

development of youth and maintaining their ideals on high standards; therefore be it

Resolved (if the Senate concur), That the Legislature acknowledges the contribution made to our cultural development by endorsing the celebration of May 17, 1941, as Connie Mack Day; and be it further

Resolved, That His Excellency, the Governor of Pennsylvania, shall issue, publish and declare an appropriate proclamation to the people of Pennsylvania, designating for observance this year the 17th of May as Connie Mack Day.

Ordered, That the Clerk inform the House of Representatives accordingly.

### ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Wednesday, April 16, 1941, at 11:00 o'clock, a. m.

Mr. SCARLETT. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 2:35 o'clock, p. m. until Wednesday, April 16, 1941.

## HOUSE OF REPRESENTATIVES

TUESDAY, April 15, 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 and Master, draw us into truer fellowship with Thee that we may stand ready to do Thy work with willing hearts. May we be eager to share our blessings with others as Thou didst freely share Thy love with us. We pray that each day Thou wouldst help us express our friendship to Thee in some deed of helpfulness toward our fellow man.

We ask especially this afternoon, our Father that Thy blessing may abide with those who have come here to share with us in this music. We would ask Thee to bless this student group from the Manheim High School, their instructors, their leaders. Grant, our Father, as we sit together in this place thinking in terms of legislation, we may think in terms of youth such as is represented before us at this time. We pray Thee, our Father, guide our thinking, guide our actions; may we realize, that some day these who so beautifully have played and may play for us will become the citizens of to-morrow and may occupy the place that we now occupy.

Help us, Father, in the task which is ours, to legislate with love. In Jesus' name we pray. 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. ROONEY, unanimously agreed to, the further reading was dispensed with and the Journal approved.

### MANHEIM HIGH SCHOOL WELCOMED

The SPEAKER. The Members of the House I am sure were thrilled as was the Speaker with the concert rendered by the Mannheim High School Band of Lancaster County. The Chair congratulates its able leader, Professor Enck, and the band for a splendid performance.

The Chair also extends to the gentleman from Lancaster Mr. Trout the thanks of the House for the privilege of listening to them. The band is here at his invitation.

The Chair would ask the leader of the band, Professor Enck, to take a bow. The Chair realizes that the band is hungry by this time but Professor Enck has agreed to play the Star Spangled Banner.

### RECESS

The SPEAKER. If there are no objections the Chair will declare a recess during which the Star Spangled Banner will be played by the band.

During the recess the Manheim High School Band played the Star Spangled Banner.

### AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER (Elmer Kilroy) in the Chair.

### BILLS INTRODUCED AND REFERRED

By Messrs. MODELL and FINESTONE.

HOUSE BILL No. 1240.

An Act fixing the fee to be charged by the local authorities in cities of the first class for furnishing certified copies of the record of any birth, death or marriage which had been registered in the office of such local authorities prior to the taking effect of the Act approved June seventh, one thousand nine hundred fifteen, (P. L. 900) and for searches of the files and records when no certified copy is made.

Referred to the Committee on Cities—First Class.

By Mr. THOMAS H. LEE.

HOUSE BILL No. 1241.

An Act to further amend, change and modify Sections one, two and three of the Act approved the seventeenth day of June, one thousand nine hundred thirteen (P. L. 507) as last amended by an Act approved the nineteenth day of June, One Thousand nine hundred thirty-nine (P. L. 413) entitled "An act to amend the Act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled 'An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes, 'as amended, by defining, clarifying and limiting certain exemptions; imposing the tax upon the value of certain equitable interests, personal property held or possessed by certain executors, administrators and fiduciaries, and by employes' thrift or savings associations, personal property held by trustees for religious, charitable and educational organizations, personal property held for non-residents and foreign corporations under certain circumstances; and by making further provisions for the return and payment of the tax by executors, administrators, trustees, agents and attorneys-in-fact," by imposing

the tax upon trust share certificates and similar securities, and upon all annuities and by eliminating the requirement of returns and payment of tax by the several fiduciaries of trusts and administered by mutiple fiduciaries, all of whom are residents of the Commonwealth, in the several counties of said fiduciaries' residences and by making further provision for the return of information to the Board of Revision of Taxes and the County Commissioners.

Referred to the Committee on Ways and Means.

By Mr. THOMAS H. LEE. HOUSE BILL No. 1242.

An Act relating to shorthand reporting, defining shorthand reporting, creating a State Board of Shorthand Reporters in the Department of Public Instruction and defining the powers and duties of the board and of the department, providing for issuance of certificates to qualified persons and for the suspension, revocation, and reinstatement of such certificates, and providing penalties.

Referred to the Committee on Professional Licensure.

By Mr. THOMAS H. LEE. HOUSE BILL No. 1243.

An Act providing that no person shall be appointed as an official stenographer or shorthand reporter by any court of record of this Commonwealth unless certified by the State Board of Shorthand Reporters; and providing certain exceptions.

Referred to the Committee on Professional Licensure.

By Mr. SKALE. HOUSE BILL No. 1244.

An Act to amend section one thousand two hundred and five of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by providing that polls shall remain open during all primaries and elections in the years one thousand nine hundred and forty-one and one thousand nine hundred and forty-two until ten o'clock postmeridian Eastern Standard Time.

Referred to the Committee on Elections.

By Mr. REUBEN E. COHEN. HOUSE BILL No. 1245.

An Act to further amend section one 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," providing for the observance of Labor Day on the second Monday of September in the year one thousand nine hundred and forty-one.

Referred to the Committee on Banking.

By Mr. BENTZEL. HOUSE BILL No. 1246.

An act to amend 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, 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 creating a State Board of Examiners for Superintendents and Operators of Sewage Treatment Plants.

Referred to the Committee on Professional Licensure.

By Mr. BENTZEL. HOUSE BILL No. 1247.

An Act prohibiting the operation of sewage treatment plants, unless the operators and superintendents thereof shall be licensed; providing for the licensing of such superintendents and operators and for the revocation and suspension of such licenses, subject to appeal; defining powers and duties of the State Board of Examiners for the Superintendents and Operators of Sewage Treatment Plants; and providing penalties

Referred to the Committee on Professional Licensure.

By Mr. STOCKHAM. HOUSE BILL No. 1248.

An Act providing for proceedings by petition in non-support and desertion cases.

Referred to the Committee on Judiciary General.

By Mr. READINGER. HOUSE BILL No. 1249.

An Act to further amend section five hundred seventy-one 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," by further regulating bonds of the tax collectors and clarifying the provisions of said section.

Referred to the Committee on Townships.

By Messrs. CORDIER and KENEHAN.  
HOUSE BILL No. 1250.

An Act providing for the preparation and adoption of an annual budget in cities of the second class A.

Referred to the Committee on Cities—Second Class.

By Mr. WEISS. HOUSE BILL No. 1251.

An Act authorizing and directing the Legislative Reference Bureau to compile, edit and publish, a compilation of laws relating to local taxation; and making an appropriation.

Referred to the Committee on Municipal Corporations.

By Messrs. TATE and PROSEN. HOUSE BILL No. 1252.

An Act to abolish taxes for State purposes on scrip, bonds, certificates and evidences of indebtedness issued, assumed or on which interest is paid by county, city, borough, township, school district or incorporated district of this Commonwealth and repealing all laws providing for such taxes.

Referred to the Committee on Ways and Means.

By Messrs. McCLANAGHAN and ROONEY.  
HOUSE BILL No. 1253.

An Act providing a method of annexation of parts of townships to cities of the first class and regulating the proceedings pertaining thereto.

Referred to the Committee on Cities—First Class.

By Messrs. FINESTONE and MODELL.

HOUSE BILL No. 1254.

An Act regulating, in cities of the first class, the enforcement of any provisions in any ordinance relating to building codes, in connection with the erection, enlargement, alteration, repair, moving, removal, demolition and inspection of buildings and other structures and the erection, encroachment, extension, repair, inspection and use of party walls, as provided for in any ordinance, and providing penalties.

Referred to the Committee on Cities—First Class.

By Messrs. McCLANAGHAN and TATE.

HOUSE BILL No. 1255.

An Act authorizing cities of the first class which have issued or may hereafter issue bonds to redeem the same and issue new bonds therefor.

Referred to the Committee on Cities—First Class.

By Mr. CHUDOFF.

HOUSE BILL No. 1256.

An Act requiring all police officers in cities of the first class to slate for hearing all persons arrested by such officers without warrant in the station house of the district in which the arrest was made, and imposing penalties.

Referred to the Committee on Cities—First Class.

By Mr. WATKINS.

HOUSE BILL No. 1257.

An Act to add section three and one-tenth to the act, approved the fifteenth day of May, one thousand nine hundred and thirty-nine (P. L. 134), entitled "An act relating to fireworks; defining fireworks; prohibiting the sale, offering or exposing for sale and use of fireworks except in certain cases authorizing cities, boroughs, towns and townships to issue permits for fireworks displays, and to regulate the same; imposing duties on the Pennsylvania Motor Police, sheriffs, police officers and constables; and providing penalties," providing for an extension of time on permits for such displays when not made on the day designated in the permit.

Referred to the Committee on State Government.

By Mr. WATKINS.

HOUSE BILL No. 1258.

An Act to further amend section one of the act, approved the second day of May, one thousand nine hundred and ninety-nine (P. L. 134), entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods, wares and merchandise, and providing for the collection of said tax," providing that the computation of said tax to be paid on the gross business of certain dealers, the amount of Federal and State taxes collected by such dealers shall not be included.

Referred to the Committee on Ways and Means.

By Mr. CHERVENAK.

HOUSE BILL No. 1259.

An Act creating and providing for and regulating the 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. FINESTONE.

HOUSE BILL No. 1260.

An Act to provide for the better protection of life and property by the examination and licensure by the Department of Labor and Industry of engineers having charge of stationary steam boilers, pressure vessels, steam and hydraulic pipe line, hydraulic machinery, steam and internal combustion engines, turbines, refrigeration machinery and such power hoisting and portable machinery, irrespective of the motive power as shall be used in all

construction work, and all necessary appurtenances used in all equipment designated in this act; providing for the creation of new positions and for the appointment of persons to fill same; providing salaries for the new positions; providing for the collection of fees; making it a misdemeanor to operate or cause to be operated the equipment designated in this act without licensure; and providing penalties.

Referred to the Committee on State Government.

By Messrs. HARE and WAGNER.

HOUSE BILL No. 1261.

An Act to amend section two of the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2772), entitled "An act to require certain records of oil and gas wells drilled in the Commonwealth showing the location of the same and the geologic formations encountered therein, and to make copies of such records available upon payment of prescribed fees, and providing fees and penalties," creating a special fund in the State Treasury to be known as the Topographic and Geologic Survey Fund; providing for the transfer of certain moneys into said fund by the Department of Internal Affairs; and making an appropriation thereof.

Referred to the Committee on State Government.

By Mr. EDWIN A. LEE.

HOUSE BILL No. 1262.

An Act making an appropriation to the Board of Trustees of the Philadelphia Museums.

Referred to the Committee on Appropriations.

By Mr. CHARLES H. BRUNNER.

HOUSE BILL No. 1263.

An Act relating to the extradition of persons charged with crime and to make uniform the law with reference thereto.

Referred to the Committee on Judiciary Special.

By Mr. RUSH.

HOUSE BILL No. 1264.

An Act to further amend section three hundred nine and subsection three hundred eleven of the act, approved the eleventh day of July, one thousand nine hundred and twenty-three (P. L. 398), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties, "imposing the expense of clothing persons admitted to schools for mental defectives on institution districts in certain cases; giving the Commonwealth preference against the estates for such persons in such cases; permitting such persons vacations; and prohibiting deductions from State appropriations because thereof.

Referred to the Committee on State Government.

By Messrs. LESKO and HABERLEN.

HOUSE BILL No. 1265.

An Act to amend section sixty-five of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corpora-

tions for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," by changing a certain route.

Referred to the Committee on Highways.

### SENATE MESSAGE

#### SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 206. (HOUSE BILL No. 1266).

An Act to further amend subsection (a) of section four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2045) entitled "An act relating to the support of indigent persons publicly cared for or assisted providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons providing for guardians of the person and property of such persons providing for the arrest and seizure and sale of the property of deserters and providing procedure" by providing for the furnishing of statements to persons against whom claims are due for support maintenance and assistance.

Referred to the Committee on Welfare.

### REPORTS FROM COMMITTEES

Mr. WEISS, from the Committee on State Government, reported as committed, House Bill No. 1228, entitled:

An Act to amend sections three and four of the act, approved the fifth day of June, one thousand nine hundred thirty-five (P. L. 266) entitled "An act to protect trademark owners, distributors, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name" exempting the sale of books to libraries from the provisions of said act.

Mr. DOLAN, from the Committee on Cities-First Class, reported as committed, House Bill No. 499, entitled:

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

Mr. LOVETT, from the Committee on Townships, reported as committed, House Bill No. 826, entitled:

An Act to amend section one thousand four hundred one of the act, approved the first day of May, one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships, of the second class; and amending, revising, consolidating, and changing the law relating thereto," further regulating the establishment and maintenance of sidewalks.

Mr. O'NEILL, from the Committee on Professional Licensure, reported as committed, House Bill No. 765, entitled:

An Act to amend the title, to further amend section one, and to reenact sections two, four and five of the act approved the seventh day of June, one thousand nine hundred one (P. L. 493), entitled "An act providing for the examination, licensure and registration of persons, firms or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations and requirements for the construction

of plumbing, house drainage and cesspools, in cities of the second class; and imposing fines, penalties and forfeitures for violation thereof," extending the provisions of said act to certain boroughs, incorporated towns and townships.

Mr. PROSEN, from the Committee on State Government, reported as committed, House Bill No. 53, entitled:

An Act providing for the acquisition of the Admiral Peary Memorial Park, and for its management and development by the Pennsylvania Historical Commission; and making an appropriation.

Mr. PROSEN, from the Committee on Judiciary General, reported as committed, House Bill No. 984, entitled:

An Act providing that when new trial is granted upon grounds that damages are inadequate or excessive, the new trial shall be confined to that question and not to liability.

Mr. YESTER, from the Committee on State Government, reported as committed, House Bill No. 1105, entitled:

An Act naming the State Military Reservation at Indian-town Gap, "Camp Muhlenberg."

Mr. BAKER, from the Committee on Workmen's Compensation, reported as committed, House Bill No. 990, entitled:

An Act to amend section one hundred and eight of the act approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 566), entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools; creating a medical board to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation; and prescribing penalties," by further defining the term "occupational disease."

Mr. TARR, from the Committee on Townships, reported as committed, House Bill No. 885, entitled:

An Act to further amend section five hundred and thirty 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," providing for filling vacancies in the office of township commissioner.

Mr. LEONARD, from the Committee on Cities—First Class, reported as committed, House Bill No. 796, entitled:

An Act authorizing the payment of taxes in cities of the first class, by partial or installment payments.

Mr. FINESTONE, from the Committee on Judiciary General, reported as committed, House Bill No. 964, entitled:

An Act relating to the business of selling or leasing chattels on the installment or deferred payment plan; and prohibiting the joining in one agreement of sale or lease of chattels purchased or leased at different times.

Mr. HARE, from the Committee on Counties, reported as committed, House Bill No. 60, entitled:

An Act validating compromise agreements and private

sales made by the county commissioners of real estate purchased by them at county treasurers' sales, whether or not such agreements and sales were made in compliance with the acts of assembly relating thereto.

Mr. McFALL, from the Committee on State Government, reported as Committed, House Bill No. 389, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of the Fairview State Hospital, to acquire a certain tract of land for the use of said hospital; and making an appropriation therefor.

Mr. PRESLEY N. JONES, from the Committee on Judiciary Special, reported as committed, House Bill No. 1023, entitled:

An Act prohibiting employers from directly or indirectly offering for sale, selling, procuring for sale, having in possession or under control for sale to employes or others, any merchandise not produced by employers or not handled in the regular course of employe's business; providing exceptions thereto; declaring such prohibited sales to be unfair competition; and repealing prior inconsistent legislation.

Mr. WEINGARTNER, from the Committee on Townships, reported as committed, House Bill No. 1090, entitled:

An Act to amend section one thousand one hundred fifty-six of the act, approved the first day of May, one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto" by eliminating the right of the State Department of Highways to permit and collect fees for the placing of public utility service equipment and other obstructions in or upon township highways and giving such right to the township supervisors.

Mr. FRENCH, from the Committee on Townships, reported as committed, House Bill No. 1157, entitled:

An Act to validate and confirm certain contracts heretofore entered into by Boards of Township Supervisors where the Township has received in maintenance and improvement of its highways, a reasonable quid pro quo for such contracts, and to authorize, ratify, confirm and validate payments on such contracts by the Township, and to provide that no Township Supervisor shall be subject to surcharge for payments made on any such contract.

Mr. BOIES, from the Committee on Law and Order, reported as committed, House Bill No. 1070, entitled:

An Act prohibiting owners of restaurants, pool rooms, bowling alleys, confectionery stores, barber shops, grocery stores or hotels from encouraging or permitting gambling; and prescribing penalties.

Mr. CHUDOFF, from the Committee on Judiciary General, reported as committed, House Bill No. 658, entitled:

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.

Mr. GOODWIN, from the Committee on State Government, reported as committed, House Bill No. 1187, entitled:

An Act for conveyance to the United States of America of title in and to certain land comprising the Marcus Hook Pennsylvania, Quarantine Station property, and ceding to the United States jurisdiction over said land.

Mr. SHAFFER, from the Committee on Counties, reported as committed, House Bill No. 975, entitled:

An Act to amend section two of the act approved the twenty-ninth day of April, one thousand nine hundred and fifteen (P. L. 200), entitled "An act creating, in counties having over eight hundred thousand, and less than one million five hundred thousand, inhabitants, according to the last preceding United States census, a board to fix and determine the number and compensation of employes in all county offices, boards, bureaus, departments, and divisions thereof; prescribing the powers and duties of said board, and regulating appeals from the decision thereof," by providing for annual meetings of the salary board, in second class counties, at the call of the chairman of the board of county commissioners.

Mr. CHERVENAK, from the Committee on Counties, reported as amended, House Bill No. 785, entitled:

An Act to further amend section sixteen of the act, approved the twenty-ninth day of May, one thousand nine hundred thirty-one (P. L. 280) entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and pool district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," by giving county commissioners the right to recover possession of real property purchased at tax sales and to rent such lands, and providing for the disposition of moneys received from such rentals.

