bacterial content of that bottle of milk. If you have the proper test on the bacterial content of that milk then you will not only catch any bugs that might have come in from the farm, if you have any there, but you will also catch the bugs that get in the milk after it passes the pasteurization machines.

Therefore, I can see no reason for anyone's being afraid this will lower the standards of sanitation in regard to the milk that is delivered to your doorstep, and I am certain that the farmers of Pennsylvania are not going to object, regardless of how high the sanitary standards may be set, but they certainly will be very glad to know for once in twenty years, what those standards actually are.

I want to urge you all to vote for this bill in its present form.

Mr. AUKER. Mr. Speaker, I agree with most of what the gentleman from York has said, to the effect that the farmer is over-inspected, but I believe that there are some very apparent defects in this bill and it will not by any means correct the situation he desires to correct.

I would, therefore, like 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. AUKER. Mr. Speaker, will the gentleman from York answer me if he thinks the state inspection is of as high a standard as municipal inspection of milk.

Mr. MOUL. Mr. Speaker, I do not quite understand the gentleman's question. Will he repeat it, please?

Mr. AUKER. Mr. Speaker, I will phrase my question differently.

Is state inspection of milk on as high a standard as the inspection of milk set up by municipalities, throughout the state in most of our cities?

Mr. MOUL. Mr. Speaker, perhaps the gentleman can answer that question better than I can. The Department of Health might be able to give that information.

However, I will say this, that it wouldn't make any difference what the regulations are today, when this act becomes a law. We are asking them to set up a set of standards that are high; we are asking for a set of standards that will meet the requirements. Any regulations that might be in existence today would not necessarily have to be the ones that would continue.

You will note in this bill it says specifically that this applies only to those that are inconsistent with present regulations. If the gentlemen are correct in their statements that the state at present has no regulations or that they are inferior, then they should not fear this bill, because as long as the state puts in no new regulations that are inconsistent herewith, they would not be affected.

Mr. AUKER. Mr. Speaker, will the gentleman point out to me just what part of the act provides for the statement he just made?

Mr. MOUL. Mr. Speaker, section 18, page 2, beginning with line 9, reads as follows:

"The provisions of this act and the regulations made thereunder shall repeal existing municipal ordinances and prevent municipalities from enacting and enforcing new ordinances."

I repeat, "new ordinances, inconsistent with the provisions of this act."

Mr. AUKER. Mr. Speaker, if this act becomes a law, would not the standard that is set up by the state for milk inspection on a farm become enforced to the exclusion of all municipal inspection?

Mr. MOUL. Mr. Speaker, in case the municipality would set up regulations contrary to the standards to be set up, it would. If, however, the municipality wanted to enforce the regulations that would then be in existence under the new act or the act as amended, then they could go on enforcing those regulations just the same as they would today.

Mr. AUKER. Mr. Speaker, will the gentleman from York state just what standards are to be set up by the state under this act?

Mr. MOUL. Mr. Speaker, in any act that we pass we never attempt to set up in detail the way a Department is supposed to handle it. We take for granted that the Department of Health in this instance, would have competent men to take care of this work, and I am sure that the gentleman would not want to say at this time that the Department of Health does not employ men who are competent to handle such problems.

Mr. AUKER. Mr. Speaker, will the gentleman from York state whether or not he has any assurance the specific department which would handle this inspection would set up standards as high as those which exist in the municipalities.

Mr. MOUL. No, Mr. Speaker, I certainly do not. That is up to the regulating body.

Mr. AUKER. Mr. Speaker, then will the gentleman from York state whether he has any assurance that the high standards as set up by the municipal authorities will be maintained?

Mr. MOUL. Mr. Speaker, the gentleman from the other side of the House should be able to convince the Department of Health along any lines that he might wish, and he certainly would be in better shape than any of the members on this side of the House.

Mr. AUKER. Mr. Speaker, may I make a statement at this time?

The SPEAKER. Has the gentleman from Blair finished his interrogation?

Mr. AUKER. Mr. Speaker, I may wish to interrogate the gentleman later.

The SPEAKER. Has the gentleman from Blair finished with his interrogation for the moment?

Mr. AUKER. For the moment, Mr. Speaker, I have.

The SPEAKER. The chair recognizes the gentleman from Blair, Mr. Auker.

Mr. AUKER. Mr. Speaker, in my experience as a member of this house, which has been comparatively brief, I find it is really hard to change the minds of any of the Departments of this state unless you pass a law to make them change it. That is why I am so much concerned about this bill. I am very much afraid if this bill goes through that state inspection, which we all know is not as high as the highest standards of municipal inspection set up for the protection of the children and the people who live in those municipalities, will be the ones that will be enforced and the high inspection that is now set up by the municipalities will be thrown to the four winds, and all the work that has been done during the past years by various municipalities throughout the State in order to set up these standards of milk inspection, which have been promulgated in order to protect the health of their inhabitants and the children in these municipalities, will be thrown to the four winds and will have gone for nought.

Mr. Speaker, I would ask again 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. MOUL. Mr. Speaker, I shall, with one provision, that is that I would like to interrogate the gentleman first. I have but two questions that I would like to ask him.

Mr. SPEAKER. Will the gentleman from Blair permit himself to be interrogated?

Mr. AUKER. I will yield myself to interrogation, after I interrogate the gentleman, if I may.

Mr. MOUL. All right, Mr. Speaker.

Mr. AUKER. Mr. Speaker, I would like to ask the gentleman from York whether or not there is anything in this bill that would prevent the inspection that is now enforced by the distributors of milk in the municipalities?

Mr. MOUL. Mr. Speaker, I see nothing in the bill that would do so.

Mr. AUKER. Mr. Speaker, will the gentleman from York answer me whether or not the inspection that is set up by distributors is not one of the most arbitrary inspections of all three bodies of inspectors that are inspecting farmers?

Mr. MOUL. Mr. Speaker, did I understand the gentleman in the first question to speak of distributors? I

understood the gentleman to be speaking on the distribution of milk.

Mr. AUKER. Mr. Speaker, on milk dealers.

Mr. MOUL. Then the second question seems to be a different one.

Mr. AUKER. Mr. Speaker, I will repeat my question: Is not the inspection set up by the distributors of milk in the various municipalities in the state one of the most rigid, and one of the most arbitrary inspections of the different inspections as set up by the state and the municipal authorities and the milk distributors?

Mr. MOUL. Mr. Speaker, I still do not know exactly what the gentleman means. If he means the inspection in so far as the farmer is concerned, I would say, yes. If that is what he means I will say that this bill will very definitely eliminate that and will cause it to be uniform. If on the other hand the gentleman's question pertains to the distribution from the time it leaves the plant until it gets to the doorstep then my answer is, No this bill will not affect that. I would like further to add, if the gentleman is insinuating he would like to regulate the distributor, he can go beyond this bill as far as I am concerned. This bill does not regulate it, but if he wants to do so I have no particular objection.

Mr. AUKER. Mr. Speaker, will the gentleman from York admit that milk inspection on farms as set up by milk distributors is arbitrary in many instances?

Mr. MOUL. Mr. Speaker, yes, that is what I said. I hoped I had made that plain.

Mr. AUKER. Mr. Speaker, will the gentleman from York admit that this bill will not correct that particular situation?

Mr. MOUL. No, Mr. Speaker, I maintain that this bill will correct that particular situation.

Mr. AUKER. Mr. Speaker, will the gentleman from York point out to the Members of the House just how this bill will correct this particular situation?

Mr. MOUL. Mr. Speaker, as I stated on two occasions before, it provides for uniform inspection, one inspection that will apply to farmers in the Pittsburgh area and one for those in Philadelphia, York, Lackawanna, Luzerne, and all of the other sixty-seven counties of the state.

Mr. AUKER. Mr. Speaker, the gentleman has still not answered my question. May I ask him if he would point out where in the bill it abolishes the inspection of farms by milk distributors?

Mr. MOUL. Mr. Speaker, I cannot answer the gentleman in any plainer language.

Mr. AUKER. Mr. Speaker, will the gentleman point out just in what part of the bill that is corrected?

Mr. MOUL. Mr. Speaker, will the gentleman from Blair please state his question again?

Mr. AUKER. Mr. Speaker, will the gentleman point out just in what section of the bill it repeals or prohibits the inspection of farms by milk distributors?

Mr. MOUL. Mr. Speaker, it does so in that it provides for uniform regulation, and if we have uniform regulation for all inspectors, regardless of whether they be dealer inspectors, or municipal inspectors, city inspectors, state inspectors or any other inspectors, they will use the sheet that shows what the uniform regulation will be. I cannot explain it any more plainly than that. They will all use the same regulation; it will be set forth as to what they will do, and if they follow that sheet it does not matter

whether it is a dealer's inspection or what it is, he will have to follow the sheet.

Mr. AUKER. Mr. Speaker, will the gentleman from York state whether or not this will prohibit milk distributors from inspecting farms from which they now purchase milk and set up arbitrary standards so that they could refuse to buy milk from those farms?

Mr. MOUL. Mr. Speaker, absolutely, that is exactly what we are trying to do in this bill. The answer is absolutely, yes.

Mr. AUKER. That is all, Mr. Speaker, of my interrogation. If the gentleman wishes to interrogate me I shall be glad to be interrogated at this time.

