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No. 38.

HOUSE OF REPRESENTATIVES

THURSDAY, April 17, 1941

The House met at 10 a.m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. DONALD McFALL offered the following prayer:

Most gracious God, Thou who art the source of all light and life, we beseech Thee to let the light of Thy countenance fall upon our pathway and shine into our hearts today. Be with the members of this House of Representatives as they journey home. As they meet with Thee in the hours of worship may there be a heart searching for deeds done. Then God, bring each man back to this place with a renewed spirit, and if Thou dost show Thy loving kindness, forbid that we should rob ourselves by our lack of childlike trust and faith.

Be with those who are ill in body. Hasten the day when men shall be willing to give their lives for Thee as they are willing to give them to their state and nation; for the latter allegiance is temporal, while allegiance to Thee means life everlasting. Hear our petition, in the name of Christ, 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. LYONS unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. OWENS. HOUSE BILL No. 1302.

An Act relative to the printing for the Commonwealth of Pennsylvania; to establish the requirements of responsible bidders; to prescribe penalties for the violation of the provisions of this act; and to repeal all acts and parts of act inconsistent with the provisions of this act.

Referred to the Committee on State Government.

By Mr. TURNER. HOUSE BILL No. 1303.

An Act making an appropriation to the Elwyn Training School, at Elwyn, in the County of Delaware, Commonwealth of Pennsylvania; and prescribing certain conditions upon which the appropriations will be available to the school.

Referred to the Committee on Appropriations.

By Mr. McSURDY.

HOUSE BILL No. 1304.

An Act to amend section one thousand and twenty-four of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs;" by providing for the salary to be paid to burgesses in certain boroughs where such burgesses are also acting as uniformed policemen.

Referred to the Committee on Boroughs.

By Mr. DiGENOVA.

HOUSE BILL No. 1305.

An Act to further amend section four hundred and ten of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws;" requiring companies to make a provision for cancellation by the insured in policies of life insurance; imposing additional duties on the Insurance Commissioner; and providing for refunds.

Referred to the Committee on Insurance.

By Messrs. NAGEL and GATES.

HOUSE BILL No. 1306.

An Act prescribing procedure to be followed at regular sessions of the General Assembly and the publication of legislative histories thereat.

Referred to the Committee on State Government.

By Mr. MARSHALL M. COHEN (By Request).

HOUSE BILL No. 1307.

An Act to further amend section eight hundred and six of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Common-

wealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by changing and restricting the right of the Commonwealth to impose interest on unpaid tax and bonus, when such tax and bonus are not settled within a certain period of time.

Referred to the Committee on Ways and Means.

By Messrs. YEAKEL and STOCKHAM.

HOUSE BILL No. 1308.

An Act to amend sections two and four of the act, approved the sixteenth day of May, one thousand nine hundred forty (Act No. 11) entitled "An act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at the City of Philadelphia and conferring powers and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such turnpike bonds exempt from taxation; constituting such bonds legal investments in certain instances; requiring suits against the commission to be brought in Dauphin County; prescribing conditions upon which such turnpike shall become free; providing for grade separations, grade changes and relocation and restoration of public roads and State highways affected by the turnpike; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds," by authorizing the extension of the turnpike provided for therein, to the Delaware River at or near the Borough of Yardley in Bucks County, so as to establish connection through New Jersey to the Metropolitan area surrounding New York City.

Referred to the Committee on Highways.

By Mr. WOODRING. HOUSE BILL No. 1309.

An Act making an appropriation to the Trustees of the Pennsylvania State College for instruction and research in aeronautical engineering and for the acquisition, construction and maintenance of airport facilities as an aid to national defense and for other purposes; and empowering said trustees to enter into agreements with Federal officials or agencies with respect to the construction and use of such airports.

Referred to the Committee on Appropriations.

By Messrs. NAGEL and McLANAHAN.

HOUSE BILL No. 1310.

An Act to amend section one of the act, approved the twenty-fourth day of June, one thousand eight hundred and ninety-five (P. L. 212), entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice, and its relation to the Supreme Court and other courts; providing for the reports of its decisions, the compensations of the judges and other officers and the practice and costs on appeals from

its judgments," by further providing for minority representation in the election of judges of the Superior Court.

Referred to the Committee on Judiciary General.

By Messrs. TAYLOR and ROYER.

HOUSE BILL No. 1311.