Mr. SAMUEL ROSE, from the Committee on Judiciary General, reported as amended, House Bill No. 730, entitled:

An Act further regulating the trials of Criminal Cases and imposing certain duties on trial judges in the trial of such cases.

Mr. MARKS, from the Committee on Judiciary General, reported as amended, House Bill No. 869, entitled:

An Act to amend the act, approved the fifteenth day of July, one thousand nine hundred thirty-six (P. L., First Extraordinary Session, 47), entitled "An act to enable persons, associations, partnerships, and corporations to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on any chattels of any kind or description; providing for bonds with confessions of judgments; regulating the assignment and release of such mortgages; and designating the operation and effect of the lien of such mortgages" by extending, enlarging, and removing the limitations from the class of those who may become chattel mortgagees; by making further provision respecting fees of recorders of deeds in connection with chattel mortgages, extension of the lien of said mortgages and defaults of said mortgages; and by defining violations and prescribing penalties.

Mr. MODELL, from the Committee on Judiciary Special, reported as amended, House Bill No. 480, entitled:

An Act to amend sections eight hundred thirty-four and eight hundred thirty-six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by making the crimes fraudulent conversion of property and cheating by fraudulent pretenses misdemeanors; and modifying penalties.

Mr. MORAN, from the Committee on Workmen's Compensation, reported as amended, House Bill No. 1002, entitled:

An Act to further reenact and amend the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties;" changing maximum and minimum rates, periods, total amounts and aggregate of compensation; changing the system of computation of wages for compensation purposes; changing practice and rules of evidence; defining earning power after accident, authorizing the board to terminate compensation in certain cases; changing the classes of dependents entitled to compensation in case of death; changing powers and duties of the board; and imposing additional penalties; authorizing the department, the board and the referees to approve compromise agreements in certain cases, and generally amending, clarifying and changing the provisions of said act.

Mr. YESTER, from the Committee on Professional Licensure re-reported as committed, House Bill No. 684, entitled:

An Act to further amend sections six and nine of the act, approved the thirtieth day of March, one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optometry; and relating to the right to practice optometry in the Commonwealth of Pennsylvania, and making certain exceptions; and providing a Board of Optometrical Education, Examination, and Licensure, and means and methods whereby the right to practice optometry may be obtained; and providing for the means to carry out the provisions of this act; and providing for revocation or suspension of licenses given by said board, and providing penalties for violations thereof; and repealing all acts or parts of acts inconsistent therewith." further regulating the granting, suspension and revocation of the licenses of optometrists.

Mr. KOLANKIEWICZ, from the Committee on Professional Licensure, re-reported as committed, House Bill No. 685, entitled:

An Act to protect the public against the advertising or offering for sale at fixed prices eyeglasses, spectacles, etc. putting restraint upon laymen selling eyeglasses, spectacles, etc. and filling prescriptions for the same similar to the restraint upon professions licensed by the State to prescribe eyeglasses and spectacles fixing a penalty for violations of this act and investing the courts with jurisdiction to prevent and restrain violations of this act.

Mr. Di GENOVA, from the Committee on Law and Order, re-reported as amended, House Bill No. 510, entitled:

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

#### REPORT FROM COMMITTEE

Mr. LOVETT from the Committee on Rules, reported as committed, Senate Concurrent Resolution Serial No. 118.

#### SENATE MESSAGE RESOLUTION FOR CONCURRENCE

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

In the Senate, March 26, 1941.

Whereas, The Department of Public Assistance has, and is at the present time, compelling all persons that apply, or are receiving public assistance, to cancel any life insurance policy whether held by the relief recipient or by any member of his family in excess of \$500.00; and

Whereas, Many persons have paid premiums on such life insurance policies for as long as thirty-five years and now are compelled to cancel these policies at a great loss, thereby depriving their dependents from recovery after death in excess of \$500.00; therefore be it

Resolved, (if the House concur), That the Department of Public Assistance be requested and notified to at once raise the maximum amount of Insurance permitted to be carried by a relief recipient or by any or all members of his or her family directly affected from \$500.00 to not less than \$1000.00 in the aggregate in policy or policies either paid up or in premium paying period, and be it further

Resolved, That the Department of Public Assistance is requested to notify its various County Boards of Assistance of this request and resolution immediately upon its passage.

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

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

#### REPORT FROM COMMITTEE

Mr. MELCHIORRE from the Committee on Rules, reported as committed House Resolution No. 73.

#### HOUSE RESOLUTION NO. 73

Mr. MELCHIORRE. Mr. Speaker, I desire to call up House Resolution No. 73, just reported from committee.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 8, 1941.

Whereas The future of this great Nation depends upon its youth and their capacity to uphold the standards established by their forefathers to safeguard the American way of life and

Whereas Clean living and healthful sports are conducive to the development of both virility and morality and the first essential of capacity to carry on is youth's physical equipment and

Whereas One who has lived in our midst for well nigh four score years has by his example and industry made it possible to develop in the ranks of clean sportsmanship exemplars of the value of physical development and clean living as standards for our youth and

Whereas The General Assembly desires to show its appreciation to the citizen who has dedicated his life to the development of youth and maintaining their ideals on high standards therefore be it

Resolved (if the Senate concur) That the Legislature acknowledges the contribution made to our cultural development by endorsing the celebration of May 17th 1941 as Connie Mack Day and be it further

Resolved That His Excellency the Governor of Pennsylvania shall issue publish and declare an appropriate proclamation to the people of Pennsylvania designating for observance this year the 17th of May as Connie Mack Day

On the question,

Will the House adopt the resolution?

It was adopted.

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

## REPUBLICAN CAUCUS

Mr. WOODSIDE asked and obtained permission of the House to hold a caucus of the Republican Members during the session of the House in the new House Caucus Room.

MR. LOVETT IN THE CHAIR

## BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1207, (Senate Bill No. 285), entitled:

An Act abating certain tax penalties and interest on unpaid delinquent city taxes in cities of the first and second class on unpaid delinquent school taxes in school districts of the first class and on unpaid delinquent poll poor district institution district and county taxes in counties of the second class prohibiting the sale of real property for the nonpayment of any such taxes for a certain period preserving certain tax liens and providing for the extension thereof.

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

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1181, entitled:

An Act abating certain tax penalties and interest on unpaid county, (except in counties of the second class), city, (except in cities of the first and second class) borough, town, township, school district, (except in school districts of the first class), poor district, (except in counties of the second class) and county institution district, (except in counties of the second class) taxes, prohibiting the sale of real property for the nonpayment of any such taxes for a certain period, and preserving certain tax liens, and providing for the extension thereof.

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

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 971, entitled:

An Act to further amend sections fifteen and fifteen and three-tenths, and to repeal sections fifteen and one-tenth and fifteen and two-tenths, of the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," as amended, by providing for the renewal, extension and continuation of liens for taxes and water, lighting, power and sewer rates, until such taxes and rates are fully paid and satisfied; and authorizing the filing and revival of liens heretofore lost, and in certain cases, reviving, validating, preserving and extending liens.

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

The SPEAKER (Elmer Kilroy) in the Chair.

The SPEAKER. The Chair thanks the gentleman from Westmoreland, Mr. Lovett, for presiding.

## BILL ON SECOND READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 691, entitled:

An Act to amend section one thousand three hundred one of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses contest, creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by extending the provisions relating to voting by persons in actual military service to primary elections

The first section was read.

On the question,

Will the House agree to the section?

## BILL RECOMMITTED

Mr. MATTHEW J. WELSH. Mr. Speaker, I move that this bill be recommitted to the Committee on Elections for the purpose of further study and possible amendment.  
The motion was agreed to.

## BILL ON SECOND READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 733, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen

The first section was read.

On the question,

Will the House agree to the section?

## BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Constitutional Amendments for the purpose of further study and possible amendment.

On the question,

Will the House agree to the motion?

Mr. TROUT. Mr. Speaker, I desire to interrogate the gentleman from Monroe, Mr. Achterman.

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

Mr. ACHTERMAN. I will, Mr. Speaker.

Mr. TROUT. I should like to ask the gentleman from Monroe to explain just why this bill is to be recommitted to the Committee on Constitutional Amendments.

Mr. ACHTERMAN. The main reason is the fact that we have a bill on third reading now that more adequately and completely covers the subject.

Mr. TROUT. I thank the gentleman from Monroe, Mr. Achterman.

Mr. Speaker, I am sorry that I cannot agree with the gentleman from Monroe in his statement. House Bill 733 was introduced after a great deal of study and a number of conferences with the leaders of both the majority and the minority party. It was my hope that we might elimi-

nate any political feeling in attempting to get for once what some of us have been hoping for for a number of years. I should have liked to have had an opportunity of discussing this bill in some detail on the floor of the House and I should like to have had an opportunity given to all the Member to discuss the bill. I am very sorry, Mr. Speaker, that the majority leader has seen fit to make a motion to recommit the bill without having given the opportunity of a careful discussion on the floor of the House, in comparison with the provisions of bill 470, concerning which the gentleman from Monroe has just spoken. I ask the membership of the House to vote "No" on the motion to recommit.

Mr. ACHTERMAN. Mr. Speaker, in answer to the gentleman from Lancaster, I told him that our reason for recommitting House Bill 733 was because it did not adequately or completely cover the subject. I am at a loss, Mr. Speaker, to understand why he and those whom he represents should hold so sacred one particular fund which they have tapped time and time again without making any effort to replace it, and not feel that other funds that they have likewise tapped, are not equally sacred.

May I say to the gentleman that House Bill 470 treats all funds in the same light and prevents a transfer of money from those funds to be used for other purposes without the replacement of those funds within the biennium, and provides that appropriate revenue measures shall be enacted so that those funds will be replaced within the biennium. The gentleman's bill No. 733, covers the problem only in relation to funds realized from taxes on motor vehicle legislation fees, operator license fees and so on. Those funds are truly used for highway purposes. Can the gentleman from Lancaster tell me why the funds that the County Commissioners receive, the funds that the supervisors receive from the State, which have been constantly tapped, should not receive the same sort of treatment? Those funds are used for road purposes, the same as the fund the gentleman mentioned. Are we going to hamstring the County Commissioners and the Supervisors while at the same time protecting the State Highway Department, or are we going to approach the problem in the broad field, the field in which we should approach it, by raising sufficient funds to carry out the various governmental operations without the constant tapping of special funds? May I ask the gentleman from Lancaster why he does not feel that the funds which the fireman receive for their pensions are equally as sacred as the funds the Highway Department receives, and may I ask him why he does not approach this subject in that light? I am sure, Mr. Speaker, that House bill 733 is inadequate and does not cover the subject. It was drawn for one small particular group. Our party proposes to study and to approach the entire problem with the thought in mind that we intend to have a solution once and for all, to the effect that we shall not tap one particular fund without making a provision for repaying that particular money. That is why I am moving for the recommitment of the gentleman's pet measure.

Mr. WOODSIDE. Mr. Speaker, I am not going to debate House Bill 470 until we reach that bill.

There were two remarks, which the gentleman from Monroe made which I think should be cleared up. One was the statement that transfers have been made by this side of the House without any effort having been made to replace the fund. That is definitely a misstatement of

fact, as the gentleman well knows. I think he made it rather as a slip of the tongue. I wish to say to the members of the House that every effort has been made and will be made to replace all of that money.

In the second place the gentleman from Monroe in his original motion made the remark that it was being recommitment for further study and amendment, while in interrogation he emphatically admitted it was being recommitment because there was another bill which they expected to pass, which I think means that this bill is to be recommitment to be pickled and for no other reason.

Mr. ACHTERMAN. Mr. Speaker, just in reply to the gentleman from Dauphin, Mr. Woodside, his party may have made efforts to replace the funds they have tapped, but it still remains a fact that those funds have not been replaced up to the present moment. I have not forgotten that some years ago the Democratic majority had to replace the funds tapped by the prior Republican administration, and I am certain that in 1943 the Democrats again will be forced to replace funds the Republicans have tapped.

Mr. WOODSIDE. Mr. Speaker, there are two very good reasons why what the gentleman has stated are not true. The gentleman well knows or should know, if he does not know, that the only purpose of borrowing money from a fund is to carry over from the thirty-first day of May to the first day of June, and tax anticipation notes have solved the other problem of governmental financing.

The gentleman from Monroe during the Special Session of 1940 expressed ignorance of a situation time and time again, one that I do not think, Mr. Speaker, he actually had, but the only purpose of borrowing money or passing any of the transfers is to be able to balance over between the thirty-first day of May and the first day of June. Certainly you do not pay the money back during the same biennium. You have to have a reason to borrow it, but you do pay it back immediately after the transfer, after the first day of June, by floating tax anticipation notes. All of the bills provide for that and the Governor's budget provides for that repayment, so that everything reasonable to be done to repay that fund has been done, and everything that can be done to repay it, will be done. There is no question about that. The money will be repaid and every provision has been made to repay it at the time when everybody knew it was to be paid.

Mr. ACHTERMAN. Mr. Speaker, the gentleman spoke about tax anticipation notes. May I give him and his party a warning? If the deficit continues to increase at the rate it now continues to increase, and may I say, Mr. Speaker, very roughly that the deficit now is in the neighborhood of ninety million dollars, he will find that the issuing of tax anticipation notes is not going to solve the problem.

Mr. TROUT. Mr. Speaker, it is strange how soon we forget. I recall that we had a Governor in Pennsylvania some years ago by the name of Pinchot. I guess most of you remember that. When the Democrats took possession of the State Government in 1935 they said that the "Great Pinchot had left a deficit of thirty-five million dollars, for which they were compelled to assume responsibility. Then at the end of the first biennium of that administration there was still a deficit only it had increased, and at the end of the second biennium of that Democratic administration the deficit still existed, only it was larger. Then when the Republicans took over the state government there was a deficit but it had still increased. Now, our friend from



Monroe says when this biennium closes the deficit will be still larger. Well, if that is true then we will have to take the Democrats and the Republicans jointly and they will have to assume responsibility for the increase of the deficit. I think we all agree on that point.

I have just one other point on this House Bill 470. We enacted in 1936, I think, a one cent gas tax which was paid to the General Fund. That tax has been re-enacted, and according to the schedule of the present Governor it is again to be re-enacted at this Session. Now, gentlemen, that is a diversion of funds. House Bill 733 says that the gas tax will not be re-enacted, but you say House Bill 470 is going to stop that one cent gas tax from going into the General Fund. If for no other reason, that is reason enough why there should be a provision, as there is in House Bill 733, so that we might get rid of that one cent gas tax. We talk about diversion but when we do we forget about the one cent gas tax that we have been paying since 1936. It seems to me it is time to stop that too.

Mr. Speaker, I ask for the roll call.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. TROUT and Mr. CHARLES H. BRUNNER and were as follows:

YEAS—119

- |                 |                |               |                  |
|-----------------|----------------|---------------|------------------|
| Achterman,      | Flynn,         | McDermott,    | Regan,           |
| Allmond,        | French,        | McFall,       | Reynolds,        |
| Baker,          | Gallagher,     | McTarrath,    | Rooney,          |
| Balthaser,      | Gerard,        | McIntosh,     | Rose, S.,        |
| Bentley,        | Goodwin,       | McLanahan,    | Rosenfeld,       |
| Bentzel,        | Haberlen,      | McLane,       | Sarraf,          |
| Boies,          | Hamilton,      | Melchiorre,   | Scanlon,         |
| Boney,          | Harkins,       | Mihm,         | Schwab,          |
| Bradley,        | Harmuth,       | Modell,       | Shaffer,         |
| Brown,          | Harris,        | Monks,        | Shaw,            |
| Brunner, P. A., | Heatherington, | Mooney,       | Shepard,         |
| Burns,          | Hering,        | Moran,        | Stank,           |
| Burriss,        | Herman,        | Moul,         | Stine,           |
| Chervenak,      | Hirsch,        | Munley,       | Tarr,            |
| Chudoff,        | Holland,       | Nagel,        | Tate,            |
| Cochran,        | Jefferson,     | Nunemacher,   | Thompson, E. F., |
| Cohen, M. M.,   | Jones, P. N.,  | O'Brien,      | Verona,          |
| Cohen, R. E.,   | Keenan,        | O'Connor,     | Vincent,         |
| Corrigan,       | Kenehan,       | O'Mullen,     | Vogt,            |
| Croop,          | Kolankiewicz,  | O'Neill,      | Voldow,          |
| Cullen,         | Korofski,      | Owens,        | Weiss,           |
| DiGenova,       | Leonard,       | Petrosky,     | Welsh, E. B.,    |
| Dolon,          | Lesko,         | Pettit,       | Welsh, M. J.,    |
| D'Ortona,       | Levy,          | Polaski,      | Williams,        |
| Puffy,          | Longo,         | Polen,        | Wolf,            |
| Early,          | Lovett,        | Powers,       | Woodring,        |
| Elliott,        | Malloy,        | Prosen,       | Wright,          |
| Falkenstein,    | Marks,         | Rausch,       | Yester,          |
| Finestone,      | Maxwell,       | Readinger,    | Young,           |
| Finnerty,       | McClanaghan,   | Reese, R. E., | Kilroy, Speaker  |

NAYS—72

- |                 |               |                |                  |
|-----------------|---------------|----------------|------------------|
| Auker,          | Fletcher,     | Leydic,        | Sollenberger,    |
| Boorse,         | Foor,         | Lichtenwalter, | Sorg,            |
| Bower,          | Greenwood,    | Lyons,         | Stambaugh,       |
| Bretherick,     | Gross,        | McClester,     | Stockham,        |
| Brunner, C. H., | Gyger,        | McDowell,      | Taylor,          |
| Cadwalader,     | Habbyshaw,    | McKinney,      | Thompson, R. L., |
| Cook,           | Haines,       | McSurdy,       | Trout,           |
| Cocper,         | Hare,         | Muir,          | Turner,          |
| Cordier,        | Helm,         | O'Dare,        | VanAllsburg,     |
| Dalrymple,      | Hewitt,       | Reagan,        | Voorhees,        |
| Dennison,       | Huntley,      | Reese, D. P.,  | Wagner,          |
| Dix,            | Imbrie,       | Rhea,          | Watkins,         |
| Eckels,         | Jones, G. E., | Riley,         | Weingartner,     |
| Elder,          | Kilne,        | Rose, W. E.,   | Winner,          |
| Ely,            | Knoble,       | Sarge,         | Wood, L. H.,     |
| Fisher,         | Krise,        | Serrill,       | Wood, N.,        |
| Fiss,           | Lee, A.,      | Simons,        | Woodside,        |
| Fleming,        | Lee, T. H.,   | Snyder,        | Yeakel.          |

So the question was determined in the affirmative and the motion was agreed to.