The SPEAKER. Does the gentleman from York desire to interrogate the gentleman from Blair at this time?

Mr. MOUL. Mr. Speaker, I was going to but I do not want to burden the House with any long discussion on insignificant questions, but did I understand the gentleman to say that there were no regulations in the Department of Health at the present time?

Mr. AUKER. Mr. Speaker, no, I did not say that. I know that there are regulations at the present time in the Department of Health requiring inspection of milk and produce of farms.

Mr. MOUL. Mr. Speaker, I thought that the gentleman said a while ago they were in such a shape that they were terrible, they were not doing anything about it, and if that be the case they probably would not make any new regulations, and then this bill would not apply because they would not be doing anything inconsistent therewith.

The second question I would like to ask the gentleman from Blair is this: does the gentleman believe in relieving the farmers from this terrible burden of multiplicity of inspection?

Mr. AUKER. I do, Mr. Speaker, and I also believe in protecting the health and the high standards of inspection as pertaining to milk distribution in our cities.

Mr. MOUL. Mr. Speaker, would the gentleman care to tell this House how in any other way it might be possible to relieve the farmers of that terrific burden?

Mr. AUKER. Mr. Speaker, I believe there is a middle ground that can be reached in this particular problem. I believe that if the motion of the gentleman from Allegheny, Mr. Holland, had prevailed, that would have given a chance for the state authorities and the city authorities to sit around a table and talk over the situation and arrive at a bill that would be all-encompassing and not be a hodge podge, which I believe this bill will be.

Mr. Speaker, I have sought by this interrogation to point out what I believe to be some very glaring inconsistencies in the bill, that it will not correct the situation that it is designed to correct, that it will just simply be more or less of a makeshift and will not protect the farmers from some very arbitrary inspections which they now suffer at the hands of some very arbitrary dealers. I will grant that not all dealers are arbitrary. I know that not all municipal authorities are arbitrary. There are some very bad faults on both sides. I believe that an opportunity by all means, ought to be given to the municipal authorities to be heard on this bill, to see if some method can not be arrived at that will correct the situation in its entirety, so that it will be satisfactory to the farmers, the state and the municipal authorities. I have no recourse under this



bill, and I imagine that most of my leagues who are from the cities, if they see it as I do, they will have no recourse but to vote against this bill to protect the high milk standard of inspection that now exists in the various cities and municipalities of the state.

I, therefore, ask the members of the House to vote against this bill.

Mr. WOODRING. Mr. Speaker, I will not tire the Members of the House with a long discourse. However, I rise in support of this Bill. I think we have spoken too much already about it. I do want to state that I am in full accord with what my co-sponsor has stated, that the farmers of the state of Pennsylvania need relief and they need it now. They have needed it for some years.

Every time this question comes before this House it is kicked around, and the farmers do not get the relief which is their due. I know from personal experience and observation that countless farmers all over the state of Pennsylvania have had to do just exactly what Mr. Moul has suggested, they have had to build and rebuild, they have had to repair and re-repair their milk sheds, under the guise of standards.

The dealer inspector comes in and lays down one set of specifications, and the farmer accedes to his suggestion and rebuilds. Then a municipal inspector comes along and has another set of standards, and the farmer rebuilds again. So on, Mr. Speaker, until the poor farmer doesn't know where he stands or what the standards are.

This bill is simply an attempt by the House of Representatives of this Commonwealth to standardize those regulations. If, as has been suggested, a hearing is desired there will be ample time afforded to those people wanting a hearing after the bill has passed our House and before the Senate finally passes upon it. The only opposition that has come to my ears on this proposed bill is that of the municipalities, and in that respect I would like to point out that it is not real opposition but it is the mere statement of a suspicion. The municipalities throughout the state feel that perhaps they are going to be deprived of some opportunity to inspect their milk and exact the health standards that they desire.

In that connection I would like to refer the Members of the House, and call their attention to the original act which this bill 481 proposes to amend. The act of 1935 P. L. 589. Section five reads as follows:—mind, this section is not amended or repealed, but it reads as follows:

"The secretary" meaning the Secretary of Health "may constitute as his agent for the purpose of issuing permits for the sale of milk or milk products, the Department of Health, Board of Health, or Health Officer of any municipality."

In other words the municipalities under the proposed change will still have all the rights of inspection which they have had in past years, ever since the act of 1935 was enacted.

The only thing this proposed bill will do is that it will standardize the regulations for milk production on the farm, so that the farmer will not have to be hard put as they have been in the past.

I urge the support of all of the Members of the House for this bill. I especially ask the rural members to support it because it is necessary to help the farmers. I urge the support of the urban Members of the House as well, because I think it is a necessary enactment for the con-

tinued flow of a most vital commodity for the health and the welfare of all our people.

Mr. NAGEL. Mr. Speaker, I would like to interrogate the gentleman from Blair, Mr. Auker.

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

Mr. AUKER. I shall, Mr. Speaker.

Mr. NAGEL. Mr. Speaker, for my information, I would like to know whether or not the gentleman from Blair knows whether there is any regulation regarding sanitation set up by the Health Department of the State?

Mr. AUKER. Mr. Speaker, I think I answered the gentleman from York on the same question, that there are standards set up by the Health Department of the State, but I feel confident and I feel sure that they are not as high, nor do we have any assurance under this bill that they will be as high, as the standards set up by the municipalities at present enforced in the various municipalities throughout the State. If we could have some assurance, if we could have some hope that the state would bring their standards of milk inspection up to the standard now maintained by the municipal authorities, I would withdraw all of my opposition to this bill, but until that is assured I certainly will oppose it.

Mr. NAGEL. Mr. Speaker, I would like to ask the gentleman from Blair, when he says he thinks that there are regulations in the State, whether or not he knows of any specific regulations set up by our Health Department.

Mr. AUKER. Mr. Speaker, I cannot now name specific regulations, in answer to the gentleman's question. I cannot name specific regulations that are set up by the state, but I do know that they are not as high as the standards set up by the municipalities.

Mr. NAGEL. Mr. Speaker, if the gentleman says he does not know anything regarding the state regulations, and yet knows that they are not as high as the regulations set up in municipalities, how did he arrive at such a conclusion?

Mr. AUKER. Mr. Speaker, my information was given to me by my own municipal authorities in Altoona, who have a very high standard and they should know as they are experts.

Mr. Speaker, I would like to interrogate the gentleman from Beaver, Mr. Nagel.

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

Mr. NAGEL. I shall, Mr. Speaker.

Mr. AUKER. Mr. Speaker, will the gentleman from Beaver tell me what are some of the specific regulations that are now set up by the state for the inspection of milk?

Mr. NAGEL. Mr. Speaker, I did not ask the question. I do not know. I asked for information.

Mr. AUKER. Mr. Speaker, I was just wondering if there are any.

Mr. NAGEL. Mr. Speaker, I want to say to the Members of this House that this is one of the most important pieces of legislation touching our rural districts. It is a matter, a serious matter, that our milk producers have been begging for relief from this terrible grievance. We have had occasions out among these producers, where a man may have his milk house in a certain place, and the state inspector will come along and tell him, "You will have to build a new one." He complies with that request, and within six months or a year another inspector comes along from a distributor and tells him he must move it to

another spot, and in certain cases have required him to pump water to this milk house where before he had running water; and perhaps move it a third time. This is exasperating when we know that they are not even receiving the cost of producing their milk, as testified to in one of the hearings in Pittsburgh by an expert. We know that this condition cannot prevail long.

I believe that those who oppose this bill are sincere in their efforts. They have my sympathy, but I believe they are deluded. I believe they are deceived by certain inimical interests that are working to promote their own selfish ends, and as far as waiting or as far as postponing action on this bill confronting this House, I think every member of the House is familiar with the fact that if and when this bill is passed by this House, it still does not become a law, as it must be referred to the other legislative body in this Assembly, and there receive action. If there is anything drastically wrong with the bill, why not take it up with the Senate and have it corrected there?

I want to say to our Members on this side of the House that when you go back to campaign or run for office, how can you go out to your rural districts and ask them for a vote to return you to this House when you have voted against the bill? The same thing applies here on the other side of the House; many of you represent rural districts and farmers that are crying and shedding tears, and are accumulating mortgages on their farms just because of this great burden that most selfishly has been placed upon them. Consider that, Members, consider the people at home; let us give them a square deal. I am fair on this. I am not partisan on it. I have all confidence that if this bill becomes a law the administration in power that has appointed the personnel of our Health Department have appointed such persons as are competent and able to set up high standards in milk sanitation. There is no reason why you should oppose it. It is not a danger, but it is a benefit to the great industry in this Commonwealth of Pennsylvania. I ask every Member of the House to support this bill.

Mr. HOLLAND. Mr. Speaker, I believe that the question of overlapping inspection is one that we all agree on. I do not believe there is a Member of this House, whether he be from the city or from the rural districts that does not agree that this should be corrected. All we ask to do is to sit around a round table and prepare a bill that we know will work. This bill as it now stands, I admit, takes care of the farmers. We do not know how the health regulations will be made because we are not legislating, all we are doing is passing a bill, and I might say passing the buck to an administrative bureau to make rules and regulations.