An Act to further amend section six hundred two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," by exempting persons in the naval and military service of the United States from the payment of driver's license fees.

Referred to the Committee on Motor Vehicles.

By Mr. HOLLAND.

HOUSE BILL No. 1312.

An Act to further amend section five of the act, approved the fourteenth day of June, one thousand nine hundred and twenty-three (P. L. 710), entitled "An act allowing and regulating boxing, sparring and wrestling matches and exhibitions; establishing a State Athletic Commission; making an appropriation therefor; and appropriating moneys received for monument and memorial purposes; and prescribing penalties," changing the effective period of licenses.

Referred to the Committee on State Government.

By Mr. ROSENFELD.

HOUSE BILL No. 1313.

An Act to further amend subsection A of section one thousand two hundred eight and section one thousand two hundred nine of the Act approved the fifteenth day of May, one thousand nine hundred thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations, providing for the organization of corporations with fiduciary powers, and of banking corporations with or without fiduciary powers, including the conversion of National banks into State banks and for the licensing of private bankers, defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys and other employes of all such corporations or private bankers or of affiliated corporations, associations, or persons, restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation, conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers, imposing penalties and repealing certain acts and parts of acts," by adding further provisions authorizing investments by any savings bank not under special charter and any special charter savings bank in certificates of investment in The Savings Bank Life Insurance Fund of the Commonwealth, and in certificates of

contribution to the Surplus Fund of its own insurance department.

Referred to the Committee on Banking.

By Messrs. CHARLES H. BRUNNER and
MARSHALL M. COHEN. HOUSE BILL No. 1314.

An Act to amend the act approved the twenty-fourth of June, one thousand nine hundred thirty-nine (P. L. 872) entitled, "An act to consolidate, amend and revise the penal laws of the Commonwealth;" changing and revising sections of said act relating to obstructing an officer in the execution of process, fornication and bastardy, lotteries, firearms, receiving stolen property, trespass on posted property, cheating by fraudulent pretenses, burglary, attempt to commit arson, principals in the second degree and accessories, aiders and abettors, providing penalties for refusal to pay transportation fares, and repealing certain sections relating to larceny and certain existing acts.

Referred to the Committee on Judiciary Special.

By Messrs. THOMAS H. LEE and EDWIN A. LEE.
HOUSE BILL No. 1315.

An Act to amend the title and the act, approved the seventh day of May, one thousand nine hundred thirty-seven (P. L. 589), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the first class as State highways, and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction; regulating the replacement of certain facilities of public utility companies; prohibiting the making of any opening in said street after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act," by adding new sections; making certain changes in the designation of certain streets taken over as State highways, and adding thereto certain additional streets; providing for the taking, opening, relocation, widening, or change of grade of such State highways at the expense of the Commonwealth and the city, or either of them; designating the city as agent for the Commonwealth in the settlement of damages; authorizing agreements for the taking, opening, relocation, widening, change of grade, construction, reconstruction, repair, and maintenance of such State highways; appropriating money in the Motor License Fund for the purposes of the act as amended.

Referred to the Committee on Highways.

By Mr. ROSENFELD. HOUSE BILL No. 1316.

An Act authorizing mutual savings banks without capital stock created under any general or special act of this Commonwealth to establish life insurance departments, subject to certain conditions; authorizing life insurance departments of such mutual savings banks to issue policies of life insurance and annuity contracts, subject to certain restrictions; exempting life insurance departments of such mutual savings banks and their agents from laws relating to insurance and annuity agents, brokers, adjusters, and the licensing, regulation, and control thereof; providing for the investment and deposit of funds of life insurance departments of such mutual savings banks; prohibiting the employment of solicitors of life insurance and annuity contracts by the insurance department of such mutual savings banks; creating a body corporate in the Banking Department of this Commonwealth, to be known as "The Sav-

ings Bank Life Insurance Fund of the Commonwealth of Pennsylvania," for the purpose of guaranteeing and supervising the issuance of life insurance policies and annuity contracts issued by life insurance departments of such mutual savings banks, and providing for the examination thereof by the Secretary of Banking; limiting the time within which and the place where suits shall be brought on life insurance policies or annuity contracts issued by life insurance departments of such mutual savings banks; providing that life insurance policies and annuity contracts issued by the life insurance policies and annuity contracts issued by the life insurance department of such mutual savings banks shall be subject to and construed solely in accordance with the laws of this Commonwealth; providing for the licensing, qualification, regulation, examination, suspension, liquidation, possession, and dissolution of insurance departments of such mutual savings banks by the Secretary of Banking, and the Insurance Commissioner, as the case may be; providing for the exemption from local taxation of certain rights and property of life insurance departments of such mutual savings banks, and repealing inconsistent laws.