FORMER MEMBER AND WOMEN'S REPUBLICAN CLUB WELCOMED

The SPEAKER. We are honored by having with us today, a former member of the House, Martha G. Thomas, and members of the Chester County Women's Republican Club who are guests of Messrs. Leisey, Gyger and Rank.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

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

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1022, entitled:

An Act to amend section thirteen and to further amend section eighteen of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled as amended "An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and providing penalties permitting certain dogs to be brought into the Commonwealth for hunting purposes by holders of nonresident hunting licenses without securing a Pennsylvania dog license

The first section was read.

On the question,

Mr. HARE. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1 (Sec. 13), page 3, line 12, by inserting after the word "may" the following: "without securing a license or licenses therefor".

Amend Sec. 1 (Sec. 13), page 3, line 15, by inserting after the word "law" the following: "if a similar exemption from the necessity of securing dog licenses is afforded for hunting purposes to residents of Pennsylvania by the state of such person's residence".

The amendments were agreed to.

The section was agreed to as amended.

The second section was read and agreed to.

The title was read.

On the question,

Will the House agree to the title?

Mr. HARE. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend title, page 2, last line of title, by inserting after the word "license" the following: "where the home state

of such nonresidents afford a similar exemption to residents of Pennsylvania."

It was agreed to.

The title was agreed to as amended.

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 678, entitled:

An Act to safeguard life health and property defining regulating and licensing contractors and journeymen engaged in the business of painting paperhanging and decorating fixing license fees providing for the revocation of such licenses and appeals therefrom creating the Painting and Paperhanging Licensing Board as a departmental administrative board in the Department of Labor and Industry and conferring powers and imposing duties thereon providing penalties and making an appropriation

The first section was read.

On the question.

Will the House agree to the section?

#### BILL RECOMMENDED

Mr. SCANLON. Mr. Speaker, I move that this bill be recommitted to the Committee on Professional Licensure for the purpose of further study and possible amendment. The motion was agreed to.

#### BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 199, entitled:

An Act to amend the act approved the sixteenth day of May one thousand nine hundred forty (Act No. 4) entitled "An act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" by further defining moneys transferred to the General Fund

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

Ordered, To be transcribed for a third reading.

#### RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which House Bill No. 854, Printer's No. 253, entitled:

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

disposition of the receipts from State stores and of fees; and imposing penalties," permitting hotel and restaurant licensees to sell by the bottle at certain times, for consumption off the premises regulating such sales and imposing penalties.

was defeated on final passage Monday April 14th, 1941, be reconsidered.

Mr. GOODWIN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks, Mr. Readinger vote on the final passage of this bill?

Mr. READINGER. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Allegany, Mr. Goodwin vote on the final passage of this bill?

Mr. GOODWIN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

The SPEAKER declared the ayes appeared to have it.

Whereupon, a division was called for, one hundred five members having voted in the affirmative and sixty in the negative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. WOODSIDE. Mr. Speaker, I thought probably the sponsor of this bill would follow the more usual procedure of putting the bill over on the calendar so that it could be printed and could be taken up in its usual order, so that the members would know it was going to be taken up. However, since he has not seen fit to do that, it seems to me there is one thing about the bill that ought to be called to the attention of the House, which was not called to the attention of the House last night, or at least ought to be suggested.

It is a fact as the bill is drafted, unless it can be shown there are other provisions in the act which definitely change the construction of the bill, as it now appears on our desks, it would be possible to sell a bottle of liquor in hotels at all times when the State stores are not open. Now, if that means what it says, "at all times when the State stores are not open," it would be after the hours of two o'clock in the morning, and it would mean on Sunday and at all other times when the State stores are not open including holidays on which sale is forbidden. It might be possible, in connection with the rest of the Liquor Control Act, that that would not be true. I think personally, it should be made clear in this bill, that such a situation is not desired by the sponsors, if in fact it is not desired by them, and since it has not been made clear in this bill for that reason alone this bill should be defeated. I was hoping the sponsors in order to clarify that point would amend the bill, although I'm not suggesting that I would be in favor of the bill even then, but it would make it a much less objectionable bill. I think this matter should be called to the attention of Members of the House before this bill is voted upon.

Mr. SCANLON. Mr. Speaker, I cannot quite agree with the minority floor leader because on line eleven, page four of the bill, as I read the bill it provides, "Hotel restaurant and public service licensees their servants agents or employes may sell liquor and malt or brewed beverages only after seven o'clock antemeridian of the following week day and shall not sell on Sunday."

Therefore, I submit Mr. Speaker, that this is only a technical objection. I discussed this matter with the

minority leader and if this bill should pass the House I would not have any objection to the bill's being amended in the Senate. It is not the intention of the sponsor to allow any licensee to sell by the bottle on Sunday. I hope the Members will not construe the bill in that light. If this bill should pass this House, and it is deemed necessary I would be agreeable to inserting an amendment in the Senate.

Mr. CHARLES H. BRUNNER. Mr Speaker, a few minutes ago I voted to reconsider the vote by which this bill was defeated. Last night I voted for this bill, and until Mr. Woodside the minority floor leader called my attention to the possibility of this measure allowing sales on Sundays and various hours of the early morning and late at night, I had intended again to vote for this measure. I think it is incumbent upon the sponsor of this measure to allow the membership of this House to consider the full consequences of this act, and unless the sponsors are willing that the bill be placed on the postponed calendar I am asking the membership of this House to vote "No."

#### BILL POSTPONED

Mr. SCANLON. Mr. Speaker, in view of the fact that we cannot clarify the situation now, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

#### BILL ON FINAL PASSAGE

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. SHAW.

The House resumed the consideration on final passage of House Bill No. 367, entitled:

An Act legalizing the operation of bowling alleys and participation in the sport of bowling after two o'clock post meridian on Sunday

On the question recurring,  
Shall the bill pass finally?

Mr. McFALL. Mr. Speaker, another attempt is being made to pass a Sunday bowling bill that is obnoxious to many good citizens of our State and unjust to many others, so we are back where we started from a week ago, when this bill was defeated because it could not muster the 105 votes necessary to its passage. De who oppose this bill intend to fight every inch of the way not by trading votes, which seems to be an old political custom, but by appeals to finer and nobler codes, to the spiritual and inspirational ideals, without which man would be just another animal.

I oppose this Sunday bowling bill because of many reasons, chief among them being Sunday observance (desecration) Sunday work (employment) and the denial of self-government local option (referendum). We are many men of many minds. We do not all think alike. This is as it should be—it is our right and privilege. A young man married happily continually boasted about his wife, kept saying he was so glad every man did not think as he did or else they would all want his wife—one day one of his friends growing tired of this said to him, "It is a good thing everybody doesn't think as I do, if they did, no one would want her.

Sabbath observance was so important to our forefathers

that they enacted into law what we have come to know as the Blue Laws of Pennsylvania. Many of these laws are looked upon as being narrow—unethical and in some cases impossible to live up to in letter and in law, such as the kissing of one's wife and prohibiting all worldly pleasures on the Sabbath day. From what I heard on the floor of this House last Thursday on the question of having a wife—I feel sure there are some House Members who would be glad if they had a wife to kiss—one day out of a week.

I do not like to think of our Forefathers as being narrowminded, but rather that they wanted to give the Sabbath the full value of their devotion, forgetting and putting aside all material things that would hinder or cause them to forget that the worship of God in their minds would always come first.

I do not need to tell you that the first religious bodies of our state zealously guarded the Sabbath day as a day for worship and as a day for rest, such religious bodies as the Quakers—the Moravians, the Lutherans, the Methodists and many others. Later years has seen the breaking down of the high ideals and the spiritual devotion once held for the Sabbath day. Constant chiselling has worn away some of the religious and spiritual desires and the day has been given over to sports and pleasures that are slowly but surely sapping the souls of men of their spiritual values and to the physical body that rest that is so vital and necessary to human health and happiness.

None of us like a chiseler, for he is one who seeks to destroy, to tear down or to remove. We look upon a chisler as undesirable, worthless and of no value or good to society. I would therefore, Mr. Speaker, hate to go down in history as being one Legislator who helped to chisel away Sabbath observance so that Sunday will come to mean only another weekday. At the rate we are now going soon there will be no day of worship—no day to hallow or no day to rest.

Those that are championing this bill like to claim the healthful and necessary exercise this game of bowling affords. I will agree if the game is held to a strict moderation for that very purpose, but not to commercialize the game on Sunday so that tournaments and match games can be run off hour after hour where spectators and players will be crowded and jammed into basements and rooms with limited space, a foul and tobacco smoke laden atmosphere to breathe. So I am not so sure if there are any real physical benefits or any moral benefits for that matter in opening the gates to Sunday bowling.

If we feel the need for exercise, young or old, and we want to utilize part of Sunday for that purpose we can get all we need by walking out into God's sunshine and breathe the pure air he gives us without money and without price.

Where do we get this idea of Sabbath observance and a day of rest from—now I am not going to think the Representatives of this House are all as dumb as the story of the three Senators who bet none of them knew the Lord's Prayer. One of them said I will take the bet and began to recite—"Now I lay me down to sleep I pray the Lord my Soul to keep, if I should die before I wake I pray my Soul the Lord to take and the other two said, you win I did not think you knew it.

In the Book of Genesis, second chapter, second and third verses we find these words—

And on the seventh day God ended his work which he had made and he rested on the seventh day from all his work and God blessed the seventh day and sanctified it; because that in it he had rested from all his work which God created and made. The word sanctified means to purify. Now I give you this question to answer, will the passage of this Act help God to still further purify the Sabbath day?

Legalizing and commercializing Sunday bowling brings into the picture the profit motive, a desire to do business on Sunday, a motive so obvious that we can pass over it by saying the desire to make money by many is much more stronger than the desire to do good to all the people.

Then there is this Commandment. Six days shalt thou labor and do all thy work, but the seventh day is the Sabbath of thy Lord in it thou shall not do any work, thou nor thy son. Nor thy daughter, thy manservant, thy maidservant, nor thy cattle, nor the stranger within thy gate.

There are millions of people who still believe in the Golden Rule—and the ten commandments. That there is something beautiful and inspiring in the devotion of parents and children to the observance of the Sabbath day no one can deny.

What more pleasing sight or inspirational touch can one get than to see the smiling faces of the children of our state, spick and span in suits and dresses wending their way each Sunday to Sunday School. Why should there be obstacles placed in the way of this rising generation, the men and women of tomorrow, some of whom will be the leaders and rulers of our state. "If righteousness exalteth a nation" why don't we let well enough alone and try to make all things better, rather than to tear down the high ideals set by our Forefathers, and by every thinker—philosopher and teacher—that ever trod the Earth.

Then there are certain inalienable rights every community is entitled to, which right this bill denies. The right of home rule, local self-government—local option—referendum.

Baseball, football, motion pictures all come under local option. Why not bowling? If this bill passes every ten pin alley in the state can be open from 2:00 p.m. until the next day. In any place an alley can be set up regardless of what the wishes and desires of the community are. We hear a lot about home rule these days. Too much centralization and too much power given into the hands of a few. This bill does not recognize any of these facts, but says in effect, Take it or leave it. We are going to have bowling all over the state whether you like it or not.

Senator Jaspan introduced a bill in the Senate, to make all Sunday legislation a matter of local option.

This bill would repeal parts of the acts of 1794 and of Section 651 of the Penal Code of 1939, that plainly is inconsistent with the purpose of the act. Section 651 of the Penal Code prohibits the attendance of persons under 18 years of age in bowling alleys on any day of the week, this bill, No. 367, makes no such provision, and would therefore permit on Sunday what the Penal Code prohibits on other days of the week. To me this just doesn't make sense, or is the general opinion for this Bowling Bill to construe. "Better the day, better the deed."

Sen. Jaspan introduced in the Senate today a bill to make all Sunday legislation a matter of local option.

Mr. Speaker and Members of the House, I want to thank you for the attention you have given to my remarks. My one hope is that the truth of my statements may have found a reciprocating feeling in the minds and hearts of every member and with me will vote "no" on this bill.

Mr. HARE. Mr. Speaker, coming as I do, from the little rural county of Somerset, the roof garden of Pennsylvania and the foothills of Heaven, I feel that I would be derelict in my duty if I did not rise to oppose this bill.

In our country, we have a great deal of respect for the churches, and I feel that I would be slurring the memory of a mother who taught me the Lord's prayer on her knees if I would now cast aside the moral training and respect for the Creator by voting for any further desecration of the Sabbath day. It seems to me rather hypocritical that Members of this House can bow their heads at the beginning of each session, before some of the most beautiful prayers to which I have had the privilege of listening. Yesterday the Chaplain of this House made the statement in his prayer, "let Thy Children within this state remember their Creator". Certainly we all recognize the fact that this Democracy exists with a sense of moral values largely because of the creation of the Ten Commandments. We certainly recognize that every nation that has fallen since the beginning of time, has fallen because in some form or another they forgot the teaching of the greatest teacher who ever lived. I have no desire in my little village to have a minister interrupted in the midst of his Doxology on a Sunday evening by a guttural explosion of voices in a bowling alley because some fellow missed a spare by two pins. We are definitely faced with an anti-church bill. Take it or leave it. If any of you have any regard for the teaching of the church that spawned you, then certainly you should vote against this type of criminal legislation.

Mr. FRENCH. Mr. Speaker, I am sorry I am not able to rise to magnificent heights of oratory in order to get my thoughts across, but in my humble manner I will have to do the best I can.

The gentleman on my right stole a part of my speech. One of the reasons I am before this "mike" at the present moment in opposition to this bill is the particular reason that the gentleman just spoke about a minute ago. I was born of very humble parents back up here on the mountain on a little old hill near a farm. My parents at the time I thought were a little bit hard on us. They would not permit us to pick up a baseball bat on Sunday afternoon to knock out a few flies. They would not allow us to go swimming on Sunday; they would not let us do a lot of things. They would not even let us whistle around the place on Sunday. They might have been a little bit stern, at least we thought so at the time, but I stand here to honor the folks, those old people for what they did for us, and I have never forgotten them.

This bill that we are about to vote on is a purely commercialized affair. I was very much impressed as all of you were this afternoon when this session started, with the band of young folks up there rendering that most magnificent music. I dare say there are few men in the House at the present time who are not fathers of boys and girls back home. The question which each one of us has to answer for himself this afternoon is this, do we want these

chaps of ours to spend Sunday afternoon in a bowling alley, or do we not? Are we not men enough, do we not have enough control over our kids to say to them "Let us take a rest this afternoon" or if we have a car "Let us take a little car ride." I know there will be some opposition to that statement because some of you may feel that that is just as bad as bowling, but I think that is not true. Would it not be far better for us to try to furnish some other amusement for those children on Sunday afternoons than to let them go into a bowling alley? I have been in them a few times but never on Sunday. You know as well as I do that the folks in these bowling alleys are good fellows, but they are not very particular about the use of their language around such places as that. We all know that to be a fact. That is another good reason why we should oppose this bill this afternoon.

Another thing, as I said a moment ago, this is a purely commercial bill, a bill to commercialize the Sabbath. I want to make this statement to you folks, that any bill or any movement that is intended to commercialize the Sabbath or earn money by commercializing the Sabbath, such money earned in that manner is eventually bound to sicken your hearts. Chickens are bound to come home to roost sooner or later. Besides that, Members of the House, this bill is intended to abolish an edict or I might call it an act that was laid down to us many centuries ago. I have never found any place recorded in history, and I am sure there is no member of this House who has ever found it recorded any place in history that that act or that edict was ever abolished to the best of my knowledge. Now then, I am not opposed to bowling. I want you fellows to get me clear on that. I think it is good clean sport, one of the cleanest sports we have. I think it is a fine thing and I am not opposed to bowling, not by any means. It is a fine sport. It is a clean sport, as clean as any sport as we have anywhere, but we are opposed to this proposition of desecrating the Sabbath.

Gentlemen, I ask you to consider this matter very seriously and when the time comes to vote on this bill, vote in such a manner so that you can go back home and meet the people who walk up and down the street with a clear conscience, so that you will not have to go across on the other side of the street in order to keep from meeting them. I ask you men to vote "no" on this bill this afternoon.

Mr. HEATHERINGTON. Mr. Speaker, I want to speak a few words in defense of the Sunday bowling bill. This bill was introduced, not for the purpose which has been mentioned, to commercialize the Sabbath, but the Sunday bowling bill was introduced as a health measure.

In the Pittsburgh Sunday Press, Commenting on Sunday bowling after the bill was defeated, the editorial reads as follows:

"For want of five votes a bill to permit bowling on Sunday was defeated in the State House of Representatives, even though a majority of those present favored it. The vote was 98 in favor of the bill and 96 opposed. The constitution requires 105 votes in order to pass a bill. Actually there were 100 Representatives in favor of the measure, but two of them changed their votes the result was announced so that they would be in position to ask a reconsideration.

"We hope that the extra five votes will be rounded up when the bill again comes up, so that it can be passed.

"Bowling is a clean, healthful sport, played in good surroundings. It has never been tainted by gambling or other evil conditions.

"It helps build sturdy men and women—something this nation needs. It provides clean and inexpensive recreation—and to some persons Sunday is almost the only opportunity to get it.

"Many other sports are legal on Sunday. It is rank discrimination to ban bowling.

"The era of blue laws is gone. A modern nation recognizes that it is not proper function of law to try to enforce the religious beliefs of one person upon another who disagrees with them. Under the bowling bill nobody who doesn't believe in Sunday bowling would be compelled to do so. But it is equally fair that those who want it should not be controlled by those who don't."

Further, Mr. Speaker, I will quote from the Pittsburgh Sun-Telegraph, which reads as follows:

"The Sun-Telegraph was active in the movement to modify the Blue Law to permit Sunday movies and ball games in communities which vote in favor of them at local option elections. We would like to see this liberalism extended to the authorization of bowling on Sundays after 2 p. m. and are glad to learn that the enabling bill, though defeated in the House last week by a majority of six votes, still has a chance. A motion to reconsider will be made, and the result will be determined by 14 members of the House who were absent when the original vote was taken."

Mr. Speaker and members of the House, I have a clipping from the McKeesport Daily News, which reads as follows:

"Kenny Mettle, one of the best bowlers in this city, is thankful that he took up bowling. At the age of four he was stricken with infantile paralysis. During his high school days he attempted various forms of athletics, but bowling really gave him a lease on an active life and now he is a 190 average bowler."