I want to point out on page 2, section 18, lines 16 to 23 of the bill. By the deletion of lines 16 to line 23 you take away from every municipality the right to even issue permits to a milk dealer. You place it all on the state. There is no selfish interest in this. I am assured, and I know from experience, that the Director of Health of the city of Pittsburgh is not interested in any milk company. What he is interested in is protecting the health of the people of the city of Pittsburgh. We all know that before the municipalities passed the so-called drastic laws we had epidemics of dysentery, fever, summer complaints and colic. In our city that took great toll. If the people of the rural districts and the people of the city districts would only take time enough out to sit down, I know

we would get a bill that every Member of this House could vote for. That is all I think these people want, who after all, are making their living by selling milk to the people in the city. The health of the people of Pennsylvania comes first and profits come second.

Mr. MOUL. Mr. Speaker, we are hearing the same argument we have heard every time one of these bills comes before the House. Every time we ask for uniform inspection somebody asks for delay. For twenty years the farmers have waited hoping that sometime the delay would cease and they would have an opportunity. Nobody today has asked us to delay it for any reason that has not been thrashed out previously at some previous session of the legislature.

The gentleman from Blair has been using the arguments that there should be delay; we shall just wait a little while. He says he does not know how it will come out, but if we would just sit down and wait, finally somebody will get an idea which will be better than this one, but we have waited for twenty years and at the moment this seems the best that we have.

Members of the House, it is a question of whether we want to do something for the farmer or whether we do not. Gentlemen on both sides of the House, we have come to the point where we must decide whether or not we are going to do the best for the farmer we know how at this particular moment. If we get smarter in the future, then I for one will be glad to vote for a bill that will do the job better, but this at the moment is the best, after twenty years of discussion, that we can arrive at. So I appeal to you if you want to do something for the farmer on this question, now is the time to do it.

Mr. ELY. Mr. Speaker, I speak on this question from the standpoint of a producer of milk over a period of twenty-three years. I agree with the gentleman from York as to the disadvantages of multiple inspection. The farmers for many years in our section have been under the inspection of New York city, New York state, and many of them New Jersey. I know fully the disadvantages of multiple inspection. But there is a point in this bill which has not been brought out in all the discussion which we have already had and which more than outweighs the advantages.

At the present time when a dealer in any market is at variance with his producer in regard to price he cannot go outside his own area and bring in milk because it is not inspected for that particular market. If this bill were to be passed he could go anywhere in the state and bring any milk into that market, break down the market and defeat his producer from securing a better price. Not only that, but it would open up a flow of out-of-state milk. At the present time there are farms as far away as Wisconsin bringing cream into Pennsylvania from those farms. If this bill is passed I can see no reason why milk should not be brought in from as far away as Wisconsin to break down any market in Pennsylvania where the dealer was at variance with his producer with regard to price. While I realize the advantages of this bill, the disadvantages to my mind far outweigh the advantages and I am compelled to vote "no" on this measure.

In my own particular locality it would not affect the farmers, it would not save them from multiple inspection, on account of the milk going into New York city where they would still be under the inspection of New York city, New York state, and in many cases New Jersey.

Members of the House, before we pass this bill let us consider these things very carefully. The disadvantages far outweigh the advantages of having uniform inspection.

Mr. GYGER. Mr. Speaker, as a Member actually engaged in the production of milk it has been brought out that the cities would probably not receive good milk. There are no people more interested in furnishing the cities with good milk than the producers themselves, because after all unless you have a satisfied buyer of milk you do not have a good market. I am sure the farmers are just as anxious to sell good milk to the cities as the cities are to receive it.

As far as this inspection is concerned I know of farmers who have had five different inspectors in one day, each with a different idea. The farmers do not object to inspection, and we do not object even if it is high, but we want it uniform so that when one inspector comes on the farm the things we do we want to know are right; we do not want to be told one thing one day and the next day told to do something else. The thing the farmer wants more than anything else is that he will know when he repairs things or builds things they will stay right, at least for twenty-four hours.

Mr. WOODSIDE. Mr. Speaker, there has been a lot of intelligent debate on this bill, and a lot of interrogations, but there is one question that has not been answered, about which I have some concern. That is whether the dirty farmer of the House will be prevented from milking his cow on this bill.

Mr. TURNER. Mr. Speaker, I would say that this vote will not preclude the "dirty farmer" from milking his cow, nor will it relieve him of multiple inspection, nor from placing the windows in his barn on the south, west, east or north, nor from moving his milkhouse from one part of the farm to another, for the simple reason that the gentleman from Delaware has no barn, and no cows.

I would like 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 am in hearty sympathy with my fellow farmers who find difficulty with multiplicity of inspection, but I find there is a tremendous multiplicity of inspection in all the Departments of state.

I would like to ask the gentleman from York, would it not be possible to set up uniform inspection insofar as the farmers are concerned and at the same time leave to the municipalities the opportunity, or the right to set standards so far as their milk is concerned?

Mr. MOUL. Mr. Speaker, will the gentleman please explain to me what he means by "standards"? Perhaps the answer to the question will depend upon what he says he means by "standards."

Mr. TURNER. Mr. Speaker, I would presume there are two questions as to standards. One would be the standard pertaining to bacteria, or as to the cleanliness of the product as delivered; the other one would be as to the content of butter fat.

Mr. MOUL. Mr. Speaker, we hope that under this

setup nobody would attempt to lower any standards as far as cleanliness is concerned, and I for one, as I stated before, would be only too glad to vote for any bill, regardless of what it might be, if I were convinced that it is going to stop multiplicity of inspections in Pennsylvania. That is my one interest, and I know in saying that I speak for a great many more Members of the House who have the same problem before them. I certainly would be willing to vote for any such bill, but I have been a Member of this House, this is my third term, and I have never seen any other attempt except in this way to solve that particular problem. I think in view of that fact and in fairness to the farmers of Pennsylvania what we should do here today is to vote in favor of this bill, and then if within the next day or the next week or two weeks, before the bill is passed by the Senate and signed by the Governor, somebody can sell us the idea that they have something that we want. I think I can speak for the members that come from the sections that have farmers who are interested, I think I would be willing to substitute something else that will do the job.

Mr. TURNER. Mr. Speaker, I think the difficult position that many of us find ourselves in is that while we agree heartily on the question of multiplicity of inspection, and believe that the farmer should be relieved of that as far as possible to do so, yet on the other hand we are asked to vote for a bill which as I understand the interrogations would prohibit the municipalities from setting up their standards.

That raises a question in the minds of many of us, especially in my own county, where we have a large number of small municipalities, townships and boroughs, who have their own inspection, and who have their own licensing provisions. In the past when this measure was before the legislature we always received from our different municipalities a large number of protests against the passage of the act. They have explained to us the necessity for that sort of an inspection, and rather than vote on a measure which would prohibit them from having such inspection, no matter what my feelings may be towards the farmers as to the necessity of relieving them from this difficulty, I am compelled to vote "no" on this measure, because I know that in these municipalities in Delaware County they protest against the breaking down of the provisions they have now under the law of setting standards to determine the kind of milk they will have in their own communities.

Mr. ACHTERMAN. Mr. Speaker, I am rather surprised that the other side of this House should have such little faith in their own Department as to believe that the standards they would set would be so inferior to the standards now existing and created by the municipalities. I am rather surprised that they have no confidence that a Republican administration would not jeopardize the health of the citizens by letting down the bars.

In other words, the opposition, if we are to believe it, is based solely on a lack of confidence in their own Department. However, I might say that I have grave doubts that that is the reason that has actuated all of their opposition at the present time.

Let me read to the members of the House the reason why I doubt that opposition or the sincerity of it. I am

reading now from the history of the House Bills of 1939. Listen to it.

"An act to amend section 18 of the act approved the second day of July, nineteen hundred and thirty-five (P. L. 589), entitled 'Milk and Sanitation Law,' requiring local ordinances in certain cases to conform to this act and the regulations made thereunder."

This bill was introduced by whom? By the gentleman from Blair, Mr. Auker, and also the gentleman from Blair, Mr. Jones. But when the same bill and the same act is introduced a few years later, these gentlemen are opposing it. Is there sincerity in that opposition, or is he opposed to it because he did not introduce this particular bill?

I submit to the Members of the House that the farmers of Pennsylvania certainly have a right to ask the Members of this House to sincerely oppose measures, rather than for facetious reasons or reasons of a personal nature, that is, because they do not receive the credit or the benefit. I am saying that that opposition should be voiced for substantial reasons, and not purely for the purpose of opposition. It is for those reasons, plus the fact that the farmers have been crying for this thing for years, that the membership of this House should support the measure and support it regardless of whether they are Republicans or Democrats. Vote your convictions here, which you know will be sustained and upheld by the farmers, and incidentally not destroy the high standard now existing in Pennsylvania.

Mr. HUNTLEY. Mr. Speaker, I did not realize that this was a partisan bill and I did not expect to speak on it, but since the partisan nature has been brought up I think it is time that I should ask the Members of the House to lay partisanship aside and discuss the bill on its merits.

I come from a county that is not an agricultural county, although we have a number of people in it that make a living on little mountain farms. They are in a good position to make their living with a few cows. Many of them have undertaken it but on account of this multiplicity of inspection which has cost them more than the profit they could possibly get out of having a few cows, they have virtually all gone out of business, and the big milk dealers get the most of their milk from out of the county as a result.