Referred to the Committee on Insurance.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

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

SENATE BILL No. 45. (HOUSE BILL No. 1317.)

An Act to further amend section four hundred and twenty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto by providing an increase in contributions by county commissioners toward the burial of deceased service men.

Referred to the Committee on Counties.

SENATE BILL No. 528. (HOUSE BILL No. 1318.)

An Act making a deficiency appropriation to aid certain school districts.

Referred to the Committee on Appropriations.

SENATE BILL No. 269. (HOUSE BILL No. 1319.)

An Act authorizing the redemption of real property purchased by political subdivisions at tax sales upon the payment of the amount charged against the same and costs by installment payments and prescribing the procedure therefor.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 326. (HOUSE BILL No. 1320.)

An Act to authorize school districts and vocational school districts to solicit sealed bids for the purchase of material supplies and equipment from Federal funds appropriated or to be appropriated to vocational education for national defense to be used for training or retraining workers and prospective workers for industries essential to national defense waiving all statutory requirements as to advertising for said bids.

Referred to the Committee on State Government.

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, April 16, 1941.

Whereas, Muhlenberg College will hold celebrations during the year 1942 commemorating the two hundredth anniversary of the arrival in the American colonies of Henry Melchior Muhlenberg; and

Whereas, the said Henry Melchior Muhlenberg was the father of General John Peter Gabriel Muhlenberg, a friend of George Washington and a member of his staff; and

Whereas, the said General John Peter Gabriel Muhlenberg was born at Trappe, Pennsylvania, October 1, 1746; and

Whereas, in 1775 the said General John Peter Gabriel Muhlenberg threw off his clerical gown while delivering a sermon at Woodstock, Virginia, disclosing himself dressed in the uniform of an officer of the Continental Army and challenged his congregation with the remark: "There is a time for all things—a time to preach and a time to pray; but there is also a time to fight, and that time has now come," and took leave of his congregation and led his soldiers in the war for our Country's freedom; and

Whereas, the said General John Peter Gabriel Muhlenberg was chosen the Vice President of Pennsylvania in 1785 with Benjamin Franklin as President; and

Whereas, he was elected to the First Congress of the United States and reelected to the second and third, serving from March 4, 1789 to March 3, 1795; and

Whereas, in 1801 he was elected to the United States Senate but resigned before the Congress met to accept President Jefferson's appointment as Supervisor of Revenue for the District of Pennsylvania; and

Whereas, there has been introduced in the Senate of the United States by The Honorable James J. Davis, for himself and The Honorable Joseph F. Guffey, a Joint Resolution resolving that the Government and the people of the United States unite with Muhlenberg College in a fitting and appropriate observance of the two hundredth anniversary of the arrival in the American colonies of Henry Melchior Muhlenberg; and

Whereas, there has been introduced in the House of Representatives of the United States by the Honorable Charles L. Gerlach a Joint Resolution resolving that the Government and the people of the United States unite with Muhlenberg College in a fitting and appropriate observance of the two hundredth anniversary of the arrival in the American colonies of Henry Melchior Muhlenberg; now therefore be it

Resolved (if the House concur), that The General Assembly memorialize the Congress of the United States to adopt with all possible dispatch S. J. Resolution 40 and H. J. Resolution 128 in the form introduced; and be it further

Resolved, that one copy of this Resolution be forwarded to each of the following:

The President of the United States, Franklin D. Roosevelt.

Senator Alben W. Barkley, Chairman of the Joint Committee on the Library.

Senator James J. Davis.

Senator Joseph F. Guffey.

Honorable Charles L. Gerlach.

All members of the House delegation from Pennsylvania.

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

Referred to the Committee on Rules.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Paul A. Brunner for Mr. WOLF for today's session.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 625, entitled:

An Act to amend clauses (a) and (b) of section two hundred one and section four hundred fifteen of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property, making disposition of the receipts from State stores and of fees; and imposing penalties," as re-enacted and amended, further regulating the licensing of importers; and prohibiting the board from importing liquor from any source other than from licensed manufacturers having a manufacturing establishment in this Commonwealth.