Now, friends, the "Curbstone Coach" in the McKeesport Daily News says:

"It won't be long until bowling invades the schools of the district if the interest taken by the youngsters in the game is an indication. Girls and boys of 'teen age have been trying their skill on local alleys between league matches of the older folks and some of them are becoming quite proficient at scattering the pins. That's one nice thing about bowling, you don't have to be a 200-pound giant to achieve a good score. Just like a good baseball pitcher, all you need is a little control."

There is one other point, Mr. Speaker, about this sport of bowling. In the past it was a sport that was manned by men, but women are beginning to take the men off the sporting page when it comes to bowling. Gentlemen, I agree with some of the men on the other side of the House when they say we must rest on the seventh day, but I want them also to know that 15 or 18 years ago, as I was working in the steel works, Judge Gary told me that I must work on Sunday and stay home on Wednesday. He made Wednesday my seventh day.

I ask the members on both sides of the House as a health measure to support the Sunday bowling bill.

Mr. HEWITT. Mr. Speaker, I suppose after this long debate the Members are sort of uneasy. I will try not to impose too much upon the time of the House in my remarks.

There has been one feature of this bill which has been overlooked. There was a time when a man worked six days a week, ten or twelve hours a day, and at that time there was not much chance for recreation. Now we have gotten down to eight hours a day or seven hours a day, and that gives a man the bigger part of the afternoon for

recreation. The gentleman from Allegheny states that this is a health measure. I noticed this bill was reported from the Committee on Law and Order. I don't know why it was not reported from the Committee on Health and Sanitation, if it is that kind of a bill.

Mr. Speaker, I am opposed to the bill because I come from a little county which has a lot of churches up on the hill and all around the town, and I do not want to hear the bowling balls and pins being knocked down when the minister is preaching his sermon. Another thing, these bowling alleys are located on the first, second or any other floor and anybody who bowls knows it is a noisy game.

I'm opposed to the bill for those several reasons.

Mr. WRIGHT. Mr. Speaker, I desire to make a brief statement relative to the Sunday bowling bill 367, but to be more specific I will refer to a few instances when our greatest men spoke on this same subject.

Abraham Lincoln on November 15, 1862 issued the following order. "The President, commander-in-chief of the Army and Navy desires and enjoins the orderly observance of the Sabbath by the officers and men in military and naval services.

The importance of man and beast of the prescribed weekly rest, the sacred rights of Christian soldiers and sailors, a becoming deference of a Christian people, and due regard for the Divine Will, demand that Sunday labor be reduced to the measure of strict necessity.

The discipline and character of the National Forces should not suffer, nor the cause they defend be imperiled by the profanation of the day or names of the Most High."

In their orders for Sabbath observance, Harrison, McKinley and Woodrow Wilson followed Lincoln's example.

And only a few weeks ago President Roosevelt said. "What we need now more than anything else is a moral and spiritual undergirding." and, Mr. Speaker and Members of the House, I believe that our Sabbath and Sanctuary are indispensable for the creation of such undergirding.

In this day of world tragedies and public distress, we need a stouter morale and a morale that expresses itself in morals. A loose living, pleasure loving, light minded, happy-go-lucky people simply cannot possess a morale equal to the present crisis.

It is natural for everyone to think of themselves first, but, Mr. Speaker, I have been selected to represent a people who are the equal of any in Pennsylvania in refinement and sturdy citizenship; while I view it as a grave responsibility to be their representative, I think of it as a distinct privilege, realizing that my representation of them here is unbreakably linked with their private life and their public welfare.

The promoters of the Sunday Bowling Bill are aiming to break down our age-old Sabbath Day traditions, they might just as well try to shut up Summer in a little garden as to try to smother the living truth in that tradition, it breaks through and escapes such efforts and language, and we, the citizens, of the great state of Pennsylvania, proponents of Sunday observance are proud. Arguments should not be needed the facts alone testify.

The things we do here now are not for us but are for those that follow in the great tomorrow. The Sunday Bowling Bill if passed in its present form would become a law without referendum to municipalities, And, Mr. Speaker, and members of the House, you will agree with me that there are quite a few good citizens living in the Commonwealth of Pennsylvania who are just outside the

limits of our two great cities, Philadelphia and Pittsburgh. These good people of whom I speak love the Christian Sabbath and its ideals, and their experience has proven that their faithful observance of the Sabbath Day makes for efficiency.

Mr. Speaker, more directly, more deeply, our national idea and ideals are derived from a faith in the heart of men and women today, we need to go no further back. It is to that moral tradition that we owe our origin.

By the same token, if morals fail, morale will fail too, and along with it our sense of the dignity, duty, and worth of the Sabbath Day to man. Only by its observance, can we keep our tradition of liberty under law—Moral Law.

Mr. Speaker, please allow me to remind you that all progress whether it be ethical, social, economical or political, is moving steadily forward upon the marching feet of little children. These same young men and women will build a new America whose foundations are being laid now by our own pronouncements.

Surely then, this splendid group, a body of law-making and law-observing men, will do nothing to weaken our spiritual undergirding, or the desecration of our Christian Sabbath. Therefore, Mr. Speaker and Members of the House, allow me to appeal to each of you, but most especially to the fathers, to vote against the passage of the Sunday bowling bill, 367.

Mr. AUKER. Mr. Speaker, I ask the further indulgence of the House for about five minutes. I am arising to oppose this measure on one ground that to my mind makes it utterly vicious, utterly bad and utterly disreputable. It seems to me that we are again passing a law, imposing our will on the individuals and people back home, concerning whom we have no business to pass such legislation. Let us follow that through to a concrete example. I am referring now to the fact that this bill carries no local option feature as all the other sports bills had. Let us take for instance, in the city of Altoona, that ten percent of the people wanted bowling and ninety percent of the people did not. All right ten percent of the people forced their will on the other ninety percent. What is true in Altoona is true in every little borough and hamlet and city in this Commonwealth. I say to you that such a principle of government is utterly bad, utterly vicious. We have no right here to pass such a law and force this kind of thing down the throats of the people back home. That is democracy at its worst. There is nothing democratic about it. Certainly the sponsors of this bill, if they wanted to have a good measure, would have included a local option feature in it.

I am asking the Members of the House, if for no other reason than that we should not come here and impose our will upon the people back home, to vote against this bill. They do not have any say whatsoever as to whether they want bowling in their community on Sunday or not. They will not have any say whatsoever, except to forbid their children to go there on Sunday, and whether they want their children to go to the bowling alleys on Sunday or not, if the bowling alleys are opened it is likely the children will go in anyway. That is not home rule, certainly it is not democratic government, and for that reason alone I am asking you to vote down this measure.

Mr. BENTLEY. Mr. Speaker, the remarks I am about to make might better come under the head of personal privilege, because I voted for this bill at the time it was first before the House and I propose to again vote for the bill, but I do not intend to sit idly by and leave unanswered

on the record the charge that I am irreverent to the Sabbath because of my vote. What is even more of a personal affront, that I lack respect to my parents because I so voted. I so understood the remarks of the gentleman from Somerset. I think by those remarks every Member of the House who voted for this bill at the time it was first before the House suffered a personal affront I yield to no man of this House in the respect I have for my parents and my daughter. But my vote in the first instance and again today will be a vote for fair play. The best example of it that I can give is to take the statement that was made by one of the men who preceded me who in his conclusion said the bill says you are going to have bowling whether you like it or not. I say that a refusal to permit bowling is a sword cutting the other way, and it is the statement that you won't have bowling whether you like it or not.

Mr. Speaker, I wanted to make clear my position and my reasons for supporting this bill. I say to the men of this House, who have no doubt felt as I did when those words were being spoken that they too should rise and express their resentment against that sort of an attack on our rights and duties to vote as we see our way clear to vote.

Mr. FRENCH. Mr. Speaker, I am sorry I had to get up here again and I would not have done so except for a remark which Mr. Heatherington made. It seems from his remarks that this bill has resolved itself into a health bill. I want to call his attention and also the attention of the other Members of the House to a statement he made two weeks ago on the floor that if this bill is defeated, it would deprive the city of Pittsburgh and likewise the city of Philadelphia of one million or more dollars in revenue, by preventing bowling tournaments from being held there. If that is not commercialism I would like to have somebody else tell me what it is.

Mr. CULLEN. Mr. Speaker, I also rise to resent the statement about being irreligious because I am supporting this bill. I might say that I am a married man with four young men. My wife, three children and I go to church, the other one does not go because he is in the United States Navy. We attend our religious services and then I bowl with my sons. If that is irreligious Members of this House, give me more of it.

They spoke very eloquently about our forefathers and these so-called blue laws. Those laws may have been all right in their day, but Mr. Speaker, I contend they are insidious today. They are not the kind of laws we want at the present time. I contend this is a liberal nation and a liberal state. One of the speakers spoke about us fellows swearing when we miss a spare. What right has he got to tell me that I cannot swear when I miss a spare? What right has he got to tell me I cannot swear when I want to swear? Right in line with that I might state that there is very little swearing in bowling alleys because we have the finest women in the state there who bowl. We pay respect to our womanhood. Yes, if I miss a spare I can swear, and I do not have to account to any Member of this Legislature or any other citizen of this state. It is my business and not the business of anybody else. When I swear, I swear very quietly. And that is my right. I do not hesitate to say we are going to have a good many votes against this particular bill by a good many gentlemen who go out on the golf course on Sundays and swing a golf club. It is about time I think that Members of the Leg-

islative bodies in this state and every place else stop and legislate more in the interest of the people. But this cannot be done, Mr. Speaker. You cannot legislate morals. If I want to be religious because of what this body says, all right, I will. And if I do not want to be religious this body cannot make me be religious. Therefore, all of this stuff about religion which our forefathers brought back, I think in a lot of cases is a lot of bunk, because up in New England a great man by the name of Roger Williams was chased out of the state because he wanted to have his own religion. Those are the men we are supposed to follow. I for one think all the blue laws on the statute books ought to be scrapped and the sooner they are scrapped the better it will be for the state of Pennsylvania.

In conclusion, Mr. Speaker, I would like to read into the record a statement from the Philadelphia Record found in the editor of April 6, 1941, as follows:

"If the Governor of Pennsylvania is still of the opinion his state shouldn't have Sunday bowling because of the objections from church groups, here is an interesting note that we bring to his attention.

"There are 6012 church teams registered with the American Bowling Congress," and incidentally they play on Sunday, "As well as 3678 teams from the Knights of Columbus, Masonic Orders and B'Nai Brith.

"Among other groups represented in the American Bowling Congress are 448 from fraternal orders—Elks, Eagles, etc.; 1302 Y. M. C. A. teams, 2500 civic club teams—Lions, Kiwanis, Exchange, etc. while thousands of others come from clubs—Penn A. C., Detroit A. C., Chicago A. C., etc., colleges, American Legions, country clubs, Federal and State Employees, etc. Or are you still uninterested, Governor?"

Mr. Speaker, I am asking you, is not that a representation of good citizenship of this state or any other state, and they all bowl and they are bowling on Sunday. I thank you.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken. Messrs. Reagan, Gates and Norman Wood asked for a verification of the roll. The roll was verified and was as follows:

## YEAS 105

Baker,	Gallagher,	McLanahan,	Rose, S.,
Bentley,	Gerard,	McLane,	Rose, W. E.,
Boies,	Goodwin,	Melchiorre,	Rosenfeld,
Boney,	Harkins,	Mihm,	Sarraf,
Bradley,	Harmuth,	Modell,	Scanlon,
Brown,	Heatherington,	Monks,	Schwab,
Brunner, C. H.,	Hering,	Mooney,	Shaffer,
Brunner, P. A.,	Herman,	Moran,	Shaw,
Burns,	Hersch,	Muir,	Shepard,
Cadwalader,	Hirsch,	Munley,	Sorg,
Chudoff,	Holland,	O'Brien,	Tate,
Cohen, M. M.,	Jefferson,	O'Connor,	Thompson, E. F.,
Cohen, R. E.,	Jones, P. N.,	O'Dare,	Turner,
Cook,	Keenan,	O'Mullen,	Verona,
Cordier,	Kenehan,	O'Neill,	Vincent,
Corrigan,	Kline,	Owens,	Vogt,
Croop,	Kolankiewicz,	Petrosky,	Voldow,
Cullen,	Komorowski,	Polaski,	Voorhees,
Dalrymple,	Leonard,	Powers,	Weiss,
DiGenova,	Longo,	Prosen,	Welsh, E. B.,
D'Ortona,	Lovett,	Rausch,	Williams,
Duffy,	Malloy,	Readinger,	Wood, L. H.,
Falkenstein,	Marks,	Regan,	Woodring,
Finestone,	Maxwell,	Reynolds,	Young,
Finnerty,	McClanaghan,	Riley,	Kilroy,
Fletcher,	McDermott,	Rooney,	Speaker.
Flynn,	McGrath,		

NAYS 88

Achterman,	French,	Lelsey,	Serrill,
Auker,	Gates,	Levy,	Simons,
Balthaser,	Gillan,	Leydic,	Snyder,
Bentzel,	Gillette,	Lichtenwalter,	Sollenberger,
Boorse,	Greenwood,	Lyons,	Stambaugh,
Bower,	Gross,	McClester,	Stine,
Bretherick,	Gyger,	McFall,	Stockham,
Burris,	Habbyshaw,	McIntosh,	Taylor,
Cochran,	Haberlen,	McKinney,	Thompson, R. L.,
Cooper,	Haines,	McSurdy,	Trout,
Drnnison,	Hamilton,	Moul,	VanAllsburg,
Dix,	Hare,	Nagel,	Wagner,
Dolon,	Harris,	Nunemacher,	Watkins,
Early,	Helm,	Pettit,	Weingartner,
Eckels,	Hewitt,	Polen,	Welsh, M. J.,
Elder,	Huntley,	Rank,	Winner,
Elllott,	Imbrie,	Reagan,	Wolf,
Ely,	Jones, G. E.,	Reese, D. P.,	Wood, N.,
Flsher,	Knoble,	Reese, R. E.,	Woodside,
Flass,	Krise,	Rhea,	Wright,
Fleming,	Lee, A.,	Rush,	Yeakel,
Poor,	Lee, T. H.,	Sarge,	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.

REASON FOR VOTE

Mr. BENTZEL filed the following reasons for his vote: I desire to vote against this bill, believing that the majority of my constituents would have me do so, and further feel the bill should be amended allowing the voters of York to decide the issue for themselves by vote of referendum.

QUESTION OF INFORMATION

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

The Speaker. The gentleman from Armstrong will state his question of information.

Mr. GATES. Mr. Speaker, if a man was excused last night for today's session but still is in the House today after being excused, is he entitled to vote?

The SPEAKER. If the gentleman is in the House, he has a right to vote.

Mr. GATES. Thank you, Mr. Speaker.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 236, entitled:

An Act protecting the rights of students in colleges, universities and other educational institutions to credits represented to be obtainable at the time of commencing work therefor; imposing penalties; and providing for equitable relief.

On the question,

Will the House agree to the bill on third reading?

Mr. HARKINS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 3, page 2, lines 15 and 16, by striking out the words "Any person aggrieved by any violation of the provisions of this act" and inserting in lieu thereof the

following: "Any person who, relying on representations made by any college, university or other educational institution, as hereinbefore set forth, has heretofore or shall hereafter undertake and successfully complete the work prescribed for credit towards a degree, diploma, certificate, advancement or other purpose or advantage, and has been or shall hereafter be denied such credit, and any person who has, with the approval of the college, university or other educational institution, commenced any work prescribed for any such credit and has or shall hereafter be denied an opportunity to complete the same."

Amend sec. 3, page 2, line 19, by striking out the word "he" and inserting in lieu thereof the words: "such person."

Amend sec. 3, page 2, line 19, by inserting after the word "or" the words "to compel."

Amend sec. 3, page 2, line 20, by inserting after the word "work" the following: "which such person had."

Amend the bill, page 2, by inserting after line 23, the following: "Section 4. Nothing in this act shall in any way interfere with the right of any college, university or other educational institution to expel a student for misconduct or breach of regulation, as a proper disciplinary measure, or to refuse a diploma or advancement to any student who has failed to attain the grade required of all students for passing."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments.

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 393, as follows:

An Act to amend section one and two of the act approved the fifth day of June one thousand nine hundred and thirty-five (P. L. 266) entitled "An act to protect trade-mark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name" by extending the provisions thereof to vending equipment used in distributing such articles and further defining parties having a right of action for unfair competition

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

Section 1 Sections one and two of the act approved the fifth day of June one thousand nine hundred and thirty-five (P. L. 266) entitled "An act to protect trade-mark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no contract relating to the sale or resale of a commodity which bears or the label or content of which bears or the vending equipment from which said commodity is sold to the consumer bears the trade-mark brand or the name of the producer or owner of such commodity and which is in fair and open competition with commodities of the same general class produced by others shall be deemed in violation of any law of the State of Pennsylvania by reason of any of the following provisions which may be contained in such contract



(a) That the buyer will not resell such commodity except at the price stipulated by the vendor

(b) That the vendee or producer require in delivery to whom he may resell such commodity to agree that he will not in turn resell except at the price stipulated by such vendor or such vendee; buyer of such commodity require upon his resale of such commodity that the purchaser from him agree that such purchaser will not in turn resell except at the price stipulated by the vendor of the buyer

Such provisions in any contract shall be deemed to contain or imply conditions that such commodities may be resold without reference to such agreement in the following cases

(a) In closing out the owners stock for the purpose of discontinuing delivery any such commodity

(b) When the goods are damaged or deteriorated in quality and notice is given the public thereof

(c) By any officer acting under orders of any court or in the execution of any writ or distress

Section 2 Wilfully and knowingly advertising offering for sale or selling any commodity at less than the price stipulated in any contract entered into pursuant to the provisions of section one of this act whether the person so advertising offering for sale or selling is or is not a party to such contract in unfair competition and is actionable at the suit of (any person damaged thereby) such vendor buyer or purchaser of such commodity

Section 2 This act shall become effective immediately upon 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. HOLLAND. Mr. Speaker, we are about to vote on a bill which will give more power to the major oil and gasoline companies in Pennsylvania than any power that has ever been given to the government.

This bill has the support of the Associated Petroleum Industry. The Associated Petroleum Industry consists of all of the executives of all the major oil and gasoline companies in the United States. This association protested and fought the enactment of the N. R. A. stating that the N. R. A. was price fixing. They now come to this House and offer House bill 393 which gives the power to any large oil and gasoline company to fix the price. This is a lot of power to give to any one industry.