I feel this way about this bill. I would like to vote on both sides. I believe there are merits on both sides, but my experience is this, that the big boys think the farmers, especially the little farmers, are a bunch of clodhoppers because they do not have the money to carry it through, and it is always a case of putting off, putting off and putting off. We have learned on both sides of the house that this question has been agitated for the past 20 years so that it is about time for the farmer and for everybody who is a friend of the farmer, to come to the farmer's support and show the farmers they mean business. After the big boy gets everything out of what he calls clodhoppers he can get, it is time for us to show these big boys we now mean business and do something to solve the problem rightly. Therefore, for that reason I am going to vote for this bill.

Mr. AUKER. Mr. Speaker, I do not wish to prolong this argument but since the gentleman from Monroe, Mr. Achterman has seen fit to raise more or less a personal issue I feel I should answer him.

It is true that we did introduce more or less the same kind of a bill in 1930, but I will remind the gentleman from

Monroe that that bill was called back on second reading, and never came up for further consideration in the House. There was nothing further said. The bill was introduced in 1939 to correct the very thing we are here trying to correct here, to wit, this multiplicity of inspection of farmers. When we found we could not get the various parties together and when we found there was no guarantee that the state would set up as high a standard for milk as was set up by the municipalities we did not push the bill. That is the reason why the bill did not come back, but not for any such petty motive as the majority floor leader has seen fit to inject into this discussion.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. BAKER, POLEN and FLEMING asked for a verification of the roll.

The roll was verified and was as follows:

#### YEAS—155

Achterman,	Gillan,	Maxwell,	Rooney,
Balthaser,	Goodwin,	McClanaghan,	Rose, S.,
Baughner,	Greenwood,	McClester,	Rosenfeld,
Bentzel,	Gross,	McDermott,	Rush,
Boles,	Gryskewicz,	McDowell,	Sarge,
Boney,	Gyger,	McFall,	Sarraff,
Bower,	Habbyshaw,	McGrath,	Serrill,
Bradley,	Haberlen,	McIntosh,	Shaffer,
Breth,	Haines,	McLanahan,	Shaw,
Bretherick,	Hall,	McLane,	Shepard,
Brunner, P. A.,	Hamilton,	McMillen,	Simons,
Burns,	Hare,	McSurdy,	Skale,
Burriss,	Harkins,	Melchiorre,	Snyder,
Chudoff,	Harris,	Mihm,	Sollenberger,
Cochran,	Heatherington,	Modell,	Sorg,
Cohen, M. M.,	Helm,	Monks,	Stank,
Cohen, R. E.,	Hering,	Mooney,	Stine,
Cook,	Herman,	Moran,	Stockham,
Corrigan,	Hersch,	Moul,	Tarr,
Croop,	Hewitt,	Muir,	Tate,
Cullen,	Hirsch,	Munley,	Thompson, E. F.,
Dalrymple,	Huntley,	Nagel,	Van Alseburg,
DiGenova,	Imbrie,	Nunemacher,	Vincent,
Dolon,	James,	O'Brien,	Vogt,
D'Ortona,	Jefferson,	O'Connor,	Voldow,
Duffy,	Jones, G. F.,	O'Neill,	Wagner,
Early,	Jones, P. N.,	Owens,	Watkins,
Elder,	Keenan,	Petroky,	Weiss,
Elliott,	Kenehan,	Pettit,	Welsh, E. B.,
Falkenstein,	Kolankiewicz,	Polaski,	Welsh, M. J.,
Finestone,	Komorowski,	Powers,	Wilkinson,
Fisher,	Krize,	Prosen,	Williams,
Fies,	Letzey,	Ranb,	Wolf,
Fletcher,	Lesko,	Rausch,	Wood, N.,
Flynn,	Levy,	Readinger,	Woodring,
Foor,	Loudis,	Reagan,	Woodside,
French,	Lichtenwalter,	Reese, R. E.,	Yeakel,
Gallagher,	Longo,	Reynolds,	Young,
Gates,	Lovett,	Riley,	Kilroy,
Gerard,	Lyons,		Speaker.
	Malloy,		

#### NAYS—32

Auker,	Dennison,	Knoble,	Royer,
Baker,	Dix,	Lee, E. A.,	Stambaugh,
Bentley,	Dyv,	Leonard,	Taylor,
Boorse,	Fleming,	Marks,	Thompson, R. L.,
Brown,	Gillette,	McKinney,	Trout,
Cadwalader,	Harmuth,	Pence, D. P.,	Turner,
Cooper,	McLand,	Rhea,	Winner,
Cordier,	Kilne,	Rose, W. E.,	Yester,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. KEENAN asked and obtained permission for the Committee on Counties to meet during the session of the House.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 382, as follows:

An Act authorizing counties cities boroughs incorporated towns and townships to appropriate money for the establishment or continuance of Federal Surplus Commodities Stamp plans therein

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The respective authorities of the several counties cities boroughs incorporated towns and townships of this Commonwealth are hereby authorized to appropriate from time to time as required such amounts as may be deemed advisable or necessary to aid in the establishment or continuance therein of Federal Surplus Commodities Stamp plans for the removal of surplus agricultural commodities set up by the Federal Government under the authority of Acts of Congress and rules and regulations duly adopted in accordance therewith

Section 2 The sums appropriated by the several counties cities boroughs incorporated towns and townships may be deposited in one fund in the name of trustees designated by the Secretary of the Department of Public Assistance Said trustees shall use the fund for the purchase of Federal Surplus Commodities Stamps from the Federal Government Upon withdrawal of any county city borough incorporated town or township from further participation in the Federal Surplus Commodities Stamp plan such county city borough incorporated town or township shall be reimbursed from the fund to the full extent of its contributions

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—187

- |                 |                |              |                  |
|-----------------|----------------|--------------|------------------|
| Achterman,      | Foor,          | Longo,       | Rose, W. E.,     |
| Auker,          | French,        | Lovett,      | Rosenfeld,       |
| Baker,          | Gallagher,     | Lyons,       | Royer,           |
| Balthaser,      | Gates,         | Malloy,      | Rush,            |
| Baughner,       | Gerard,        | Marks,       | Sarge,           |
| Bentley,        | Gillan,        | Maxwell,     | Sarraff,         |
| Bentzel,        | Gillette,      | McClanaghan, | Serrill,         |
| Boles,          | Goodwin,       | McClester,   | Shaffer,         |
| Boney,          | Greenwood,     | McDermott,   | Shaw,            |
| Boorse,         | Gross,         | McDowell,    | Shepard,         |
| Bower,          | Gryskewicz,    | McFall,      | Simons,          |
| Bradley,        | Gyger,         | McIntosh,    | Skale,           |
| Breth,          | Habbyshaw,     | McKinney,    | Snyder,          |
| Bretherick,     | Haberlen,      | McLanahan,   | Sollenberger,    |
| Brown,          | Haines,        | McLane,      | Sorg,            |
| Brunner, P. A., | Hall,          | McMillen,    | Stambaugh,       |
| Burns,          | Hamilton,      | McSurdy,     | Stank,           |
| Burris,         | Hare,          | Melchiorre,  | Stine,           |
| Cadwalader,     | Harkins,       | Mihm,        | Stockham,        |
| Chudoff,        | Harmuth,       | Modell,      | Tarr,            |
| Cochran,        | Harris,        | Monks,       | Tate,            |
| Cohen, M. M.,   | Heatherington, | Mooney,      | Taylor,          |
| Cohen, R. E.,   | Helm,          | Moran,       | Thompson, E. F., |
| Cook,           | Hering,        | Moul,        | Thompson, R. L., |
| Cooper,         | Herman,        | Muir,        | Trout,           |
| Cordier,        | Hersch,        | Munley,      | Turner,          |
| Corrigan,       | Hewitt,        | Nagel,       | Van Allsburg,    |
|                 | Hirsch,        | Nunemacher,  | Vincent,         |

- |              |               |                |               |
|--------------|---------------|----------------|---------------|
| Croop,       | Holland,      | Lichtenwalter, | Rooney,       |
| Cullen,      | Huntley,      | O'Brien,       | Rose, S.,     |
| Dalrymple,   | Imbrie,       | O'Connor,      | Vogt,         |
| Dennison,    | James,        | O'Neill,       | Voldow,       |
| DiGenova,    | Jefferson,    | Owens,         | Wagner,       |
| Dix,         | Jones, G. E., | Petrosky,      | Watkins,      |
| Dolon,       | Jones, P. N., | Pettit,        | Wells,        |
| D'Ortona,    | Keenan,       | Polaski,       | Welsh, E. B., |
| Duffy,       | Kenehan,      | Polen,         | Welsh, M. J., |
| Early,       | Kilne,        | Powers,        | Wilkinson,    |
| Eckels,      | Knoble,       | Prosen,        | Williams,     |
| Elder,       | Kolankiewicz, | Rank,          | Winner,       |
| Elliott,     | Komorowski,   | Rausch,        | Wolf,         |
| Ely,         | Krise,        | Readinger,     | Wood, N.,     |
| Falkenstein, | Lee, E. A.,   | Reagan,        | Woodring,     |
| Finestone,   | Lelsey,       | Reese, D. P.,  | Woodside,     |
| Fisher,      | Leonard,      | Reese, R. E.,  | Yeakel,       |
| Floss,       | Lesko,        | Reynolds,      | Yester,       |
| Fleming,     | Levy,         | Rhea,          | Young,        |
| Fletcher,    | Leydic,       | Riley,         | Kilroy,       |
| Flynn,       |               |                | Speaker.      |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 402, as follows:

An Act providing for the organization government discipline maintenance and regulation of an additional land force to be known as the Pennsylvania Reserve Defense Corps for the defense of the Commonwealth during any period of time in which the National Guard of Pennsylvania or any part thereof shall be in active service of the United States

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Organization of Reserve Defense Corps Whenever the Pennsylvania National Guard or any part thereof shall be called or ordered into the service of the United States during any war or other emergency thereupon the Governor shall have the authority and power to organize an armed land force for the defense of the Commonwealth during said war or emergency and for the defense of civil population against aircraft and gas attack which shall be known and designated as the Pennsylvania Reserve Defense Corps and shall be available at the discretion of the Governor for active military duty whenever an invasion of or an insurrection in the State shall occur or be threatened or a tumult riot or disaster shall threaten or exist

Section 2 Composition and Strength The Pennsylvania Reserve Defense Corps shall consist of such divisions brigades regiments battalions companies and similar organizations as may be prescribed by the Governor

Section 3 Term of Service Whenever the Pennsylvania National Guard shall have been restored to state status and shall be enabled to resume its state organization thereupon the term of service of the Pennsylvania Reserve Defense Corps shall cease and determine subject to the discretion of the Governor as to the time and manner in which the same or component parts thereof shall be mustered out

Section 4 Location of Units The Governor shall designate the location of the several units and may change the same at any time Units shall be located so far as practicable in armory buildings owned by the Commonwealth

Section 5 Oath of Commissioned Officers Each commissioned officer before entering upon the duties of his appointment shall take and subscribe the following oath "I ..... do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of Pennsylvania against all enemies that I will bear true faith and allegiance to the same that I will obey the orders of the Governor of the State of Pennsylvania that I make this obligation freely

without any mental reservation or purpose of evasion and that I will well and faithfully discharge the duties of the office . . . . . in the Pennsylvania Reserve Defense Corps upon which I am about to enter”

Section 6 Age and Physical Requirements The Governor may by executive order prescribe from time to time the age limitations and physical qualifications which will govern the enlistments and commissions in the Pennsylvania Reserve Defense Corps

Section 7 Enlistment Contract and Oath Every man enlisting in the Pennsylvania Reserve Defense Corps shall sign an enlistment contract and take and subscribe to the following oath of enlistment “I do hereby acknowledge to have voluntarily enlisted this . . . . . 19. . . . . as a soldier in the Pennsylvania Reserve Defense Corps for the period of the present war or other emergency unless sooner discharged by proper authority and I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of Pennsylvania and that I will serve them honestly and faithfully against all their enemies whomsoever and that I will obey the orders of the Governor of the State of Pennsylvania and of the officers appointed over me according to law and the rules and articles of war”

Section 8 Pay Transportation Annual Encampment There shall be no pay for officers or enlisted men for armory drills In event of a call of any part of the Pennsylvania Reserve Defense Corps into active state duty the pay and transportation of officers and enlisted men shall be on the same basis as is provided for the Pennsylvania National Guard when on active state duty The Governor may in his discretion provide for an annual encampment of not to exceed fifteen (15) days training in any one year for the Pennsylvania Reserve Defense Corps during which period the pay and transportation of officers and enlisted men shall be on the same basis as is provided for the Pennsylvania National Guard

Section 9 Annual Allowance The Adjutant General shall have power and authority to make such annual allowances to organizations and headquarters of organizations as he may deem necessary Where an organization is in service for a fractional part of the fiscal year the allowance shall be reduced accordingly

Section 10 Uniforms Arms and Equipment The Governor shall have the authority and power to requisition from the War Department of the United States such arms and equipment as may be available for use of the Pennsylvania Reserve Defense Corps under the provisions of Public Resolution No 874 the 76th Congress of the United States approved October 21 1940 and such other uniforms arms and equipment as may hereafter be authorized by the Congress of the United States to be made available to the Pennsylvania Reserve Defense Corps The Governor shall have further authority and power to make available for the use of the Pennsylvania Reserve Defense Corps such uniforms arms and equipment as may be owned by the Commonwealth or as may be in possession of the Commonwealth for the purpose of such use. In the absence of any provision of uniforms arms and equipment by the United States such uniforms arms and equipment may be prescribed by the Governor and provided at the cost of the Commonwealth

Section 11 Uniforms Arms and Equipment of Officers Every commissioned officer shall furnish his own arms uniforms and equipment which shall be as prescribed by the Adjutant General An allowance for this purpose of not to exceed one hundred dollars (\$100.00) for each officer may be prescribed by the Governor

Section 12 National Guard Laws Generally to Apply All Pennsylvania laws or sections of laws pertaining to the Pennsylvania National Guard shall be applicable and shall govern the Pennsylvania Reserve Defense Corps except as modified or changed by the provisions of this act

Section 13 Constitutionality The provisions of this act are severable and if any provision hereof shall be held to be unconstitutional the decision so holding shall not be construed to affect any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been contained therein

Section 14 Repeal The act approved the twenty-second day of June one thousand nine hundred and seventeen (P. L. 628) entitled “An act providing for the organization government discipline maintenance and regulation of an additional armed land force for the defense of the Commonwealth of Pennsylvania during any war in which the United States may become engaged” and the act approved the twenty-fourth day of March one thousand nine hundred and thirty-seven (P. L. 106) entitled “An act providing for the organization government discipline maintenance and regulation of an additional land force to be known as the Pennsylvania Reserve Militia for the defense of the Commonwealth during any war in which the United States may be engaged” are hereby repealed

Section 15 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 187

- |                 |                |                |                  |
|-----------------|----------------|----------------|------------------|
| Achterman,      | Foor,          | Lichtenwalter, | Rooney,          |
| Auker,          | French,        | Longo,         | Rose, S.,        |
| Baker,          | Gallagher,     | Lovett,        | Rose, W. E.,     |
| Balthaser,      | Gates,         | Lyons,         | Rosenfeld,       |
| Baughner,       | Gerard,        | Malloy,        | Royer,           |
| Bentley,        | Gillan,        | Marks,         | Rush,            |
| Bentzel,        | Gillette,      | Maxwell,       | Sarge,           |
| Boles,          | Goodwin,       | McClanaghan,   | Sarraf,          |
| Boney,          | Greenwood,     | McClester,     | Serrill,         |
| Boorse,         | Gross,         | McDermott,     | Shaffer,         |
| Bower,          | Gryskewicz,    | McDowell,      | Shaw,            |
| Bradley,        | Gyger,         | McFall,        | Shepard,         |
| Breth,          | Habbyshaw,     | McIntosh,      | Sims,            |
| Bretherick,     | Haberlen,      | McKinney,      | Skale,           |
| Brown,          | Haines,        | McLanahan,     | Snyder,          |
| Brunner, P. A., | Hall,          | McLane,        | Sollenberger,    |
| Burns,          | Hamilton,      | McMillen,      | Sorg,            |
| Burris,         | Hare,          | McSurdy,       | Stambaugh,       |
| Cadwalader,     | Harkins,       | Melchiorre,    | Stank,           |
| Chudoff,        | Harmuth,       | Mihm,          | Stine,           |
| Cochran,        | Harris,        | Modell,        | Stockham,        |
| Cohen, M. M.,   | Heatherington, | Monks,         | Tarr,            |
| Cohen, R. E.,   | Helm,          | Mooney,        | Tate,            |
| Cook,           | Hering,        | Moran,         | Taylor,          |
| Cooper,         | Herman,        | Moul,          | Thompson, E. F., |
| Cordier,        | Hersch,        | Muir,          | Thompson, R. L., |
| Corrigan,       | Hewitt,        | Munley,        | Trout,           |
| Croop,          | Hirsch,        | Nagel,         | Turner,          |
| Cullen,         | Holland,       | Nunemacher,    | Van Allsburg,    |
| Dalrymple,      | Huntley,       | O'Brien,       | Vincent,         |
| Dennison,       | Imbrie,        | O'Connor,      | Vogt,            |
| DiGenova,       | James,         | O'Neill,       | Voldow,          |
| Dix,            | Jefferson,     | Owens,         | Wagner,          |
| Dolon,          | Jones, G. E.,  | Petrosky,      | Watkins,         |
| D'Ortona,       | Jones, P. N.,  | Pettit,        | Weiss,           |
| Duffy,          | Keenan,        | Polaski,       | Welsh, E. B.,    |
| Early,          | Kenehan,       | Polen,         | Welsh, M. J.,    |
| Elder,          | Kline,         | Powers,        | Wilkinson,       |
| Elliott,        | Knoble,        | Prosen,        | Williams,        |
| Ely,            | Kolankiewicz,  | Rank,          | Winner,          |
| Falkenstein,    | Komorofski,    | Rausch,        | Wolf,            |
| Finestone,      | Krise,         | Readinger,     | Wood, N.,        |
| Fisher,         | Lee, E. A.,    | Reagan,        | Woodring,        |
| Fiss,           | Leisey,        | Reese, D. P.,  | Woodside,        |
| Fleming,        | Leonard,       | Reese, R. E.,  | Yeakel,          |
| Fletcher,       | Lesko,         | Reynolds,      | Yester,          |
| Flynn,          | Levy,          | Rhea,          | Young,           |
|                 | Lcydic,        | Riley,         | Kilroy,          |

Speaker.