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. 1174, entitled:

An Act to further amend 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," changing certain requirements with respect to contracts of school districts involving more than certain amounts.

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. 1175, entitled:

An Act to amend section six hundred fifteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," excepting certain repairs and alterations to school buildings from requirement of approval by State Council of Education.

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. 909, entitled:

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

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. 780, entitled:

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

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. 1014, entitled:

An Act to further amend clause eight of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the

same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by changing the minimum salary of county superintendents.

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. 1156, entitled:

An Act to add section one thousand six hundred and seven and one-tenth to article sixteen of the act, approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" requiring teaching in the public schools of principles of democratic government and patriotism and imposing certain duties on the Superintendent of Public Instruction.

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. 834, entitled:

An Act requiring persons selling "merchandise" as herein defined, to place weighing and measuring devices in full view of the purchasers; imposing certain duties on the Department of Internal Affairs and the several county and city inspectors of weights and measures; and providing penalties.

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. 582, entitled:

An Act to further amend section one thousand one hundred twenty-five and to amend section one thousand one hundred twenty-seven of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," specifying the reasons for making deductions from salary of, and suspending and dismissing policemen, and the procedure in connection therewith, including limitations on the powers of the borough council and burgess; creating a board of review to be appointed by the borough council, and defining the powers and duties of said board.

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. 1205, entitled:

An Act to amend subsections (b) and (c) of section two of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 626), entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties,"

to provide for the appointment of the members of the Board of Property Assessment, Appeals and Review in second class counties by the county commissioners.

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. 1058, entitled:

An Act regulating the appointment, promotion, suspension, reduction, removal and reinstatement of salaried employes in borough fire departments (except volunteer departments); providing for the appointment of a Civil Service Board; defining its powers and duties; and imposing powers and duties on borough councils with regard thereto.

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. 1088, entitled:

An Act prohibiting the employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic, malt or vinous beverages are sold; excepting on-sale licensees and the wives of on-sale licensees; providing penalties for a violation thereof; repealing all inconsistent legislation.

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. 1173, entitled:

An Act to further amend the fourth paragraph of section five hundred and six of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any part thereof, that are or may be inconsistent therewith," allowing further deductions from gross indebtedness in order to determine indebtedness of any school district.

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. 1198, entitled:

An Act to add subdivision (e) to article two and to amend section eight hundred five of the act, approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for the incorporation of boroughs from townships of the first class having a population of eight thousand or more by referendum, and prescribing the procedure therefor.

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. 1145, entitled:

A Joint Resolution proposing an amendment to article

one of the Constitution of the Commonwealth of Pennsylvania by adding thereto section six A.

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. 598, entitled:

An Act requiring the council of cities of the Section Class A to fix the salaries of the officers and members of the police department; and establishing minimum salaries.

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. 613, entitled:

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania by adding thereto section six A.

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. 1111, (Senate Bill No. 329), entitled:

An Act to amend clause (a) of section twenty of the act, approved the second day of May, one thousand nine hundred twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," fixing the time of day that the open season shall begin for charr, commonly called brook trout and any species of trout except lake or salmon trout.

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. 837, entitled:

An Act to further amend section one thousand six hundred and seven of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," permitting the teaching in high schools and vocational schools of the theories of proper and safe operation of motor vehicles.

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. 908, entitled:

An Act to amend the next to the last paragraph of section four and to further amend section sixteen of the act, approved the thirtieth day of April, one thousand nine hundred and twenty-nine (P. L. 885), entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock; and defining

agriculture so as to include persons engaged in agriculture, dairying, livestock raising, poultry raising, floriculture, mushroom growing, beekeeping, horticulture, and other allied occupations; and providing penalties," by defining the jurisdiction of the Pennsylvania Milk Control Commission over certain associations, and regulating the sale and marketing of milk thereby.

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. 777, entitled:

An Act to amend section two thousand five hundred five A 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 board 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," further regulating and fixing of maximum and minimum salaries by the Department of Public Assistance and the employment Board, and providing for increases of salaries in certain cases.

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. 1021, entitled:

An Act to add section six hundred seventeen and one-tenth to the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," authorizing school districts under certain conditions to appropriate money to non-profit corporations established for the purpose of constructing school buildings for the use of the district.