I might point out that a man who has been very prominent in this industry, a man who gave some very enlightening testimony before the Oil Commission, is now in this House and was in this House last night and today lobbying for this bill. I refer to Purvis Taylor.

We have in Committee House bill 523 which would give the power to the dealers to get together for protection, but now we are called upon to vote on a bill that makes the oil industry bigger than the Government and gives them complete control of the dealers, in fact gives them a power that no other industry has in the United States.

I have here a letter from the Associated Retail Gasoline Dealers, Incorporated of the State of Pennsylvania, who protest against this bill and state that this bill will hurt every independent gasoline dealer in the state of Pennsylvania. I feel that this House should vote against this bill and give the independent gas dealers of the State a chance for their existence.

Mr. VOLDOW. Mr. Speaker, I rise at this time in support of the bill. This bill will simply permit the producer of a commodity sold from vending equipment and which bears the tradename or name of the producer to stipulate

the minimum resale price of such commodity with his purchaser or dealer. I should like to point out to the membership of this House that the Fair Trade Act of 1935 today covers commodities in general which bear the name of the producer and that this bill simply amends the Fair Trade Act of 1935 by extending the provisions thereof to commodities sold from vending equipment.

This bill would not only apply to the gasoline industry, but would also apply to other commodities sold from vending equipment. For example the bill will apply to Coca Cola sold from vending equipment in paper cups, or to peanuts sold from vending equipment.

A condition has long been prevalent in Philadelphia and in many other parts of the state which makes it impossible for the dealer of gasoline to make a fair margin of profit. These men put in long and hard hours of work in their gas stations, usually opening their station at 7 a.m. and closing at 1 or 2 in the morning and the existing "price wars" in the industry has prevented these men from making a decent living. Many of them have not even been able to eke out a meager existence. Furthermore these "price wars" have resulted in fraud being practiced on the public. Often times those dealers who undersell are forced to mix a standard grade of gasoline with an inferior grade of gasoline. Whenever I purchase gas from a dealer who undersells, I have invariably noticed the difference in the performance of my car and from past experience I know that this is due to the gasoline being mixed with an inferior grade.

In other words the purpose of this bill is twofold: 1 to permit the dealer a fair margin of profit and 2 to protect the public from fraud. The Fair Trade Act of 1935 now applies to commodities in general which bear the name of the producer and I can't see any difference between commodities in general and gasoline. Therefore, I ask the membership of this House to support the Bill.

Mr. NAGEL. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Voldow.

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

Mr. VOLDOW. I shall, Mr. Speaker.

Mr. NAGEL. I want to call the gentleman's attention to the situation that existed only a few weeks ago and perhaps exists today in my section of the state. In a section of Beaver County where gas is sold, and it is Blue Sunoco to be exact about it, this retailer sold his gas at nineteen cents a gallon. Four miles away in the adjoining county of Lawrence this same gas was sold from sixteen to sixteen and one half cents a gallon. When I asked my Beaver county dealer why this was so he said he could not explain, but the distributor of this particular gas hauled it past his filling station four miles beyond and sold it to that dealer at a lesser price. Can the gentleman from Philadelphia explain why this is done and whether or not the passage of this bill would cure this evil.

Mr. VOLDOW. Mr. Speaker, the passage of this bill would cure that situation.

Mr. NAGEL. Mr. Speaker, then would it leave the way open to price fixing and to raise the price to an exorbitant figure for the consumer?

Mr. VOLDOW. Mr. Speaker, if the price is raised those men who raise the price will drive themselves out of business because they will have to compete with those

individuals who conform with the price as fixed by the producer.

Mr. NAGEL. Mr. Speaker, will the gentleman tell this House whether or not in his opinion the passage of this bill would open a way for dealers to connive and get together and fix prices perhaps dangerous and injurious to the consumer of gasoline?

Mr. VOLDOW. Mr. Speaker, this bill has nothing to do with dealers fixing the price. The price under this bill is fixed entirely and solely by the producer who sells the commodity. In no event can the buyer fix the price under this bill.

Mr. GATES. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Voldow.

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

Mr. VOLDOW. I shall, Mr. Speaker.

Mr. GATES. Mr. Speaker, I would like for my own information to know whether in answer to Mr. Nagel's question Mr. Voldow said that the producer had the right to fix the price at which he sold his oil and gasoline to the dealer and also had the right to fix the price at which the dealer sold the commodity.

Mr. VOLDOW. Mr. Speaker, will the gentleman from Armstrong please repeat the question? I did not quite understand him.

Mr. GATES. Mr. Speaker, does the producer, in the bill of the gentleman from Philadelphia, have the right not only to fix the price at which he sells his commodity to the dealer but also the right to tell the dealer what price he shall sell the commodity for?

Mr. VOLDOW. Mr. Speaker, with or without this bill the producer will have the right to fix the price at any level since it is his commodity. However under the bill the producer has the right to fix the price at which the dealer can resell.

Mr. GATES. Mr. Speaker, then if I understand correctly the producer could fix his price at nineteen to twenty cents a gallon and he could fix the price at which the dealer sold his gasoline at twenty-five cents a gallon, and the poor consumer would have no redress at all. In other words as Mr. Holland pointed out, it seems to me that this is a travesty on justice under the democracy of the United States, and the state of Pennsylvania in particular, when we give any particular manufacturing association authority to fix the price to the dealer and the price at which the dealer can sell his commodity to the consumer. I think it is the most unethical bill I have ever heard of since I have been in the halls of legislature.

Mr. VOLDOW. Mr. Speaker, in answer to the gentleman may I say as I said before, under the Fair Trade Act of 1935 numerous commodities are now covered by the Fair Trade Act which gives the producers of those commodities the right to fix the price. As an example let me point out that Prestone on the market is sold for two dollars and sixty-five cents per gallon. The producer has never taken advantage of the dealer and has always allowed him a fair margin of profit. I do not believe the producer of gasoline will take advantage of the dealer in this instance.

Mr. PETROSKY. Mr. Speaker, I arise at this time to oppose House Bill 393, due to the principles that are involved in this measure. It may be true that Prestone is being sold for a fixed price, Prestone is not in the

high competitive status as a commodity on the market as are gasoline and oil.

I find the gentleman speaks of the fair margin of profit to the dealer in the fixing of the prices of gasoline and oil. We have no way of insuring this fair margin of profit under this measure. Therefore, I think in this bill we are legislating for a few privileged persons and legislating detrimentally to those dealers and to those consumers of gasoline and oil that will be interested in this measure.

Therefore, I ask the membership of the House to vote against House Bill 393.

On the question recurring,

Shall the bill pass finally?

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

Messrs. Voldow, Finestine and Marks asked for a verification of the roll.

The roll was verified and was as follows:

## YEAS 76

Achterman,	Gerard,	Mihm,	Scanlon,
Balthaser,	Haberlen,	Modell,	Schwab,
Bentley,	Haines,	Monks,	Shepard,
Bretherick,	Herman,	Munley,	Snyder,
Brown,	Hersch,	O'Brien,	Taylor,
Chudoff,	Huntley,	O'Mullen,	Turner,
Cohen, R. E.,	Kenehan,	O'Neill,	Voldow,
Cordier,	Kline,	Owens,	Watkins,
Corrigan,	Knoble,	Powers,	Weingartner,
Cullen,	Kolankiewicz,	Prosen,	Weiss,
DiGenova,	Lee, E. A.,	Readinger,	Welsh, E. B.,
Dix,	Lesko,	Regan,	Wilkinson,
Duffy,	Levy,	Rooney,	Winner,
Eckels,	Longo,	Rose, S.,	Wolf,
Elder,	Malloy,	Rose, W. E.,	Woodside,
Falkenstein,	Marks,	Rosenfeld,	Woodring,
Finestone,	McClanaghan,	Royer,	Young,
Finnerty,	McLane,	Rush,	Kilroy,
Fiss,	McSurdy,	Sarraf,	Speaker.
Gallagher,	Melchiorre,		

## NAYS 93

Baker,	French,	Lee, T. H.,	Reynolds,
Boorse,	Gates,	Leonard,	Rhea,
Bradley,	Gillan,	Leydic,	Sarge,
Brunner, C. H.,	Goodwin,	Lichtenwalter,	Serrill,
Brunner, P. A.,	Greenwood,	Lovett,	Shaffer,
Burns,	Gross,	McClester,	Sorg,
Burris,	Habbyhaw,	McDermott,	Stambaugh,
Cadwalader,	Hamilton,	McFall,	Stine,
Cochran,	Hare,	McGrath,	Stockham,
Cohen, M. M.,	Harkins,	Mooney,	Tarr,
Cook,	Harmuth,	Moran,	Thompson, R. L.,
Cooper,	Harris,	Moul,	Trout,
Croop,	Heatherington,	Muir,	Verona,
Dalrymple,	Helm,	Nunemacher,	Vincent,
Dennison,	Hewitt,	O'Connor,	Vogt,
Dolon,	Hirsch,	O'Dare,	Voorhees,
Early,	Holland,	Petrosky,	Wagner,
Elliott,	Imbrle,	Pettit,	Welsh, M. J.,
Ely,	Jones, G. E.,	Polaski,	Williams,
Fisher,	Jones, P. N.,	Polen,	Wood, L. H.,
Fleming,	Keenan,	Reagan,	Wood, N.,
Fletcher,	Komorofski,	Reese, D. R.,	Wright,
Flynn,	Krise,	Reese, R. E.,	Yeakel,
Foor,			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

## BILL ON FINAL PASSAGE

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. McClanaghan.

The House resumed the consideration of House Bill No. 77, entitled:

An Act requiring the Department of Welfare of the Commonwealth of Pennsylvania, to allow all employes of state penal and correctional institutions twenty-four consecutive hours of rest each week; authorizing the Department of Welfare to provide additional employes.

On the question recurring,  
Shall the bill pass finally?

Mr. WOODSIDE. Mr. Speaker, I desire to interrogate the gentleman from Monroe, Mr. Achterman.

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

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to know from the gentleman from Monroe whether he made inquiry of the Department of Welfare concerning the budgetary effect of this bill, what the report was and from whom it was obtained?

Mr. ACHTERMAN. Mr. Speaker, I did inquire and Secretary Sweeney sent me information that this bill would not affect his budget.

Mr. WOODSIDE. Mr. Speaker, I would like to know from the gentleman whether that was based purely upon the theory that they would allocate an amount to each institution and that institution would therefore have to get along on the amount that was allocated to them.

Mr. ACHTERMAN. Mr. Speaker, it was based on the fact that they allocate to the various institutions certain sums of money. From that allocation the institutions will, of course, pay their bills, including the employes' wages. I was advised that in the opinion of the Department it would not affect the budget of these institutions.

Mr. WOODSIDE. Mr. Speaker, in other words it would cost the Commonwealth no more and the institutions no more in salaries to operate under this bill in the manner in which they are now operating?

Mr. ACHTERMAN. Mr. Speaker, that was my conclusion from the report made to me by the Department.

Mr. TURNER. Mr. Speaker, I have had this question up before in reference to the Sleighton Farms Institution in Delaware County, to which young girls are committed from the courts of the different counties in and about Philadelphia. I think as long as a half dozen years ago this question was raised. Now I do not think any of us want to object to the employes of our penal and correctional institutions receiving twenty-four hours of rest. In other words, they ought to have a day off. But in these institutions such as Sleighton Farms it raises a very difficult problem, and in spite of the report of the gentleman from Monroe, and I do not mean or imply that I doubt his word in any way, I know that the Sleighton Farms people advised me in the past that not only would it raise a budgetary question but it would raise a very serious question of personnel.

In that institution girls are housed in cottages. They have a house mother in each cottage. It is not easy to get someone to take over that job. It is a very specialized job and a very particular job. Their custom has been in the past to give their people a vacation once a month when they can work it out, but to give them a day of rest once a week means the employment of people who are not easy to find, and it makes it a very difficult proposition for them as well as entailing additional cost.

Without further information on it I would have to

vote against the bill because I do not feel I can place that problem upon the institution.

Mr. ACHTERMAN. Mr. Speaker, I inquired of the representatives of the Department in relation to the subject concerning which the gentleman from Delaware was speaking.

Apparently, in some institutions the employes will accumulate their twenty-four hours of leave, and possibly take two days off in a two-week period. Apparently the accumulations do not exceed more than that. However, I did inquire whether it would raise any serious question as to the administration of the work of the institution, and I was told it would not cause any great discord or disruption in that particular work. I was very particular and careful in my inquiry relative to the increased expense and I was assured it would not affect their budget in any manner, so that personally I see no reason why there should be opposition to this bill.

Mr. TURNER. Mr. Speaker, on the statement of the gentleman from Monroe, Mr. Achterman, I shall vote "aye" on the bill.

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 194

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

QUESTION OF PERSONAL PRIVILEGE

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

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

Mr. McCLESTER. Mr. Speaker, on the vote by which House Bill 854 fell last night I rose and very definitely wished to be recorded as voting "no." The Speaker informed me I would be so recorded. In checking up on that roll today I find that I am not recorded at all. Therefore, I would like to have that noted in the Journal.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 827, as follows:

An Act to further amend section nine hundred and 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" further regulating the adoption of the annual township budget the giving of public notice thereof and the filing of a copy with the Department of Internal Affairs

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

Section 1 Section nine hundred and 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" as last amended by the act approved the fifth day of June one thousand nine hundred and thirty-seven (P. L. 1738) is hereby further amended to read as follows

Section 902 Annual Budget The board of township supervisors of townships of the second class where the total expenditures for the year will exceed ten thousand dollars (\$10,000) shall [annually] before their organization meeting in January of each year or as soon thereafter as practicable and at least thirty days prior to the adoption of the annual budget prepare a proposed budget or annual estimate of revenues and expenditures for the fiscal year beginning on the first Monday of January which shall be filed with the treasurer In all townships in which the estimated expenditures in the budget exceed [five thousand dollars (\$5,000)] ten thousand dollars (\$10,000) the budget shall be prepared on a uniform form prepared and furnished as hereafter provided The estimates in the budget for the purpose of aiding the board in determining how much road and other taxes to levy shall specify

(a) The amount of money necessary for the maintenance repair and improvement of highways including sluices

(b) The amount of money necessary for the repair and construction of culverts and bridges

(c) The amount of money necessary for the purchase hire repair and custody of tools implements and machinery

(d) The amount of money necessary for each other governmental activity of the township for which a special tax levy may or may not be authorized

(e) The amount of money necessary for the payment of debts or other miscellaneous purposes

Upon the preparation of a proposed budget in which the estimated expenditures exceed five thousand dollars

(\$5,000)] ten thousand dollars (\$10,000) the supervisors shall either give public notice of the detailed contents thereof or of the fact that the proposed budget will be available for public inspection at a designated place in the township After the expiration of twenty (20) days following the giving of public notice of the detailed contents of the budget or after the budget has been available for twenty (20) days as herein provided such supervisors shall after making such revisions therein as appear advisable adopt the budget and the necessary appropriation measures required to put it into effect In townships in which the estimated expenditures do not exceed [five thousand dollars (\$5,000)] ten thousand dollars (\$10,000) the supervisors shall as soon as possible after the expiration of thirty days following the preparation of the proposed budget adopt the budget and the necessary appropriation measures required to put it into effect

The total appropriation shall not exceed the revenues estimated as available for the fiscal year In all townships in which the estimated expenditures in the budget exceed [five thousand dollars (\$5,000)] ten thousand dollars (\$10,000) the board of supervisors shall within fifteen days after the adoption of the budget file a copy of the same in the office of the Department of Internal Affairs The supervisors may by resolution transfer unencumbered moneys from one road tax account to another but no money shall be transferred from the fund allocated for the payment of debts or from any fund raised by a special tax levy for a particular purpose Such transfers shall not be made during the first three months of the fiscal year No money shall be paid out of the township treasury except upon appropriation made according to law

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—193

Achterman,	Foor,	Malloy,	Rose, W. E.,
Auker,	French,	Marks,	Rosenfeld,
Baker,	Gallagher,	Maxwell,	Rush,
Balthaser,	Gates,	McClanaghan,	Sarge,
Baughner,	Gerard,	McClester,	Sarraf,
Bentley,	Gillan,	McDermott,	Scanlon,
Bentzel,	Gillette,	McFall,	Schwab,
Boles,	Goodwin,	McGrath,	Serrill,
Boney,	Greenwood,	McIntosh,	Shaffer,
Boorse,	Gross,	McKinney,	Shaw,
Bower,	Gyger,	McLanahan,	Shepard,
Bradley,	Habbyshaw,	McLane,	Simons,
Bretherick,	Haberlen,	McSurdy,	Snyder,
Brown,	Haines,	Meichiorre,	Sollenberger,
Brunner, C. H.,	Hamilton,	Mjhm,	Sorg,
Brunner, P. A.,	Hare,	Modell,	Stambaugh,
Burns,	Harkins,	Monks,	Stine
Burriss,	Harmuth,	Macney,	Stockham,
Ca'walader,	Harris,	Moran,	Tarr,
Chudoff,	Heatherington,	Moul,	Tate,
Cochran,	Rejm,	Muir,	Taylor,
Cohen, M. M.,	Hering,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Nagel,	Thompson, R. L.,
Cook,	Hersch,	Nunemacher,	Trout,
Cooper,	Hewitt,	O'Brien,	VanAllsburg,
Cordier,	Hirsch,	O'Connor,	Verona,
Corrigan,	Holland,	O'Dare,	Vincent,
Croop,	Huntley,	O'Mullen,	Vogt,
Cullen,	Imbrie,	O'Neill,	Voldow,
Dairympole,	Jefferson,	Owens,	Voorhees,
Dennison,	Jones, G. E.,	Petrosky,	Wagner,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Dolon,	Kenehan,	Polen,	Weiss,
D'Ortona,	Kline,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorowski,	Rausch,	Winner,
Elder,	Krise,	Readinger,	Wolf,
Elliott,	Lee, E. A.,	Reagan,	Wood, L. H.,
El,	Lee, T. H.,	Reese, D. P.,	Wood, N.,

Falkenstein,	Lelsey,	Reese, R. E.,	Woodring,
Finestone,	Leonard,	Regan,	Woodside,
Finnerty,	Levy,	Reynolds,	Wright,
Fisher,	Leydic,	Rhea,	Yeakel,
Fiss,	Lichtenwalter,	Riley,	Yester,
Fleming,	Longo,	Rooney,	Young,
Fletcher,	Lovett,	Rose, S.,	Kilroy, Speaker
Flynn,	Lyns,		

## NAYS—1

Turner,

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. 482, entitled:

An Act providing a method of annexation of townships of the second class and parts thereof to cities and boroughs and regulating the proceedings pertaining thereto. The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

On the question,

Will the House agree to the bill on third reading?