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,



The House proceeded to the third reading and consideration of House Bill No. 374, as follows:

An Act to add clause (e) to section four of the act approved the second day of July one thousand nine hundred and thirty-five (P. L. 540) entitled "An act defining the term "fiduciary" prescribing the nature and kind of investments which may be made by such fiduciaries validating certain investments heretofore made by such fiduciaries and repealing acts and parts of acts inconsistent herewith" by permitting fiduciaries holding mortgages to accept deeds in lieu of foreclosures and prescribing the effect thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the second day of July one thousand nine hundred and thirty-five (P. L. 540) entitled "An act defining the term 'fiduciary' prescribing the nature and kind of investments which may be made by such fiduciaries validating certain investments heretofore made by such fiduciaries and repealing acts and parts of acts inconsistent herewith" is hereby amended by adding thereto after sub-section (d) a new sub-section to read as follows

Section 4

\* \* \*

(e) In all cases where fiduciaries may hold in their hands any mortgage or mortgages they may with the approval of the court of common pleas accept from the owners of the mortgaged property a deed or deeds to such property in lieu of foreclosure of such mortgage or mortgages with the same effect as to the maintenance of the fiction of personality as though title were acquired by foreclosure and purchase by such fiduciary at sheriff's sale Provided That the deed or deeds so made shall recite that such deed is made to save the cost of foreclosure under the terms of this act. And provided further That nothing in this act shall relieve such fiduciaries from responsibility for their acts as in other cases

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 187

- Achterman, Foor, Lichtenwalter, Rooney,
Auker, French, Longo, Rose, S.,
Baker, Gallagher, Lovett, Rose, W. E.,
Balthaser, Gates, Lyons, Rosenfeld,
Baugher, Gerard, Malloy, Royer,
Bentley, Gillan, Marks, Rush,
Bentzel, Gillette, Maxwell, Sarge,
Boles, Goodwin, McClanaghan, Sarraf,
Boney, Greenwood, McClester, Serrill,
Boorse, Gross, McDermott, Shaffer,
Bower, Gryskewicz, McDowell, Shaw,
Bradley, Gyger, McFall, Shepard,
Breth, Habbyshaw, McIntosh, Simons,
Bretherick, Haberlen, McKinney, Skale,
Brown, Haines, McLanahan, Snyder,
Brunner, P. A., Hall, McLane, Sollenberger,
Burns, Hamilton, McMillen, Sorg,
Burriss, Hare, McSurdy, Stambaugh,
Cadwalader, Harkins, Melchiorre, Stank,
Chudoff, Harmuth, Mihm, Stine,
Cochran, Harris, Modell, Stockham,
Cohen, M. M., Heatherington, Monks, Tarr,
Cohen, R. E., Helm, Mooney, Tate,
Cook, Hering, Moran, Taylor,
Cooper, Herman, Moul, Thompson, E. F.,
Cordier, Hersch, Muir, Thompson, R. L.,
Corrigan, Hewitt, Munley, Trout,
Croop, Hirsch, Nagel, Turner,
Cullen, Holland, Nunemacher, Van Allsburg,
Dalrymple, Imbrle, O'Brien, Vincent,
O'Connor, Vogt,

- Dennison, James, O'Neill, Voldow,
DiGenova, Jefferson, Owens, Wagner,
Dix, Jones, G. E., Petrosky, Watkins,
Dolon, Jones, P. N., Pettit, Wells,
D'Ortona, Keenan, Polaski, Welsh, E. B.,
Duffy, Kenehan, Polen, Welsh, M. J.,
Early, Kline, Powers, Wilkinson,
Elder, Knoble, Prosen, Williams,
Elliott, Kolankiewicz, Rank, Winner,
Ely, Komorofski, Rausch, Wolf,
Falkenstein, Krise, Readinger, Wood, N.,
Finestone, Lee, E. A., Reagan, Woodring,
Fisher, Lelsey, Reese, D. P., Woodside,
Fiss, Leonard, Reese, R. E., Yeakel,
Fleming, Lesko, Reynolds, Yester,
Fletcher, Levy, Rhea, Young,
Flynn, Leydic, Riley, Kilroy,

Speaker.

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 183, as follows:

An Act to amend section seven hundred two and to further amend section nine hundred five of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the establishment and maintenance of fire hydrants and fire hydrant water service and the levy of a special tax therefor with the assent of electors

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seven hundred two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto"

Section 702 Supervisors to Exercise Powers The corporate powers of townships of the second class shall be exercised by the township supervisors They shall have power \* \* \* \*

XXII Fire Hydrants and Water Supply Special Tax With the consent of two-thirds of the electors of the township voting thereon as hereinafter provided to enter into contract with water companies for the placing of fire hydrants and for the maintenance of adequate water pressure for fire purposes and to levy an annual tax not exceeding one mill for the purpose of defraying the expense thereof

Whenever twenty-five or more duly qualified electors of the township shall petition the supervisors for the establishment and maintenance of fire hydrants and fire hydrant water service and the levy of a tax not exceeding one mill to defray the expense thereof and for a referendum thereon the supervisors shall if they approve thereof cause a question to be submitted at the next municipal election occurring at least sixty days thereafter by certifying a resolution duly adopted to the county commissioners for submission on the ballot or on voting machines in the manner provided by the election laws of this Commonwealth If two-thirds or more of the persons voting on such question in the township shall vote "Yes" then the supervisors shall have power to enter into contract and levy an annual tax as aforesaid Provided That no such question shall be submitted at any election unless the resolution of the board of supervisors authorizing the same shall be published once in a newspaper of general circulation published in the county in which the township is situated If within thirty (30) days after date of publication taxpayers of the township whose property valuation as assessed for taxable purposes within the township shall amount to thirty-five per centum (35%) of the total property valuation as assessed for taxable purposes within the township shall sign and file with the chairman of

the board of supervisors a written protest against submitting such question at any election then the board of supervisors shall not certify any resolution to the county commissioners as provided in this clause

Section 2 Section nine hundred five of said act as amended in part by section one of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1299) is hereby further amended to read as follows

Section 905 General and Special Tax Levies The board of township supervisors may by resolution levy taxes upon all property and upon all occupations or upon property alone within the township made taxable for township purposes as ascertained by the last adjusted valuation for county purposes for the purposes and at the rate hereinafter specified to wit

One An annual road tax for road bridge and general township purposes not later than the fourth Monday of March of each year not exceeding seven mills except where necessary to pay existing indebtedness and interest thereon in which case two additional mills may be levied Where the board of supervisors by a majority action shall upon due cause shown petition the court of quarter sessions for the right to levy additional millage the court after such public notice as it may direct and after hearing may order a greater rate than nine mills but not exceeding seven additional mills to be levied Such annual road tax shall include all levies for road purposes and for the payment of bonds and certificates of indebtedness issued and all other debts incurred for road purposes Not less than ten per centum of the annual road tax shall be set aside by the respective townships and used for the payment of existing indebtedness incurred for road purposes for the payment of which indebtedness no provision has been made All road tax shall be collected in cash

Two A tax for the purpose of building and maintaining a lockup after obtaining the assent of the electors of the township in the manner provided in this act

Three Upon the receipt of a petition of a majority of the owners of real estate of the township requesting it an annual tax not exceeding five mills for the purpose of lighting the streets and highways in the manner provided by the general powers of this act and of defraying the cost charges and expenses thereof

Four An annual tax so long as necessary not exceeding fifty per centum of the rate of assessment for road purposes for the purpose of procuring a lot and erecting a building thereon for a townhouse and for the payment of indebtedness incurred in connection therewith Provided The total indebtedness for the payment of which any such tax shall be levied shall not exceed one-half of one per centum of the assessed value of real estate in the township

Five A tax not exceeding two mills and not exceeding the amounts hereinafter limited for the purpose of purchasing and maintaining fire apparatus and to provide with the assent of the electors of the township as hereinafter provided a suitable place for the housing of the same and to make appropriations to fire companies for the purchase and maintenance of fire apparatus but the total expenditure for the purchase of fire apparatus by the township together with the amount of appropriation to one or more fire companies from such taxes shall not for the first fiscal year exceed in all the sum of seven thousand five hundred dollars nor shall any new fire apparatus be thereafter purchased by the township or by any fire company from appropriations made by the township without the consent of the electors as hereinafter provided nor shall the total expenditure by the township in any fiscal year for the purpose of maintenance and operation together with the appropriations to any one or more fire companies exceed forty-five hundred dollars

Six A tax not exceeding one mill for the purpose of establishing and maintaining fire hydrants and fire hydrant water service after obtaining the assent of two-thirds of the electors of the township voting thereon in the manner provided in this act