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. 99, entitled:

An Act to amend section two of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (P. L. 806), entitled "An act limiting the number of licenses for the retail sale of liquor, malt or brewed beverages, or malt and brewed beverages, to be issued by the Pennsylvania Liquor Control Board; defining hotels, and prescribing the accommodations required of hotels in

certain municipalities," by exempting clubs from such limitation.

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. 752, entitled:

An Act authorizing cities of the second class A, with the consent of the owners therefrom to improve and beautify property devoted to park purposes and adjoining State-owned hospitals within such cities.

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. 1093, entitled:

An Act authorizing suits brought to recover damages in case of accidents in this Commonwealth in any court of record to be certified to the Workmen's Compensation Board in the event that the suit has been filed by mistake in any court of record, and defining the legal effect of such certifications.

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. 875, (Senate Bill No. 253), entitled:

An Act relating to members of the bureau of fire in cities of the second class; providing, subject to the approval of the electors, for a three-platoon system for such members, with certain exceptions; providing for an election on such question; and regulating hours of service, hours of rest and annual vacations.

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

BILL RECOMMENDED

Mr. MIHM. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities Second Class.
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. 649, entitled:

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

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 License for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 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 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 second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 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 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" exempting the sale of books to libraries from the provisions of said act

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 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

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 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

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

Ordered, To be transcribed for a third reading.

BILL RECOMMENDED

Mr. TARR. Mr. Speaker, this bill was to be read twice and then returned to the Committee. However in fairness to the Members of the Committee who allowed the bill to come out, I am going to move that the bill be recommitted to the Committee on Townships, much as I do not want it to go back.

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. 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

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

Ordered, To be transcribed for a third reading.

BILL RECOMMENDED

Mr. O'CONNOR. Mr. Speaker, inasmuch as this bill carries an appropriation, I move that it be recommitted to the Committee on Appropriations.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 796, entitled:

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

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 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

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 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

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

Ordered, To be transcribed for a third reading.

BILL RECOMMENDED

Mr. MELCHIORRE. Mr. Speaker, I move that this bill be recommitted to the Committee on Law and Order for the purpose of further study and amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 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

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 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

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 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.

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 730, entitled:

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

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 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 confession 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 mortgages 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

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 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

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 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

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

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 482, Printer's No. 297, was passed over at the request of the SPEAKER.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1039, as follows:

An Act to further amend section one of the act approved the twenty-fourth day of May one thousand eight hundred and ninety-three (P. L. 129) entitled "An act to empower boroughs and cities to establish a police pension fund to take property in trust therefor and regulating and providing for the regulation of the same" by further regulating retirement allowances and providing for the return of contributions in certain cases

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

Section 1 Section one of the act approved the twenty-fourth day of May one thousand eight hundred and ninety-three (P. L. 129) entitled "An act to empower boroughs and cities to establish a police pension fund to take property in trust therefor and regulating and providing for the regulation of the same" as last amended by the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2795) is hereby further 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 the several cities of this Commonwealth incorporated by general or special laws shall establish by ordinance a police retirement fund to be maintained by an equal and proportionate monthly charge against each member of the police force which shall not exceed annually three and one-half per centum of the pay of such member and by annual appropriations made by the city which fund shall be under the direction of councils or committees to the direction of such officers of the city as may be designated by councils and applied under such regulations as councils may by ordinance prescribe for the benefit of such members of the police force as shall receive honorable discharge therefrom by reason of age or disability and the families of such as may be injured or killed in the service but such retirement allowances as shall be made to those who are retired by reason of the disabilities or age shall be in conformity with a uniform scale Provided however That in the event of the death of any member the legal heirs or representatives of such member shall be entitled at least to the total amount of the contributions made by such member to the fund less retirement payments if any made during the lifetime of such member to such member Provided further however That if any member be dismissed from the service or resign therefrom before receiving any retirement payments the total amount contributed by such member to the fund shall be returned to him

The annual appropriation made by the city each year shall be sufficient when added to the contributions made by members of the police force during such year and income from investments to pay in full the retirement allowances payable during such year

Such ordinance may prescribe a minimum period of continuous service not less than twenty years and a minimum age of fifty years after which members of the force may be retired from active duty and such members as are retired shall be subject to service from time to time as a police reserve until unfitted for such service when they may be finally discharged by reason of age or disability