Mr. NAGEL. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Sec. 9, page 7, line 23, by inserting after the word "act" the following: "Provided, That land in a township of the second class adjacent to a city or borough upon which the city or borough has undertaken to construct a housing project with the aid of Federal money, may be annexed to such city or borough by ordinance of the city or borough upon petition signed by the majority of the freeholders of such territory. A certified copy of the ordinance therefor, together with a description, and a plot showing the courses and distances of the boundaries of the city or borough before and after such proposed annexation, shall be filed in the court of quarter sessions of the county. A notice of such filing shall also be filed in the office of the county commissioners of the proper county. Thereupon the territory proposed to be annexed shall be a part of the city or borough; except when any ordinance and plot are filed in the office of the clerk of the court of quarter sessions within two months of any general, municipal, or primary election, in which case the property proposed to be annexed shall not become a part of the city or borough until the day succeeding such election."

The SPEAKER. Will the House give unanimous consent to the offering of amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 365, entitled:

An Act to further amend section one of the act ap-

proved the ninth day of July one thousand nine hundred and nineteen (P. L. 794) entitled "An act providing that estates in buildings ground books curios pictures statuary and other works of art passing ly will to any municipality corporation or unincorporated body for free exhibition within Pennsylvania shall not be subject to collateral inheritance tax and in certain instances the date when such tax shall become due" providing for additional exemptions and for exemptions from collateral inheritance and transfer taxes and extending the provisions of said act to property money and funds passing before or after the effective date of this act including property money and funds passing to any public educational institution museum or gallery of art of or under the control of or wholly or partially maintained or supported by the Federal Government

On the question,

Will the House agree to the bill on third reading?

## BILL RECOMMENDED

Mr. REUBEN E. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary Special for the purpose of further study and amendment.

The motion was agreed to.

## BILL PASSED OVER

There being no objection House Bill No. 1039, Printer's No. 234 was passed over at the request of Mr. MODELL.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1098, entitled:

An Act to amend section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449) entitled "An act establishing a court of record in the County of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulating procedure therein providing for the transfer thereof of certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties" to provide for the payment of the costs of maintenance of children under care of the Juvenile Court by the county institution district or by the city in which such child is residing at the time of assumption of jurisdiction by the court

On the question,

Will the House agree to the bill on third reading?

Messrs. KEENAN and SARRAF. Mr. Speaker, we ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 2, line 7 of title by inserting after the word "the" the following: "city or".

Amend title, page 2, line 7 of title by striking out after the word "district" the following: "or".

Amend title, page 2, line 7 of title by inserting after

the word "district" the following: "liability to be determined on the basis of the legal settlement of such child at the".

Amend title, page 2, line 8 of title by striking out the following: "by the city in which such child is residing at the".

Amend section 408, page 3, line 4, to insert after the word "parents": "guardian or other relative legally responsible for the support of such child".

Amend section 408, page 3, line 10, to insert after the word "home": "or institution for child care not maintained by the county or State".

Amend section 408, page 3, line 11, to insert after the word "board": "and other support".

Amend section 408, page 3, line 12, to insert after the word "board": "and other support."

Amend section 408, page 3, line 13, to insert after the word "parent": "guardian or other relative legally responsible for the support of such child."

Amend section 408, page 3, line 14, to insert after the word "board": "and the expense of clothing and necessary medical and surgical care."

Amend section 408, page 3, line 14, to insert after the word "paid": "either."

Amend section 408, page 3, line 14, to insert after the word "the": "city or."

Amend section 408, page 3, line 15, to strike out the words "in which the child is residing."

Amend section 408, page 3, line 15, to insert after the word "district": "liability to be determined on the basis of the legal settlement of the child."

Amend section 408, page 3, line 17, to strike out the words "or by the city in which the child is residing at the."

Amend section 408, page 3, line 18, to strike out the words "time of assumption of jurisdiction by the Juvenile Court."

Amend section 408, page 3, line 20, to insert after the word "board": "In all cases of children now being maintained in family homes or institutions for child care the judge of the Juvenile Court shall make a finding as to the legal settlement of the child at the time of assumption of jurisdiction by the Court and shall make an order effective January 1, 1942, upon the appropriate city or county institution district for the future board and other support of such child."

Amend section 408, page 3, line 21, to insert after the word "child": "to an industrial training school or other correctional institution."

Amend section 408, page 3, line 22, by inserting before the word "shall" the word "may."

Amend section 408, page 3, line 22, by striking out the word "shall."

Amend section 408, page 3, lines 22 and 23, to strike out the words, "institution district in which the child resides in the city in which the child resides."

Amend section 408, page 3, line 29, to strike out the words, "houses of refuge or."

Amend section 408, page 4, line 9, to insert after the word "the": "city or."

Amend section 408, page 4, line 10, by inserting after the word "district" the following: "or county."

Amend section 408, page 4, line 10, to strike out the words "or by the city."

Amend section 408, page 4, line 10, to insert after the word "said": "city or."

Amend section 408, page 4, line 11, by inserting after the word "district" the following: "or county."

Amend section 408, page 4, line 11, to strike out the words "or city."

Amend section 408, page 4, line 13, to insert after the word "but the" the following: "city or."

Amend section 408, page 4, line 14, by inserting after the word "district" the following: "or county."

Amend section 408, page 4, line 14, to strike out the words "or the city."

Amend section 408, page 4, line 16, by inserting after the word "persons" the following: "or institution districts."

The SPEAKER. Will the House give unanimous con-

sent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 467, entitled:

An Act to amend subsection (f) of section six hundred twenty-eight of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" requiring licenses issued under the "Uniform Firearms Act" to bear the fingerprints and photographs of the person to whom the license is issued in certain cases

On the question,

Will the House agree to the bill on third reading?

#### BILL RECOMMENDED

Mr. WOODSIDE. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary Special for the purpose of further study.

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. 974, as follows:

An Act to amend article twelve section one thousand two hundred six 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 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" by providing for the issuance of a certificate of approval for weights and measures of county city and borough sealers The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand two hundred six of article twelve 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 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" is hereby amended to read as follows

Section 1206 Standards The Department of Internal Affairs shall have the power and its duty shall be

\* \* \* \*

(d) To compare test and regulate all weights and measures of all county city and borough sealers now in office or hereafter who may be appointed with the State standards when presented at the office of the Department for that purpose and to certify to their correctness by affixing the Department's official stamp thereto with the name of the examiner and the date of examination clearly marked thereon by issuing certificates as to their accuracy bearing the date of examination and approval of the said weight or measure for which the certificate is issued the signature of the examiner and the official stamp of the Department

Section 2 This act shall become effective upon its 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—194

Achterman,	French,	Marks,	Rosenfeld,
Auker,	Gallagher,	Maxwell,	Rush,
Baker,	Gates,	McClanaghan,	Sarge,
Balthaser,	Gerard,	McClester,	Sarraf,
Bentley,	Gillan,	McDermott,	Scanlon,
Bentzel,	Gillette,	McFall,	Schwab,
Boies,	Goodwin,	McGrath,	Serrill,
Boney,	Greenwood,	McIntosh,	Shaffer,
Boorse,	Gross,	McKinney,	Shaw,
Bower,	Gyger,	McLanahan,	Shepard,
Bradley,	Habbyshaw,	McLane,	Simons,
Bretherick,	Haberien,	McSurdy,	Snyder,
Brown,	Haines,	Melchiorre,	Soilenberger,
Brunner, C. H.,	Hamilton,	Mihm,	Sorg,
Brunner, P. A.,	Hare,	Modell,	Stambaugh,
Burns,	Harkins,	Monks,	Stine,
Burriss,	Harmuth,	Mooney,	Stockham,
Cadwalader,	Harris,	Moran,	Tarr,
Chudoff,	Heatherington,	Moul,	Tate,
Cochran,	Helm,	Muir,	Taylor,
Cohen, M. M.,	Hering,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Nagel,	Thompson, R. L.,
Cook,	Hersch,	Nunemacher,	Trout,
Cooper,	Hewitt,	O'Brien,	Turner,
Cordier,	Hirsch,	O'Connor,	VanAllsburg,
Corrigan,	Holland,	O'Dare,	Verona,
Croop,	Huntley,	O'Mullen,	Vincent,
Cullen,	Imbrie,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Wagner,
Dix,	Keenan,	Pojaski,	Watkins,
Dolon,	Kenehan,	Poten,	Welngartner,
D'Ortona,	Kline,	Powers,	Weiss,
Duffy,	Knoble,	Prosen,	Welsh, E. B.,
Early,	Kolankiewicz,	Rank,	Welsh, M. J.,
Eckels,	Komorofski,	Rausch,	Williams,
Elder,	Krise,	Readinger,	Winner,

Elliott,	Lee, E. A.,	Reagan,	Wolf,
Ely,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Falkenstein,	Leisey,	Reese, R. E.,	Wood, N.,
Finestone,	Leonard,	Regan,	Woodring,
Finnerty,	Levy,	Reynolds,	Woodside,
Fisher,	Leydic,	Rhea,	Wright,
Fiss,	Lichtenwalter,	Riley,	Yeakel,
Fleming,	Longo,	Rooney,	Yester,
Fletcher,	Lovett,	Rose, S.,	Young,
Flynn,	Lyons,	Rose, W. E.,	Kilroy, Speaker
Foor,	Malloy,		

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. 772, as follows:

An Act making an appropriation to state teachers colleges to enable such institutions to add certain courses to their curricula

Whereas Our national prosperity and safety is threatened for the present and future generations by the continued exploitation of our national resources and

Whereas The exploitation of top soil is less a matter of greed than ignorance of the vital necessity of top soil as a requisite to animal life and existence and ignorance of necessary conservation practices and controls and

Whereas Rural teachers should have knowledge of conservation practices and erosion control as well as a sympathetic understanding of the agricultural needs of the rural communities they serve and

Whereas Vocational high schools reach a very low percentage of rural youth since sixteen per centum of rural children enter and twelve per centum graduate from high schools of the Commonwealth with a relatively lower percentage matriculating in vocational courses so that a comprehensive understanding of conservation and agricultural problems and remedies is unattainable to the rural masses except through the rural schools of the Commonwealth therefore

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

Section 1 The sum of one hundred thousand dollars (\$100,000) or so much thereof as shall be necessary is hereby appropriated to State teachers colleges of the Commonwealth to enable such schools to instruct their students in the agricultural needs and problems of the Commonwealth particularly on the subjects of soil conservation erosion control reforestation and rural social problems and rural electrification needs The Secretary of Public Instruction shall formulate such an educational program so that instruction shall be given thereon at the opening of the school semesters in the fall term of one thousand nine hundred forty-one

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 194

Achterman,	French,	Marks,	Rosenfeld,
Auker,	Gallagher,	Maxwell,	Rush,
Baker,	Gates,	McClanaghan,	Sarge,
Balthaser,	Gerard,	McClester,	Sarraf,
Bentley,	Gillan,	McDermott,	Scanlon,
Bentzel,	Gillette,	McFall,	Schwab,
Boies,	Goodwin,	McGrath,	Serrill,
Boney,	Greenwood,	McIntosh,	Shaffer,
Boorse,	Gross,	McKinney,	Shaw,
Bower,	Gyger,	McLanahan,	Shepard,

Bradley,	Habbyshaw,	McLane,	Simons,
Bretherick,	Haberlen,	McSurdy,	Snyder,
Brown,	Haines,	Melchiorre,	Sollenberger,
Brunner, C. H.,	Hamilton,	Mihm,	Sorg,
Brunner, P. A.,	Hare,	Modell,	Stambaugh,
Burns,	Harkins,	Monks,	Stine,
Burris,	Harmuth,	Mooney,	Stockham,
Cadwalader,	Harris,	Moran,	Tarr,
Chudoff,	Heatherington,	Moul,	Tate,
Cochran,	Helm,	Muir,	Taylor,
Cohen, M. M.,	Hering,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Nagel,	Thompson, R. L.,
Cook,	Hersch,	Nunemacher,	Trout,
Cooper,	Hewitt,	O'Brien,	Turner,
Cordier,	Hirsch,	O'Connor,	VanAllsburg,
Corrigan,	Holland,	O'Dare,	Verona,
Croop,	Huntley,	O'Mullen,	Vincent,
Cullen,	Imbrie,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Wagner,
Dix,	Keenan,	Polaski,	Watkins,
Dolon,	Kenehan,	Polen,	Weingartner,
D'Ortona,	Kilne,	Powers,	Weiss,
Duffy,	Knoble,	Prosen,	Welsh, E. B.,
Early,	Kolankiewicz,	Rank,	Welsh, M. J.,
Eckels,	Komorofski,	Rausch,	Williams,
Elder,	Krise,	Readinger,	Winner,
Elliott,	Lee, E. A.,	Reagan,	Wolf,
Ely,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Falkenstein,	Lelsey,	Reese, R. E.,	Wood, N.,
Finestone,	Leonard,	Regan,	Woodring,
Finnerty,	Levy,	Reynolds,	Woodside,
Fisher,	Leydic,	Rhea,	Wright,
Fiss,	Lichtenwalter,	Riley,	Yeakel,
Fleming,	Longo,	Rooney,	Yester,
Fletcher,	Lovett,	Rose, S.,	Young,
Flynn,	Lyons,	Rose, W. E.,	Kilroy, Speaker
For,	Malloy,		

a vice-chairman from its own members and may employ counsel and such other assistants as may be needed and may fix their compensation within the amounts made available by appropriation therefor Such commission may meet anywhere in the State may take testimony and subpoena witnesses and require the production of books papers and records

Section 3 The members of such commission shall receive no compensation for their services but shall be entitled to their necessary traveling and hotel expenses incurred in the performance of their duties

Section 4 Such commission shall make a report to the General Assembly as speedily as possible and shall include in such report such amendments or additions to or revision of the law and such other measures as the commission deems necessary to carry its recommendations into effect

Section 5 The sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby appropriated from any money in the State Treasury not otherwise appropriated payable on requisition of the chairman of such commission on the warrant and audit of the Auditor General

Section 6 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 194

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. 1049, as follows:

An Act creating a temporary State commission to investigate all State hospitals conferring powers and duties on said commission and making an appropriation

Whereas Newspapers have carried reports concerning the operation of certain State hospitals within the Commonwealth of Pennsylvania which if true show an extremely reprehensible situation existing in such State hospitals and

Whereas there have been charges made that certain trustees and supervisory officials have committed criminal acts and

Whereas Certain State hospitals have lost their official standing and rating with the American Medical Association and

Whereas The conduct of certain trustees of State hospitals has resulted in unfavorable criticism of the operation of said hospitals and

Whereas If these charges are true the situation calls for immediate attention by the legislative branch of the government to remedy such a condition therefore

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

Section 1 A temporary State commission is hereby created consisting of six members three members of which are to be appointed by the Speaker of the House of Representatives from the membership of the House of Representatives and three members of which are to be from the membership of the Senate to investigate the appointed by the President pro tempore of the Senate maintenance operation and conduct of all State hospitals within this Commonwealth

Section 2 Such commission shall select a chairman and

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

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.

BILL PASSED OVER

There being no objection House Bill No. 470, Printer's No. 240, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 806, as follows:

An Act to further amend section two thousand five hundred fifty-nine of the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by aboiishing tax collectors' right of distress and sale of goods and chattels for the collection of delinquent per capital poll and occupation taxes

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

Section 1 Section two thousand five hundred fifty-nine of the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as last amended by the act approved the seventeenth day of May one thousand nine hundred thirty-nine (P. L. 153) is hereby further amended to read as follows

Section 2559 Powers of City Treasurer as Tax Collector The city treasurer as the collector of taxes may appoint as many deputies as may be authorized to enable him to collect the said taxes or any of them which deputies shall be paid by the said treasurer The city treasurer as the collector of the several taxes and his deputies shall have and exercise all powers vested by law in the several collectors of state and county taxes and in all the remedies for the collection thereof and shall have additional power and authority after five days' notice to seize by levy and distress any persona' property on the premises assessed belonging to tenants purchasers or other without regard to the date of assessment or levy of the tax and to sell the same giving ten days' public notice of such sale by written or printed advertisement and to levy upon any personal property of the delinquent that may be found within the county for the collection of said taxes and after notice of sale to sell the same for the payment of said taxes Provided however That nothing in this act shall be deemed to authorize the distress and sale of goods and chattels for the collection of delinquent per capita poll and occupation taxes The several warrants shall be effectual to authorize the said treasurer as collector of taxes to collect the said taxes

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—110

Achterman.	Finnerty.	Marks.	Reese, R. E.,
Allmond,	Fletcher,	McDermott,	Regan,
Baker.	Flynn,	McFall,	Rooney,
Balthaser,	Gallagher,	McGrath,	Rose, C.,
Baughner,	Gillan,	McIntosh,	Rosenfeld,
Bentley,	Goodwin,	McLanahan,	Sarraf,
Boies,	Haberlen,	McLane,	Scanlon,

Boney,	Hamilton,	Melchiorre,	Schwab,
Bradley,	Harkins,	Mihm,	Shaffer,
Breth,	Harmuth,	Modell,	Shaw,
Brunner, P. A.,	Harris,	Monks,	Shepard,
Burns,	Heatherington,	Moran,	Tate,
Burris,	Herling,	Moul,	Thompson, E. F.,
Chervenak,	Herman,	Munley,	Trout,
Chudoff,	Hersch,	Nagel,	Verona,
Cochran,	Hirsch,	O'Brien,	Vincent,
Cohen, M. M.,	Holland,	O'Connor,	Vogt,
Cohen, R. E.,	Jefferson,	O'Mullen,	Voldow,
Cordier,	Jones, P. N.,	O'Neill,	Welsh, E. B.,
Corrigan,	Keenan,	Owens,	Welsh, M. J.,
Croop,	Kenehan,	Petrofsky,	Williams,
Cullen,	Kolankiewicz,	Pettit,	Wolf,
DiGenova,	Komorofski,	Polaski,	Woodring,
Dolon,	Leonard,	Powers,	Wright,
D'Ortona,	Lesko,	Prosen,	Yester,
Early,	Longo,	Rausch,	Young,
Falkenstein,	Lovett,	Readinger,	Kilroy, Speaker
Finestone,	Malloy,		

NAYS—61

Auker,	Habbyshaw,	McClester,	Stockham,
Cadwalader,	Haines,	McKinney,	Taylor,
Cooper,	Hare,	Muir,	Thompson, R. L.,
Dennison,	Helm,	O'Dare,	Turner,
Dix,	Hewitt,	Reese, D. P.,	VanAllsburg,
Eckels,	Imbrie,	Rhea,	Voorhees,
Elder,	Jones, G. E.,	Riley,	Wagner,
Elliott,	Kline,	Rose, W. E.,	Watkins,
Ely,	Krise,	Sarge,	Weingartner,
Fisher,	Lee, E. A.,	Serrill,	Weiss,
Fleming,	Lee, T. H.,	Simons,	Winner,
Foor,	Lelsey,	Snyder,	Wood, L. H.,
French,	Lichtenwalter,	Sollenberger,	Wood, N.,
Gates,	Lyons,	Sorg,	Woodside,
Greenwood,	Maxwell,	Stambaugh,	Yeakel,
Gross,			

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.