Whenever the assent of the electors is required as hereinbefore provided the same shall be expressed at an

election to be held at the place time and under the same regulations as provided by law for the holding of municipal elections At such election the election officers shall receive ballots from the electors which shall be prepared in the manner prescribed by the general election law in receiving and counting and in making return of the votes cast the election officers shall be governed by the laws regulating municipal elections and the returns shall be computed by the court as now provided by law for municipal elections

The taxes authorized to be levied by this section shall be levied upon the last adjusted valuation for county purposes which valuation shall be furnished to the township supervisors by the county commissioners If any further adjustment of valuation is made by the county commissioners after any tax is so levied and before said tax is payable such adjusted valuation shall be certified to the township supervisors and to the township collector of taxes by the commissioners and the tax shall be collected on the basis of such adjusted valuation

This article does not include the levy of any taxes upon particular districts or parts of any township for particular purposes

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 187

Achterman,	Foor,	Lichtenwalter,	Rooney,
Auker,	French,	Longo,	Rose, S.,
Baker,	Gallagher,	Lovett,	Rose, W. E.,
Balthaser,	Gates,	Lyons,	Rosenfeld,
Baughner,	Gerard,	Malloy,	Royer,
Bentley,	Gillan,	Marks,	Rush,
Bentzel,	Gillette,	Maxwell,	Sarge,
Boies,	Goodwin,	McClanaghan,	Sarraf,
Boney,	Greenwood,	McClester,	Serrill,
Boorse,	Gross,	McDermott,	Shaffer,
Bower,	Gryskewicz,	McDowell,	Shaw,
Bradley,	Gyger,	McFall,	Shepard,
Breth,	Habbyshaw,	McIntosh,	Simons,
Bretherick,	Haberlen,	McKinney,	Skale,
Brown,	Haines,	McLanahan,	Snyder,
Brunner, P. A.,	Hall,	McLane,	Sollenberger,
Burns,	Hamilton,	McMillen,	Sorg,
Burris,	Hare,	McSurdy,	Stambaugh,
Cadwalader,	Harkins,	Meichiorre,	Stank,
Chudoff,	Harmuth,	Mihm,	Stine,
Cochran,	Harris,	Modell,	Stockham,
Cohen, M. M.,	Heatherington,	Monks,	Tarr,
Cohen, R. E.,	Helm,	Mooney,	Tate,
Cook,	Hering,	Moran,	Taylor,
Cooper,	Herman,	Moul,	Thompson, E. F.,
Cordier,	Hersch,	Muir,	Thompson, R. L.,
Corrigan,	Hewitt,	Munley,	Trout,
Croop,	Hirsch,	Nagel,	Turner,
Cullen,	Holland,	Nunemacher,	Van Allsburg,
Dalrymple,	Huntley,	O'Brien,	Vincent,
Dennison,	Imbrie,	O'Connor,	Vogt,
DiGenova,	James,	O'Neill,	Voldow,
Dix,	Jefferson,	Owens,	Wagner,
Dolon,	Jones, G. E.,	Petrosky,	Wakins,
D'Ortona,	Jones, P. N.,	Pettit,	Weiss,
Duffy,	Keenan,	Polaski,	Welsh, E. B.,
Early,	Kenehan,	Polen,	Welsh, M. J.,
Elder,	Kline,	Powers,	Wilkinson,
Elliott,	Knoble,	Prosen,	Williams,
Ely,	Kolaniewicz,	Rank,	Winnier,
Falkenstein,	Komorowski,	Rausch,	Wolf,
Finestone,	Krise,	Readinger,	Wood, N.,
Fisher,	Lee, E. A.,	Reagan,	Woodring,
Fiss,	Lelsey,	Reese, D. P.,	Woodside,
Fleming,	Leonard,	Reese, R. E.,	Yeakel,
Fletcher,	Lesko,	Reynolds,	Yester,
Flynn,	Levy,	Rhea,	Young,
	Leydic,	Riley,	Kilroy,

Speaker.

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

#### PERMISSION TO ADDRESS THE HOUSE

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

Mr. Speaker, there are about fourteen thousand men of Pennsylvania in camp at Indiantown Gap, and they are mainly young men,—The National Guard of Pennsylvania. There are no recreational facilities at Indiantown Gap, although I understand that General Martin has asked for an appropriation to build an auditorium.

On Saturday afternoons and Sundays it is my understanding most of these young men will have an opportunity either to go home or to have some time off for recreation. Therefore, a great number of these men are coming into Harrisburg, Lebanon and possibly Reading and other small nearby towns. This is going to present a great problem. I have no doubt that when the Council of Defense is organized this will be taken care of by it as one of its functions, but until that time, which may be sixty days before they are appointed and under way and in a position to do something, a number of weekends will pass, which will not only present a problem to the heads of our National Guard but also for the communities involved. We all know that in parts of the United States where there are cantonments the influx of large numbers of troops has sometimes almost paralyzed the moving picture and other recreational agencies in the town. Last Sunday I saw in Harrisburg a great number of these young men walking down the streets. A great many of these young men from the nearby towns will get home on those weekends. On the other hand it still leaves a large number of young men remaining in camp over the weekends, which will present a problem to the communities and the cantonments to see that they have proper entertainment and recreation.

Therefore, Mr. Speaker I am going to ask unanimous consent for immediate consideration of the resolution which I want to present, asking the Governor to appoint a Committee of five to undertake this problem and to cooperate with the citizens of the local communities in order that these young men may be properly taken care of. I have a particular interest in this as one of my boys is out there at Indiantown Gap and when he comes into Harrisburg, as I expect he will, I want to know that he has a proper opportunity and facilities for recreation within the community.

#### HOUSE RESOLUTION No. 47

Mr. TURNER offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, as follows:

In the House of Representatives, March 4, 1941.

Whereas, the Pennsylvania National Guard has been called into the service of this country and 14,000 men are now stationed at Indiantown Gap; and,

Whereas, there are no facilities for entertainment and recreation for these young Pennsylvanians, a large part of whom will have leave each Saturday afternoon and Sunday; and,

Whereas, many of them will be unable to go to their homes and will, therefore, seek entertainment and recreation in the nearby towns, such as Harrisburg, Lebanon and Reading; and,

Whereas, there is no existing agency to take care of this large influx of men; therefore, be it

Resolved, if the Senate concur, that a Committee of five citizens, at least two of whom shall be women, be appointed by the Governor immediately upon the passage of this Resolution to organize the religious and social agencies of the communities and to foster entertainment and recreational activities in conjunction with the citizens of the several communities; and be it

Further Resolved, that a Bill providing for an appropriation of \$10,000 be immediately introduced and passed as rapidly as possible. The said Committee's work shall terminate when the State Council of Defense has been organized and is functioning so that it can take over these activities

On the question,

Will the House adopt the resolution?

#### PARLIAMENTARY INQUIRY

Mr. BROWN. Mr. Speaker, I rise to a question of parliamentary inquiry.

Mr. BROWN. Mr. Speaker, would it be possible for me to ask the Clerk to read the resolution again, especially the latter part of it? I understand it is not on the desk and it was hard to catch it when it was read the first time.

The SPEAKER. The Chair will request the Clerk to again read the resolution at length.

The resolution was read by the Clerk.

Mr. BROWN. Mr. Speaker, I desire to interrogate the gentleman from Delaware, Mr. Turner.

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

Mr. TURNER. I shall, Mr. Speaker.

Mr. BROWN. Mr. Speaker, I am concerned with the latter part of the resolution, and I am asking about the wording of the last "resolve" clause. I will read it for the information of the Members of the House:

"Resolved that a bill providing for an appropriation of ten thousand dollars be immediately introduced and passed as rapidly as possible."

I take it that when we vote for this resolution it commits us to vote for this appropriation, is that correct, that is, we are morally bound to vote for the appropriation?

Mr. TURNER. Mr. Speaker, I would think that would be true.

Mr. BROWN. Mr. Speaker, may I ask whether the gentleman from Delaware has made any investigation to find out whether ten thousand dollars is too much or too little?

Mr. TURNER. Mr. Speaker, I think the urgency of the occasion did not warrant taking up the time for an investigation to determine the costs. I presume that if such a commission is organized and it would proceed with its business, it could very readily come back in a week, or ten days, or two weeks and say they want more money than is contained in this appropriation. The urgency of the matter, it seems to me, precludes any question being raised as to the amount.

Mr. BROWN. Mr. Speaker, notwithstanding what may be true about the urgency, does the gentleman from Delaware, Mr. Turner, not feel that it would be better procedure to delete from this resolution part of the last re-

solve clause insofar as it has to be with the appropriation of \$10,000. and so far as it binds us to pass as rapidly as possible a bill which is not before us?

Mr. TURNER. Mr. Speaker, I have no objection to deleting it because I intend as soon as I can today, to have a bill prepared and I expect to introduce it. I, however, have the greatest respect for the opinion of the gentleman from Allegheny, Mr. Brown, and his desire to see that we proceed in a proper manner, but I rather feel we are muddling over fine points on something that does not require such muddling.

Mr. BROWN. Mr. Speaker, the question I proposed to ask was would it in any way interfere?

Mr. TURNER. Mr. Speaker, not one whit and I am perfectly willing, if the gentleman from Allegheny in his wisdom feels it should be deleted, that it shall be deleted from the resolution.