Payments made under the provisions of this section shall not be a charge on any other fund in the treasury of the city or under its control save the police retirement fund herein provided for The basis of the apportionment of the retirement allowance shall be determined by the rate of the monthly pay of the member at the date of death honorable discharge or retirement and shall not in any case exceed in any year one-half the annual pay of such member computed at such monthly rate

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—190

| | | | |
|------------|-------------|--------------|--------------|
| Achterman, | French, | Malloy, | Rose, S., |
| Auker, | Gallagher, | Marks, | Rose, W. E., |
| Baker, | Gates, | Maxwell, | Rosenfeld, |
| Balthaser, | Gerard, | McClanaghan, | Rush, |
| Bentley, | Gillan, | McClester, | Sarge, |
| Bentzel, | Gillette, | McDermott, | Sarraf, |
| Boles, | Goodwin, | McDowell, | Scanlon, |
| Boney, | Greenwood, | McFall, | Schwab, |
| Boorse, | Gross, | McGrath, | Serrill, |
| Bower, | Gryskewicz, | McIntosh, | Shaffer, |
| Bradley, | Habbyshaw, | McLanahan, | Shaw, |
| Breth, | Haberlen, | McLane, | Shepard, |

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

NAYS—3

McKinney, Royer, Weingartner,

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.

BILLS PASSED OVER

There being no objection House Bill No. 854, Printer's No. 320, was passed over at the request of the SPEAKER.

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

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 510, as follows:

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

On the question,
Will the House agree to the bill on third reading?

Mr. O'BRIEN. Mr. Speaker, I ask unanimous consent to offer 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. 1 (Sec. 5), page 3, line 12, by inserting a light-face bracket before the word "general" and after the word "municipal".

Amend Sec. 1 (Sec. 5), page 3, line 12, by inserting after the word "municipal" the following: "primary".

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 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.

BILLS PASSED OVER

There being no objection House Bill No. 227, Printer's No. 178, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 993, Printer's No. 256, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 971, as follows:

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

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

Section 1 Section fifteen 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 the act approved the twentieth day of June one thousand nine hundred and thirty-nine (P. L. 512) is hereby further amended to read as follows

Section 15 [Such claims for taxes water rates lighting rates power rates and sewer rates if hereafter filed by any political subdivision other than cities of the first class cities of the second class or school districts of the first class within the period aforesaid shall remain a lien upon said properties for a period of five years from the date they shall be actually entered as a lien unless fully paid and satisfied or compromised and satisfied as provided by law or unless the said properties are sold as provided by this act within said period and such liens shall not be revived extended or continued beyond such period except in cases hereinafter provided for All such claims heretofore filed by any political subdivision within the period hereinbefore prescribed and all municipal claims other than for taxes or for said rates] Such tax municipal or other claim if filed within the period [hereinbefore provided for such claims] aforesaid shall remain a lien upon said properties until fully paid and satisfied Provided however That either a suggestion of nonpayment and an averment of default in the form hereinafter provided be filed either before or after judgment on the scire facias or else a writ of scire facias in the form herein provided be issued to revive the same within each period of five years following (a) the date on which said claim was filed (b) the date on which a writ of scire facias was issued thereon (c) the date on which any judgment was entered thereon (d) the date on which a previous suggestion on nonpayment and default was filed thereon or (e) the date on which a judgment of revival was obtained thereon

The suggestion and averment shall be in the following form under the caption of the claim

And nowthe claimant by its solicitor or controller suggests of record that the above claim is still due and owing to the claimant and avers that the owner is still in default for nonpayment thereof The prothonotary is hereby directed to enter this suggestion and averment on the municipal lien or the proper docket of the claim and also to index it upon the judgment index and on the locality index of the court for the purpose of continuing the lien of the claim

Such suggestion and averment shall be signed by or have stamped thereon a facsimile signature of the solicitor or chief executive officer of the claimant except in counties having a controller in which case as to county taxes it shall be signed by or have stamped thereon a facsimile signature of the controller The prothonotary shall docket and index the suggestion and averments directed therein and for such services shall be entitled to a fee of one dollar to be taxed and collected as other costs in the claim The filing and indexing of such suggestion and averment within five years of filing the claim or the issuing of any writ of scire facias thereon or of any judgment thereon or of the filing of any prior suggestion and averment of default shall have the same force and effect for the purpose of continuing and preserving the lien of the claim as though a writ of scire facias had been issued or a judgment or judgment of revival had been obtained within such period Provided That no writ of levavi facias shall be issued upon a claim for the purpose of exposing the property liened to sheriff's sale except after a judgment shall have been duly obtained upon the claim as provided in this section and such judgment must have been obtained within five years of the issuance of the levavi facias Whenever the lien of a claim has been revived and continued by the filing and indexing of a suggestion and averment of default

the claimant may at any time within five years therefrom issue a writ of scire facias thereon reciting all suggestion and averment of default filed since the filing of the claim and shall proceed thereon in the manner herein provided subject to the right of the owner to raise any defense arising since the last judgment