MR. TURNER IN THE CHAIR

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 762, as follows:

An Act to further amend section twelve of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled as amended "An act relating to dogs and the protection of live stock and poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and providing penalties permitting dogs kept in a kennel to be taken out for training exercise or entry in field trials

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

Section 1 Section twelve of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled as amended "An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs

providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and providing penalties" as amended by section seven of the act approved the sixth day of May one thousand nine hundred and twenty-seven (P. L. 833) is hereby further amended to read as follows

Section 12 No dog kept in a kennel shall be permitted to stray or to be taken anywhere outside the limits of the kennel except in leash or crate Provided That any such dog may be taken anywhere outside the limits of the kennel for the purpose of training exercise or entry in field trials

Section 2 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—194

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

Flynn, Lyons, Rose, W. E., Kilroy, Speaker  
Foor, Malloy,

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. 949, as follows:

An Act to further amend section nine of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" by imposing liability on executors administrators or trustees for real estate broker's commissions in certain cases

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

Section 1 Section nine of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" as amended by the act approved the twenty-sixth day of June one thousand nine hundred and thirty-one (P. L. 1384) is hereby further amended to read as follows

Section 9 The jurisdiction of the several orphans' courts whether separate or otherwise shall extend to and embrace (a) The appointment control removal and discharge of the guardians of minors and the settlement of their accounts

(b) The appointment of trustees for any persons interested in the real or personal estate of any decedent and the control removal discharge and settlement of the accounts of trustees so appointed and of testamentary trustees whether the testamentary trustees be appointed nominatum or virtute officii

(c) The appointment of trustees for absent persons the control removal and discharge of trustees so appointed and the settlement of their accounts

(d) The control removal and discharge of executors and administrators deriving their authority from the register of the respective county and the settlement of their accounts

(e) The distribution of the assets and surplusage of the estates of decedents among creditors and others interested

(f) The sale of real estate of decedents for payment of their debts

(g) The disposition of the title to real estate of decedents and of persons disabled from dealing therewith in order to render the same freely alienable and productive to the living owners thereof

(h) The partition of the real estate of decedents among the parties entitled thereto the valuation of such real estate and the sale thereof for the purpose of distribution

(i) The specific execution of contracts made by decedents to sell and convey any real estate of which such decedents shall die seised and of contracts made by decedents to purchase any real estate

(j) Proceedings for the collection or enforcement of payment or delivery of all legacies whether pecuniary specific or otherwise and whether charged on real estate or not

(k) Proceedings for the discharge of real estate of decedents from the lien of debts of decedents and for the discharge of real estate and personal estates from the liens of legacies annuities dower recognizances and other charges

(l) All cases within their respective counties wherein executors administrators guardians or trustees may be possessed of or are in any way accountable for any real or personal estate of the decedent

(m) All appeals from the orders or decrees of the registers of wills of their respective counties and all proceedings removed from said registers by certifications...

(o) The control removal discharge and settlement of accounts of trustees of trusts inter vivos

(p) The exercise of all other powers needful to the doing of anything which is or may be hereafter required or permitted to be done in said court whether incidental to the powers hereinbefore enumerated or in addition thereto

And such jurisdiction shall be exercised under the limitations and in the manner provided by law Provided however That nothing in the foregoing shall be construed to relieve executors administrators or trustees who have entered into an agreement of sale of real estate of a decedent or any other real estate held in trust in good faith and who prior to the time fixed for settlement thereunder have recieved a higher offer for such real estate from the payment of real estate broker or broker's commissions to the broker who had procured such agreement of sale

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 193

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

Nays 1

Auker,

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. 764, as follows:

An Act to add section nine hundred thirty-eight to the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" providing for the establishment regulation and use of special dog training areas

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

Section 1 Subdivision (d) of article nine of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" is hereby amended by adding at the end thereof a new section to read as follows

Section 938 Special Dog Training Areas (a) Upon application of any club or organization having twenty or more members who are citizens of this Commonwealth or upon the application of twenty or more citizens of this Commonwealth and the payment of a registration fee of ten dollars (\$10) the commission may issue a permit authorizing the establishment and maintenance by such club organization or citizens on land owned by them or over which they have legal control of a special dog training area wherein and whereon dogs may be trained at any time during the entire year No such dog training area shall be of less than one hundred acres nor of more than two hundred fifty acres nor shall permits be issued for more than four special dog training areas in any one county

(b) The permittees shall from time to time during each year stock twenty-five pieces of game per one hundred acres at their own expense under the supervision of the Game Commission The permittees may at any time during the entire year train their own dogs or the dogs of other persons on such area or permit others so to do under such conditions as shall be mutually agreed upon Neither the permittees nor any other person shall at any time hunt or trap within the confines of such area except that the permittees or any person authorized by them may hunt or trap vermin and predators for the purpose of exterminating vermin and predators on such area

(c) The boundary line of such special dog training area shall be plainly and conspicuously posted prior to October first of each year with legible notices at least ten inches by twelve inches in size placed not more than one hundred yards apart which shall bear the following warning.

Special Dog Training Area
Hunting is Unlawful
This Land Is Set Aside Under Special Permit for the Training of Dogs
Entering Hereon for the Purpose of Hunting or Disturbing Game or Permitting Dogs to Enter Without Proper Authorization Is Punishable by a Penalty of Twenty-five Dollars (\$25.00)
(Name and Address of Permittee to Be Printed Here)

(d) Each person violating any of the foregoing provisions of this section shall upon summary conviction be sen-

tenced to pay a fine of twenty-five dollars (\$25) for each offense together with costs of prosecution

It is unlawful for any person to wilfully negligently or maliciously cut remove cover up deface or otherwise mutilate injure or destroy any special dog training area boundary fence or wire or poster placed in accordance with the provisions of this section Each person violating any provisions of this paragraph shall upon summary conviction be sentenced to pay a fine of ten dollars (\$10) for each offense together with costs of prosecution

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 194

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

## 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. 995, as follows:

An Act to further amend sections two thousand six hundred twenty and two thousand six hundred twenty-five of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for the filing of copies of auditors' reports in school districts of the third and fourth classes

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

Section 1 Section two thousand six hundred twenty of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by the act approved the twenty-ninth day of May one thousand nine hundred thirty-one (P. L. 243) is hereby further amended to read as follows

Section 2620 In every school district of the second and third classes the proper auditors herein provided to audit the finances of the school district shall begin their duties on the first Monday in July each year and promptly within thirty days audit the accounts of the school district for which they were appointed including the accounts of the treasurer the school depositories and other school funds for the preceding fiscal year in the manner herein provided On the completion of the audit they shall make [a correct duplicate report] correct copies thereof which shall contain an itemized statement of all receipts expenditures and credits whatsoever of school officials and the assets and liabilities of the district one copy to be filed with the board of school directors of the district [and the other] one copy in the court of common pleas to the number and term in which their appointment was made and except in school districts of the third class under the supervision of the County Superintendent of Schools one copy in the Department of Public Instruction by mailing the same sealed and stamped and addressed to the Superintendent of Public Instruction Harrisburg Pennsylvania by registered mail with return registry receipt requested In districts of the third class under the supervision of the County Superintendent of Schools two copies shall be transmitted to the County Superintendent who shall forward one of such copies to the Superintendent of Public Instruction Harrisburg Pennsylvania

Section 2 Section two thousand six hundred twenty-five of said act as last amended by the act approved the first day of June one thousand nine hundred thirty-three (P. L. 1152) is hereby further amended to read as follows

Section 2625 In every school district of the fourth class in this Commonwealth the proper auditors herein provided to audit the finances of the school district shall meet annually with the board of school directors on the first Monday of July at the time of organization or within five days thereafter and within thirty days carefully audit and adjust the financial accounts of the school district for the preceding school year Provided That the meeting of the auditors with the board of school directors shall not be held on the Fourth of July At the completion of the audit they shall make a careful statement in duplicate of the finances of the district for the preceding year setting forth the assets and liabilities and an itemized statement of all receipts expenditures and credits whatsoever of all school officials and including therein any sums that have been charged against any person or

persons one copy of which annual statement shall be filed by such auditors with the secretary of the board of school directors and one in the court of common pleas of the county on which such district or the greater or greatest part thereof in area shall be located and a summary thereof including the assets and liabilities of the school district shall be published in a newspaper having general circulation in the district once a week for three successive weeks beginning the first week after filing the same or be promptly posted by not less than six copies in as many places in the district. The auditors shall also file [one copy] two copies of their report with the County Superintendent of Schools who shall forward one of such copies to the Department of Public Instruction [by mailing the same sealed stamped and addressed to the Superintendent of Public Instruction Harrisburg Pennsylvania by registered mail with return registry receipt requested]

And said bill having been read as 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 194

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

## 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. 35, as follows:

An Act prohibiting the taxation of income salaries and wages by political subdivisions of this Commonwealth. The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 No political subdivision of this Commonwealth shall levy any tax on income salaries or wages earned by or accruing to individuals residing within the territorial limits thereof or elsewhere

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective on the first day of January one thousand nine hundred and forty-two

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. VOORHEES. Mr. Speaker, we discussed this bill for two hours last night trying to have it recommitted because it takes away from the city of Philadelphia seventeen million dollars, and the only income the sponsor of the bill could offer amounts to one million dollars which would be cut from the payrolls by firing men from their jobs. The only other place this money can be raised is by increasing the tax on real estate, and a vote in favor of this bill is a vote to increase the tax on real estate in the city of Philadelphia.

I ask you Members of the House to vote "no" on House Bill No. 35.

Mr. ROSENFELD. Mr. Speaker, I am quoting from an editorial appearing in one of the Philadelphia newspapers under date of November 25, 1938, which refers to the vote of Councilman Crossan, and which reads as follows:

"Crossan's objection was that Council had not affected all economies possible in the 1939 city-county budget, and that the tax would 'fall heaviest on those least able to pay.'"

It appears to me there must be a house divided, or a party divided, if you will, against itself.

Unless this Legislature intervenes, Philadelphia's City Council will retain the obnoxious wage levy which by the admission last night of the gentleman from Philadelphia will continue for the next few years. This estimate to my mind is conservative since I have every reason to believe that its retention will be for the next five years or longer. This unsound tax is a crime against the citizens of a major metropolitan city. There is infinite antipathy and resentment to this tax by practically all classes of citizens of Philadelphia. It has been denounced by all the newspapers of the city. It is obvious that unless the General Assembly prohibits such unfair inequitable and burdensome levies the city of Philadelphia will continue to extract what blood remains of the already anaemic citizens to compensate for the ravages of a diseased administration.

I exhort this House, to end such tyrannous and arbitrary power arrogated by any city council.

We have the preposterous situation of the Federal Government levying taxes for relief and W.P.A. and then

the city Government levying a wage tax on the public money paid to the W.P.A. workers. Those in control have brought this situation about in order that they may evade the payment of their contribution of the cost of operating the city Government.

Philadelphia's unwarranted plight has caused its city council in desperation to impose the pernicious sales tax. Strong opposition at the end of 1938 presented its re-enactment for 1939. For years, the city had been receiving a rental of four million two hundred thousand dollars from a private operating company for the use of the municipal gas works. Now this annual income was lost since it was pledged to the Reconstruction Finance Corporation and private banking groups for the loan of forty-one million dollars, borrowed to defray 1939 expenses.

On December 13, 1939, the wage tax measure was signed by the Mayor. It is appropriate to inquire how it is to be levied and collected. The tax is imposed upon the following subjects of taxation:

#### 1. The Salary Tax

(a) On the salaries, wages, commissions and other compensation earned during 1940 by residents of Philadelphia.

(b) On the salaries, wages, commissions and other compensation earned during 1940 by non-residents of Philadelphia for work done or services rendered or performed in the City.

#### 2. The Net Profits Tax

(c) On net profits earned during the calendar or fiscal year 1939, of businesses, professions, or other activities conducted by residents of Philadelphia.

(d) On the net profits earned during the calendar or fiscal year 1939, of businesses, professions, or other activities conducted in Philadelphia by non-residents.

The ordinance despite protests from organized labor requires that the salary tax should be collected at the source. Employers are therefore required to make deductions monthly or at the time wages are paid.

There is no question that an income tax which is not graduated, affects the wage earner least able to pay and when this occurs, the levy is iniquitous.

Council's entire approach to the question of raising money is unsound and evasive. It is significant that Council has made no genuine attempt to reduce the city's debt services.

The basic problem is:

(1) A reduction in the funded debt which now takes approximately \$39,000,000 of the city's money annually for debt charges or nearly half of the city's entire budget.

(2) Tax Exempt Real Estate

(3) Economies and reductions in personnel

(4) Economies in purchase of city supplies and services such as those involved in condemnation proceedings.

(5) Scientific and more equitable tax assessment system.

(6) Adequate legislation for collections of delinquent taxes so as to eliminate large real estate holders from evading payment of real estate taxes.

(7) Equitable distribution of state taxes due the city.

Gentlemen I am the last one who would transgress upon home rule, but when a cancerous condition exists as does exist in Philadelphia, I feel it is the duty of this legislature to intervene and render such sound advice and such sound assistance as the circumstances will per-

mit. I ask the Members of the House to vote "aye" on this bill.

Mr. VOORHEES. Mr. Speaker I desire to interrogate the gentleman from Philadelphia, Mr. Rosenfeld.

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

Mr. ROSENFELD. I shall, Mr. Speaker.

Mr. VOORHEES. Mr. Speaker, can the gentleman from Philadelphia suggest some tax that is not iniquitous?

Mr. ROSENFELD. Mr. Speaker, in answer to the gentleman from Philadelphia, all taxes when they get beyond a certain scope become iniquitous. In civilization today a certain amount of taxation is required. This is an unrequired tax and is therefore iniquitous.

Mr. VOORHEES. Mr. Speaker, the gentleman has not answered my question to my satisfaction. We have a practical problem here of raising seventeen million dollars. If he had made some suggestion that would perhaps save—

#### POINT OF ORDER

Mr. WOODRING. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Northampton will state his point of order.

Mr. WOODRING. Mr. Speaker, the gentleman from Philadelphia, Mr. Voorhees, is not directing his question to the subject before the House. He is discussing the problem of raising seventeen million dollars which is not the problem of this body, but is the problem of the city council of Philadelphia.

Mr. VOORHEES. Mr. Speaker, that is exactly the point I think we should consider in voting on this bill.

The SPEAKER. Does the gentleman desire to further interrogate the gentleman from Philadelphia?

Mr. VOORHEES. Not at this time, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Voorhees.

Mr. VOORHEES. Mr. Speaker, the gentleman has mentioned exactly the point we should consider in voting on this bill. It is not the problem of this body to raise money for Philadelphia, but it becomes the problem of this body to provide the means of raising money for Philadelphia, if we take every possible means of taxation away from them. We have provided under the Sterling Act that everything that the state taxes the city cannot tax. We have two places where we can place taxes, the sales tax and the wage tax. We are now taking away the wage tax. Therefore it becomes a problem for this body to find ways and means to raise that seventeen million dollars. I ask the gentleman from Philadelphia Mr. Rosenfeld, to give a substitute, of some type that is not obnoxious, which the people will be willing to pay, which will be satisfactory to them, and if he can offer that tax then I will be willing to vote for this bill. I think he has a duty to offer any substitute he has for this tax, because if he cannot offer a substitute the only place it is going to come from is a tax on real estate. A vote for this bill then becomes a vote to increase the tax on real estate in Philadelphia. If the gentleman is interested in increasing public housing in Philadelphia, in low-rent housing, the largest amount of the cost in low rent housing comes from financing and from taxes. If we increase the tax on real estate, rents will go up and the people cannot pay for the housing. Therefore, it becomes a duty and an obligation on the part of

the gentleman from Philadelphia to offer a substitute for this tax.

Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Rosenfeld.

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

Mr. ROSENFELD. I shall, Mr. Speaker.

Mr. VOORHEES. Mr. Speaker, can the gentleman offer a tax which is not obnoxious?

Mr. ROSENFELD. Mr. Speaker, in answer to the gentleman I would say the problem appearing before us today is not one regarding the raising of revenue, but one in which a condition exists that is cancerous to the city of Philadelphia, a condition which we should abolish, because I cannot think of any major city with such an obnoxious tax as Philadelphia has. Philadelphia has until January 1st 1942 to devise a way of raising revenue.

Mr. VOORHEES. Mr. Speaker, I see I cannot get the answer from the gentleman from Philadelphia. I, therefore, ask the Members of of this House to vote "no" on the bill, because it will only increase the tax on real estate in Philadelphia, and the gentleman on the other side has not offered a substitute measure. I ask the clerk to call the roll slowly and to record only the members who answer to their names.

Mr. LEVY. Mr. Speaker, I think last evening the gentleman from Philadelphia gave us sufficient reasons why the General Assembly should attempt to stamp out the obnoxious tax placed upon the citizens of Philadelphia and the non-residents of the city of Philadelphia, without going into much detail about how we ought to get this money.