#### PARLIAMENTARY INQUIRY

Mr. BROWN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Allegheny will state his question of parliamentary inquiry.

Mr. BROWN. Mr. Speaker, the gentleman from Delaware having answered the inquiry to the effect that it might be proper to delete two lines from this resolution which has just been presented, could that be taken care of by a motion on the floor of the house or must there be an amendment in writing?

The SPEAKER. In answer to the gentleman's question of parliamentary inquiry the Chair advises that the Rules require amendments to be in writing. However if the House gives its unanimous consent the lines can be deleted without offering the amendment in writing. The procedure would be for the gentleman to ask the unanimous consent of the House to amend the resolution.

Mr. BROWN. Mr. Speaker, I ask the unanimous consent of the House to amend the resolution now before us by striking out in the last Resolve" clause, the words

"a bill providing for an appropriation of \$10,000 be immediately introduced and passed as rapidly as possible."

The SPEAKER. Will the House give its unanimous consent to the consideration of the amendment? Is there objection? The Chair hears none and consent is granted.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question recurring,

Will the House adopt the resolution as amended?

It was adopted.

Ordered, That the Clark present the same to the Senate for concurrence.

#### CONDOLENCE RESOLUTION

Mr. RUSH offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted:

In the House of Representatives, March 4, 1941.

Pennsylvania mourns the passing of one of her beloved citizens, Judge John M. Broomall, III.  
Judge John M. Broomall died Saturday, March 1st, in Philadelphia at the age of sixty-two.

He was born in Media, Delaware County, and was the third of his family to become a Delaware County judge.

Judge Broomall was appointed to the Bench by Governor Pinchot in 1926, and he distinguished himself as an outstanding jurist of this Commonwealth from that time up until the moment of his passing.

During the Spanish-American War, Judge Broomall served with Company C, Pennsylvania Volunteers, and was preeminent for his courage and perseverance.

The loss of Judge Broomall is keenly felt by the people of his judicial district which he served so long and ably, and by the people of the State as a whole; therefore be it

Resolved, That the House of Representatives, by the adoption of this resolution, expresses their sorrow at the loss of Judge Broomall; and be it further

Resolved, That this resolution be spread on the records of the House, and a copy be sent to the family of the deceased as a fitting testimonial of the great regard in which Judge Broomall was held by his fellow-Pennsylvanians.

#### RESOLUTION

#### CONGRATULATIONS

Messrs. TARR and WILLIAMS offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted:

In the House of Representatives, March 4, 1941.

Whereas, This day marks the eighth anniversary of the induction into office of our beloved President, Franklin Delano Roosevelt; and

Whereas, Since that eventful day of March 4th, 1933, the many accomplishments of that truly great man have resulted in leading this great nation out of a long period of misery and want, back to security and happiness; and

Whereas, Since that eventful day, the overwhelming confidence of the American people in him has been twice more recorded by American history; and

Whereas, It is fitting that here in Harrisburg, we the chosen representatives of the citizens of the Commonwealth of Pennsylvania, should do honor to that truly great American by noting that day which has taken its place among those that history will mark and perpetuate; therefore be it

Resolved, That the Members of the House of Representatives of the Commonwealth send greetings and hearty congratulations to His Excellency, the President of the United States on the occasion of the eighth anniversary of his induction into that high office, and wish him the happiness and contentment which belongs to those who are successfully performing great tasks and solving difficult problems; and be it further

Resolved, That a copy of this resolution be forwarded as a token of the admiration and respect to the President at the White House.

#### PERMISSION TO ADDRESS THE HOUSE

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

Mr. Speaker, The city of today is a place of great contrast, of great wealth, very often wealth that is not created by honest effort or toil. It is also a place of direct poverty. It has on the one hand kindness and goodness that is unexcelled. On the other hand it has sin and degradation of the lowest order, church spires that tower towards heaven, slums and foul places. That the fumes of Hell would be sweet in comparison.

The modern city of today could be a place where men and women might find happy living and that happiness could be made possible by a fine and noble social life. But, I am afraid, very often the reverse is only too true.

We, of the rural sections, like to visit our large cities

and enjoy with our urban neighbors music, art, science, literature, and all things that make for a higher social order and a more humane civilization. We even like to go up to the cities to see the national games of baseball and see the Phillies and the Pittsburgh Pirates.

But, one cannot help but be shocked to read almost weekly in the leading metropolitan newspapers of gigantic rackets played upon an innocent public and upon innocent investors by city slickers, underworld crooks and just plain racketeers. The ink is hardly dry on the Boltz 2½ million steal and the 1 million dollar gigantic twelve state lottery with fleeing racketeers from two of our largest cities, when there breaks in glaring headlines the news of a one million dollar bad egg racket that disclosed the fact that rotten eggs are being sold not only in Philadelphia but perhaps all over the state as a product of canned eggs, these canned eggs are sold to bakeries as fresh canned eggs and thus the innocent public made a victim by profiteers and racketeers and a victim endangered health and wellbeing. Think of the rotten eggs that nature only intended to be thrown at bad actors and politicians baked into cakes and cookies.

Think of the millions of incubator decayed eggs sold by these fiends in human form baked into 101 products that a chemical analysis cannot detect, not even by smell after it is once baked into a cake.

And the worst of this rotten racket is that the poorer the people are the more of this cheap baked product is bought for it resolves itself in a pure economic phase of merchandising—cheap ingredients, cheap product.

Why it is that this racket that endangers the health of the people breaks after two years of the present administration when so much had been promised for the general welfare and wellbeing of all the citizens of this Commonwealth? Why was there an apparent leak before the raids were made allowing certain preferred groups to destroy all evidence? Why did Dr. Yunker, of Philadelphia, Chief of the City Department of Health's Division of Milk, Live-stock and Food Inspection say quote "There is no law under which the City can prosecute the more serious aspects of this racket."

Since the pure food and drug act became a law, I have been rather proud of this achievement, that prevented a class of crooks from poisoning decent, respectable people for profit. Has it come to this pass that we must have an act governing every item of food we humans consume? I think not.

We most certainly have laws under which these wolves in egg shells can be prosecuted and punished by imprisonment to the full extent of the law, or else our great state of Pennsylvania is one that stands alone in this great collection of states, not to be pitied but to be shamed beyond degree.

Mr. Speaker and Members of the House, as long as we, as Legislators have a voice we should raise that voice in protest against injury to health and the wellbeing of the great mass of people of our state.

#### REPORT FROM COMMITTEE

Mr. WILKINSON from the Committee on Counties reported as amended House Resolution No. 43.

#### HOUSE RESOLUTION No. 43

Mr. WILKINSON. Mr. Speaker, I desire to call up

House Resolution No. 43, which was just reported from Committee.

The resolution was read by the Clerk as follows:

In the House of Representatives, February 25, 1941.

Whereas, Under existing law, the county treasurers of the various counties will be required to hold tax sales of returned seated lands before the first Monday of May, 1941; and

Whereas, It appears that sufficient time may not remain to enact suitable legislation before said date fixed for such tax sales, to authorize adjournment or further adjournment; therefore be it

Resolved (If the Senate concur), That the General Assembly hereby authorizes the county treasurers of the various counties of this Commonwealth, if the county commissioners and the court of common pleas of such counties consent thereto, to adjourn or further adjourn any tax sale and advertising of said sale which under existing law is required to be held prior to the first Monday of May 1941 and the General Assembly hereby declares its purpose forthwith to enact suitable legislation to validate any such adjournment of a tax sale and advertising of said sale and to provide by law for the holding of such adjourned tax sales at a future date, saving the lien of all taxes assessed against real estate which was to be sold at such sales.

Resolved, That a copy of this resolution be transmitted to the county treasurer of each county of this Commonwealth by the Clerk of the House.

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

#### QUESTION OF INFORMATION

Mr. MORAN. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Allegheny will state his question of information.

Mr. MORAN. Mr. Speaker, it has been customary in the House in previous years, when the Legislature is in session, to celebrate St. Patrick's Day. This has been handled by the so-called "Friendly Sons of St. Patrick." May I ask, Mr. Speaker, what action has been taken on that this year, or this session?

The SPEAKER. The Chair would suggest that the gentleman prepare a resolution for a suitable celebration.

Mr. MORAN. Mr. Speaker, but in bringing this question up I was not looking for a job, although I will bring in the resolution.

#### COMMITTEE MEETINGS

The following Committee meetings were announced:

Cities—Third Class, Wednesday, March 5 at 10 a. m. in Room 325.

Dairy Industries, Wednesday, March 5 at 10 a. m. in Room 330.

Education, Wednesday, March 5 at 11 a. m. in Room 329.

Military Affairs, Monday, March 10 at 8:15 p. m. in Room 330.

Municipal Corporations, Wednesday, March 5 at 11:15 a. m. in Room 323.

Professional Licensure, Wednesday, March 5 at 11:30 a. m. in Room 246.

Townships, Wednesday, March 5 at 10 a. m. in Room 329.  
Motor Vehicles, Tuesday, March 4 after adjournment in  
Room 324.

ADJOURNMENT

Mr. HEATHERINGTON: Mr. Speaker, I move that

this House do now adjourn until Wednesday, March 5,  
1941, at 12 m.

The motion was agreed to, and (at 3:46 p. m.) the  
House adjourned.