The gentleman from Philadelphia knows full well it is not the duty of the State Legislature to levy taxes for the city of Philadelphia, and I challenge the gentleman from Philadelphia who represents the party that is now in control of the machinery at Philadelphia to say that the proper function of the City Council of Philadelphia is not to levy taxes. He knows that as well as any other member of this House. The question before us this afternoon is not how we are going to get money for Philadelphia City Council to spend, but it is the duty of the State Legislature to watch that the citizens of Philadelphia are not trampled upon by a group of men who do not have at heart the best interest of the majority of the people in Philadelphia. I would say to the gentleman from Philadelphia that he is intending to confuse the House with reference to this bill. If it were enacted into law finally, it would not necessarily mean that the entire city and county machinery of Philadelphia would cease. The effective date of this act is January 1st 1942, and there is ample time between now and January 1st 1942, for City Council to delve into the problem, conscientiously and sincerely, to try to find some tax by which they might raise the necessary money—and I don't admit it requires seventeen million dollars.

I would further say to the gentleman from Philadelphia and to the Members of this House that we in the Democratic party, in Philadelphia especially, and I feel from other parts of the State feel it is a tribute to a Democratic controlled House to wipe out such an iniquitous tax as the wage, salary and income tax in the city of Philadelphia, which was imposed upon it by Republican dominated City Council against the will of the majority of the people.

Mr. REUBEN E. COHEN. Mr. Speaker, I want to briefly

make answer to one question which I am afraid the gentleman from Philadelphia feels has not been answered.

He has asked for a substitute for this tax. The Democratic party went on record some years ago and supported a constitutional amendment that would provide for a graduated income tax in Pennsylvania. There is the answer. If the Republican party in Philadelphia had not knifed that proposition at the polls, the graduated income tax in Pennsylvania would have produced sufficient funds for the school district of Philadelphia and it would have been given money which is required for educational purposes. In that way City Council in Philadelphia would not have the unpleasant task they say they have of raising seventeen million dollars. I say to the gentleman, if they made broth to suit their plans in 1937, they ought to stew in their broth now. We tried it once, now let them try it.

Mr. VOORHEES. Mr. Speaker, we as Members of the House were elected to office to serve in the Legislature, and when we are elected to that office we represent the district from which we come. The members of the City Council are elected by the people and I do think they represent the people, and I do not think it is proper for a Member of this House to criticize another member of a legislative body in this Commonwealth.

We have had experience in raising money in the House. Further we know that the House is not in a position and is not usually willing to turn money back to school districts when they get hold of it. The income tax would not solve the problem in 1942. You do not have this graduated income tax existing on the statute books, and the state is not going to give the money. We have got to get it some place else. The majority on the other side want to take this away from Philadelphia. I remember very well the gentleman from York stating at the last session when he was discussing many bills, "In two years from now how many of you men will not come back"? I say to you members that the citizens of Philadelphia will not be fooled by this matter because if you vote for this bill you will not be back.

Mr. LEVY. Mr. Speaker, I do not want to prolong the discussion on this bill and I am going to be very brief.

Mr. Speaker, I remember very well back in the last session the minority leader made that challenge and apparently it turned out the way he prophesized. We are not going back over that. The only thing I want to say to the gentleman from Philadelphia who is upholding Philadelphia City Council, he had never attempted on this floor in debate to say that the wage, salary, and income tax in Philadelphia is a fair tax; he has never once had the courage to advocate its value. The only thing he tells us is what the tax will yield. We all know what the tax yields and we also know that the people of Philadelphia are against it. I say to the gentleman from Philadelphia, the only way he can vote against this is by saying to the people of Philadelphia, "I am for the salary, wage, and income tax".

Mr. GATES. Mr. Speaker, Mr. Levy in addressing the House very properly said that it is not the business of this House to levy taxes for Philadelphia. By the same token, it is certainly not the business of this House to prohibit Philadelphia from levying such taxes as they see fit to levy.

Mr. VOORHEES. Mr. Speaker, I feel I should answer the gentleman from Philadelphia, Mr. Levy, with reference to my standing on the wage tax. I served on Mayor Wilson's Committee, which studied ways and means of

raising money for Philadelphia when we had this sales tax up. Mr. Wilgarde who sits over here, and who is now Secretary for the Democratic City Committee in Philadelphia, was Secretary to the then Mayor Wilson, and he knows the problem very well. He knows at that time this Committee was composed of the best men in the city of Philadelphia, not because I was a member of that committee, as I just happened to have been a member, but it was composed of the president of Drexel Company, it was composed of the biggest real estate men of Philadelphia, it was composed of consumers, it was composed of labor leaders and it was a cross-section of the City of Philadelphia. They decided that the wage tax was the best way of raising money for the city of Philadelphia. I stand by the findings of that committee. I think the wage tax is the best tax we can get under the present circumstances, and until the Democratic party can offer a substitute, I think the Republican party, as it has always in the past and always will in the future, will face the problem squarely and not pussyfoot on the issue and say, "This is what we need; this is what we must do. Hard as it is let us do it. Let us face the future for Philadelphia. Let us go forward instead of backward and knocking down." I might say that those gentlemen who are criticizing the wage tax have a bill before the Legislature to take away our Art Gallery. Is that being proud of our city of Philadelphia, taking away our objects of art? No, it certainly is not.

Mr. LEVY. Mr. Speaker, the gentleman from Philadelphia has certainly used wide latitude, in my estimation, and has said very little. He is not going to fool the people of Philadelphia by dragging in the Parkway; he is not going to fool the people attempting to make a hero or a martyr out of the members of City Council. We contend this: if the members of City Council had conscientiously and sincerely sat down with the problem of taxation, they would not have levied a wage tax on the people of Philadelphia. I repeat, it is a tribute to the Democratic Party in the State Legislature to advocate the abolishment of the wage tax in the City of Philadelphia.

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 118

Achterman,	Gallagher,	McFall,	Rooney,
Baker,	Gerard,	McGrath,	Rose, S.,
Boles,	Goodwin,	McIntosh,	Rosenfeld,
Boney,	Haberlen,	McLanahan,	Rush,
Boorse,	Hamilton,	Melchiorre,	Sarraf,
Bradley,	Harkins,	Mihm,	Seanlon,
Bretherick,	Harmuth,	Modell,	Schwab,
Brown,	Harris,	Monks,	Shaffer,
Brunner, C. H.,	Heatherington,	Mooney,	Shaw,
Brunner, P. A.,	Hering,	Moran,	Shepard,
Burns,	Herman,	Moul,	Stine,
Burriss,	Hersch,	Munley,	Tarr,
Chudoff,	Hirsch,	Nunemacher,	Tate,
Cochran,	Holland,	O'Brien,	Verona,
Cohen, M. M.,	Jefferson,	O'Connor,	Vincent,
Cohen, R. E.,	Jones, P. N.,	O'Mullen,	Vogt,
Cook,	Keenan,	O'Neill,	Voldow,
Cordier,	Kolankiewicz,	Owens,	Weiss,
Corrigan,	Komorofski,	Petrosky,	Weish, E. B.,
Croop,	Lee, T. H.,	Pettit,	Welsh, M. J.,
Cullen,	Leonard,	Polaski,	Williams,
Dairympole,	Lesko,	Polen,	Winnor,
DiGenova,	Levy,	Powers,	Wolf,
Dolon,	Longo,	Prosen,	Wood, L. H.,
Duffy,	Lovett,	Rausch,	Woodring,
Early,	Malloy,	Readinger,	Wright,

Elliott,	Marks,	Reese, R. E.,	Yester,
Falkenstein,	Maxwell,	Regan,	Young,
Finestone,	McClanaghan,	Reynolds,	Kilroy, Speaker
Finnerty,	McDermott,		

NAYS 50

Auker,	Haines,	McClester,	Sorg,
Bower,	Hare,	McKinney,	Stockham,
Cooper,	Helm,	Muir,	Trout,
Dix,	Huntley,	O'Dare,	Turner,
Elder,	Imbrie,	Reagan,	VanAllsburg,
Ely,	Jones, G. E.,	Reese, D. P.,	Voorhees,
Fiss,	Kilne,	Rhea,	Wagner,
Fleming,	Knoble,	Riley,	Watkins,
Fletcher,	Krise,	Rose, W. E.,	Weingartner,
Gates,	Lee, E. A.,	Serrill,	Wood, N.,
Gillette,	Leydic,	Snyder,	Woodside,
Greenwood,	Lyons,	Sollenberger,	Yeakel,
Habbyshaw,			

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.

BILL PASSED OVER

There being no objection House Bill No. 751, Printer's No. 264, was passed over at the request of the SPEAKER.

The SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Delaware, Mr. Turner, for presiding.

HOUSE RESOLUTION No. 76

Mr. JEFFERSON. Mr. Speaker, I desire to call up House Resolution No. 76, Printer's No. 267.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 9, 1941.

Whereas Music is the agency that synchronizes and soothes the feelings of mankind and at the same time creates an emotional reaction that brings ease to the mind and solace to the soul and

Whereas Music from time immemorial has been intended by mankind to create an emotional response which is fitting and proper for particular occasions in man's life and

Whereas Music can be best appreciated when it is performed under proper circumstances and

Whereas The commercialism of today and the resultant swing or jazz arrangements of certain music is in absolute derogation of the composer's or creator's expression of such music and

Whereas The songs known as spirituals and folk songs have meant a great deal in the development of the American negro and have been a great cultural contribution by him to the development of American music and

Whereas Spirituals are symbolic of the deep religious devotion of the American negro to his God and creator and

Whereas Today negro spirituals are being used by leading orchestras throughout the country in jazz and swing arrangements which are nothing but ribald desecrations of such beautiful music therefore be it

Resolved That the House of Representatives request all radio broadcasting stations in this Commonwealth to cooperate with it in its attempt to have the spiritual and folk song assume its proper place in our cultural life by limiting the use of such music to religious occasions or to programs of a religious nature on the Sabbath day or other religious holiday and by also eliminating the jazz and swing arrangements of such music which tend to desecrate it and be it further

Resolved That the Chief Clerk of the House mail a



copy of this resolution to all radio broadcasting stations in this Commonwealth in order to apprise them of the feeling of the membership of the House towards these great songs

On the question,  
Will the House adopt the resolution?  
It was adopted.

### SENATE MESSAGE

#### CONCURRENCE IN HOUSE RESOLUTION No. 73

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, April 8, 1941.

Whereas, The future of this great Nation depends upon its youth and their capacity to uphold the standards established by their forefathers to safeguard the American way of life; and

Whereas, Clean living and healthful sports are conducive to the development of both virility and morality, and the first essential of capacity to carry on is youth's physical equipment; and

Whereas, One who has lived in our midst for well nigh four score years has by his example and industry made it possible to develop in the ranks of clean sportsmanship exemplars of the value of physical development and clean living as standards for our youth; and

Whereas, The General Assembly desires to show its appreciation to the citizen who has dedicated his life to the development of youth and maintaining their ideals on high standards; therefore be it

Resolved (if the Senate concur), That the Legislature acknowledge the contribution made to our cultural development by endorsing the celebration of May 17, 1941 as Connie Mack Day; and be it further

Resolved, That His Excellency, the Governor of Pennsylvania, shall issue, publish and declare an appropriate proclamation to the people of Pennsylvania, designating for observance this year the 17th of May as Connie Mack Day.

### RESOLUTION

#### REPORT FROM SLATE COMMITTEE

Mr. LOVETT offered a resolution which was read, considered and adopted as follows:

In the House of Representatives, April 15, 1941.

#### Supplemental Report from the Slate Committee

Resolved, That David Stineman, Dauphin County, be elected Speaker's Page, replacing Robert S. Beppler, Lancaster County, resigned.

Resolved, That Jess Moranev, Dauphin County, be elected page to replace David Stineman, Dauphin County, resigned.

Resolved, That James Noel, Dauphin County, be elected Page to replace Henry Russell, Dauphin County, resigned.

Resolved, That Joseph Hilderbrand, Philadelphia County, be elected assistant sergeant-at-arms, replacing Morris Martino, resigned.

### CONDOLENCE RESOLUTION

Mr. EDWIN A. LEE offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, April 14, 1941.

Honorable Samuel B. Scott, prominent lawyer, and a long-time resident of Germantown and Chestnut Hill, died Sunday morning at 11:15 a. m. in the University

Hospital, following a three weeks' illness and a major operation.

Mr. Scott was born in Pittsburgh, August twenty-sixth, one thousand eight hundred seventy-eight and was educated in the public schools and Shady Side Academy in Pittsburgh. From there he went to Princeton University in nineteen hundred and in nineteen fifteen was admitted to the Philadelphia Bar. At the time of his death he was a member of the firm of Scott and Burton. He was always active in legislative work and represented the Germantown District at the Pennsylvania House of Representatives during the sessions of nineteen hundred seven, nineteen hundred nine, nineteen hundred eleven and nineteen hundred thirteen.

During World War I he was active in giving "Four Minute Speeches" to the recruits and also represented the local draft board. Later he volunteered for service and was given a commission of Major in the Field Artillery. He was a member of the Houston Post 47, American Legion.

Mr. Scott was a direct descendent of Benjamin Franklin and was a member of the Society of the Descendants of the Signers of the Declaration of Independence.

Mr. Scott is survived by his mother, Mrs. Margaretta Morris, wife of the late Charles Hodge Scott of New York; three daughters, Dr. Eleanor Scott, Mrs. Steuchert of Chestnut Hill and Mrs. Alexander Cortz of Pasadena, California; two sisters, Anna M. Scott of New York and Mrs. Isaac P. Miller of Haverford; two brothers, Alexander Scott of New Britain, Connecticut, and Major William Scott of Cynwyd; therefore be it

Resolved, That in the death of the Honorable Samuel B. Scott the City and County of Philadelphia have lost a citizen of distinction and one who, while a member of this House, served that City and County with ability and fidelity; and be it further

Resolved, That this resolution be printed in the Journal and that a copy thereof be transmitted by the Chief Clerk to the family of the deceased.

### CONDOLENCE RESOLUTION

Messrs. GATES and HELM offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, April 14, 1941.

Harry E. Himes, a prominent member of this House during the decade from nineteen twenty-three to nineteen thirty-one, and chairman of its important Committee on Law and Order during the legislative sessions of nineteen thirty-one and nineteen thirty-three, died at the West Penn Hospital, Pittsburgh, on Good Friday, April 11, 1941.

Mr. Himes was born sixty-nine years ago at New Bethlehem, Clarion County, and received his education in the public schools of that community. Early in life he espoused the printer's trade, in which he advanced step by step, until in eighteen hundred and ninety-six he came to Kittanning, where a few years later he became managing editor of the Kittanning Weekly Tribune.

Aside from his service in the General Assembly, Mr. Himes served as a member of the Kittanning school board, and for a time as its president. He was also active in other public and civic matters, an earnest churchman, and prominent in masonic and other fraternal orders. He is survived by a widow, two sons, a grandson and other collateral relatives, therefore be it

Resolved, That the House of Representatives hereby offer its condolence to the bereaved family, and pay this well earned tribute to the memory of the deceased, upon his passing from a long life of usefulness to his State and community; and be it further

Resolved, That the Chief Clerk be directed to mail a certified copy of this resolution to Mrs. Anna B. Himes of Kittanning, the widow of the Honorable Harry E. Himes.

### CONDOLENCE RESOLUTION

Messrs. SCHWAB and MALLOY offered a privileged

resolution which was read, considered and adopted as follows:

In the House of Representatives, April 15, 1941.

The House of Representatives has learned with sorrow of the passing of Mrs. Stanley Lepecki, mother of the Honorable Walter Gyskewicz. Mrs. Lepecki was prominently known in the Ashley and Sugar Notch sections of Luzerne County, and was only recently publicly commended by her parish priest for her exemplary life and religious devotion.

She devoted her life to the improvement of the community in which she resided and was intensely interested in both the communal and religious activities of Sugar Notch and Ashley; therefore be it

Resolved, That a copy of this resolution be mailed by the Chief Clerk of the House of Representatives to the family of the deceased as a symbol of the House of Representatives' profound sympathy for them in their great bereavement.

#### REPORTS FROM COMMITTEES

Mr. MELCHIORRE, from the Committee on Appropriations, reported as committed, House Bill No. 1151, entitled:

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

Mr MELCHIORRE, from the Committee on Appropriations, reported as committed, House Bill No. 575 (Senate Bill No. 201), entitled:

An Act to amend a certain appropriation item contained in section two of Act No. 69-A, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," by deferring for a short period of time certain payments required to meet the Sinking Fund requirements of Veterans' Compensation Bonds.

Mr MELCHIORRE, from the Committee on Appropriations, reported as amended, House Bill No. 1152, entitled:

An Act making a deficiency appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first, one thousand nine hundred and forty-one; and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first, one thousand nine hundred forty-one.

Mr. LOVETT, from the Committee on Appropriations, reported as amended, House Bill No. 1176, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance, construction, reconstruction, resurfacing or improvement of township roads and bridges during the calendar years one thousand nine hundred forty-two and one thousand nine hundred forty-three; permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions; and providing for the methods of payment to townships.

#### COMMITTEE MEETINGS

Boroughs, Wednesday, April 16 at 11 a. m. in Room 330.  
Cities-Second Class, Wednesday, April 16 at 11 a. m. in Room 521.

Constitutional Amendments, Wednesday, April 16 at 11:30 a. m. in Room 327.

Counties, Wednesday, April 16 at 12:30 p. m. in Room 521.

Dairy Industries, Wednesday, April 16 at 10 a. m. in Room 329.

Education, Wednesday, April 16 at 10:30 a. m. in Room 326.

Fisheries, Wednesday, April 16 at 10:30 a. m. in Room 324.

Judiciary General, Wednesday, April 16 at 12 noon in Room 246.

Liquor Control, Wednesday April 16 at 12 noon in Room 325.

Motor Vehicles, Wednesday, April 16 at 11 a. m. in Room 324.

State Government, Wednesday, April 16 at 11:30 a. m. in Room 325.

Welfare, Wednesday, April 16 at 10 a. m. in Room 246.

There will be a Public Hearing before the Committee on State Government on House Bill No. 849 on Wednesday, April 16, 1941 at 6:00 p. m. in the Forum of the Educational Building.

The Policemen's Ball is being held tonight (Tuesday) at the Zembo Mosque, Third and Division Streets. All members of the House are invited. Your badge will gain you admittance.

Members of the House Committee on Military Affairs are to be guests at the dinner being given at 6 p. m. today (Tuesday) by the Harrisburg Post of the American Legion in honor of war veterans of the Legislature.

The dinner will be at the American Legion Headquarters, 21 South Front Street, Harrisburg.

Your legislative badge will be your guest ticket.

#### ADJOURNMENT

Mr. PRESLEY N. JONES. Mr. Speaker, I move that this House do now adjourn until Wednesday, April 16, 1941, at 1 p. m.

The motion was agreed to and at (5:53 p. m.) the House adjourned.