[Except as herein otherwise provided no lien for taxes or for water rents or rates lighting rates power rates or sewer rates which shall hereafter be entered as a lien by any political subdivision other than a city of the first class city of the second class or school district of the first class shall be extended or continued beyond the period of five years from the date the same shall hereafter be entered as a lien and all property subject to any such lien shall be sold within the period of five years from the date such lien shall hereafter be entered]

If a claim be not filed within the time aforesaid or if it be not prosecuted in the manner and at the time aforesaid its lien on real estate shall be wholly lost

Section 2 Section fifteen and three-tenths of the act approved the twentieth day of June one thousand nine hundred and thirty-nine (P. L. 512) amending the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) is hereby amended to read as follows

Section [15.3] 15.1 Where the lien of any taxes or water rents or rates lighting rates power rates or sewer rates has heretofore been lost by reason of the failure to file the claim therefor within the time prescribed by this act or by reason of the failure to revive such lien within five years from the date of entry or last revival the claim for such taxes and rates may be entered or such liens may be revived in the manner provided by this act [within six months after the effective date of this act] at any time prior to the first day of January one thousand nine hundred and forty-two and the liens of any claims so filed and of any liens so revived shall be valid liens and are hereby ratified and confirmed and as such shall be subject to the provisions of this amendment which relate to liens filed after the effective date of this act Provided however That the filing of such claims or the revival of such liens under the provisions of this clause shall not establish revive or reestablish any lien against real estate which was transferred to any bona fide purchaser during the time before such claims were filed or liens revived or when such liens were lost

Section 3 Sections fifteen and one-tenth and fifteen and two-tenths of the said act are hereby repealed

Section 4 All acts and parts of acts inconsistent with the provisions of this act general local and special are hereby repealed

Section 5 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—193

| | | | |
|-----------------|----------------|--------------|---------------|
| Achterman, | Gates, | Maxwell, | Rose, W. E., |
| Auker, | Gerard, | McClanaghan, | Rosenfeld, |
| Baker, | Gillan, | McClester, | Royer, |
| Balthaser, | Gillette, | McDermott, | Rush, |
| Bentley, | Goodwin, | McDowell, | Sarge, |
| Bentzel, | Greenwood, | McFall, | Sarrafi, |
| Boies, | Gross, | McGrath, | Scanlon, |
| Boney, | Gryskewicz, | McIntosh, | Schwab, |
| Boorse, | Habbyshaw, | McKinney, | Serrill, |
| Bower, | Haberlen, | McLanahan, | Shaffer, |
| Bradley, | Haines, | McLane, | Shaw, |
| Breth, | Hamilton, | McMillen, | Shepard, |
| Bretherick, | Hare, | McSurdy, | Snyder, |
| Brown, | Harkins, | Ichiorre, | Follenberger, |
| Brunner, C. H., | Harmish, | Mihm, | Sorg, |
| Brunner, P. A., | Harris, | Modell, | Stambaugh, |
| Burns, | Heatherington, | Monks, | Stank, |
| Burriss, | Helm, | Mooney, | Stine, |

| | | | |
|---------------|----------------|---------------|------------------|
| Cadwalader, | Hering, | Moran, | Stockham, |
| Chudoff, | Herman, | Moul, | Tarr, |
| Cochran, | Hersch, | Muir, | Tate, |
| Cohen, M. M., | Hewitt, | Munley, | Taylor, |
| Cohen, R. E., | Hirsch, | Nagel, | Thompson, E. F., |
| Cook, | Holland, | Nunemacher, | Thompson, R. L., |
| Cooper, | Huntley, | O'Brien, | Trout, |
| Cardier, | Imbrie, | O'Connor, | Van Allsburg, |
| Corrigan, | Jefferson, | O'Dare, | Verona, |
| Croop, | Jones, G. E., | O'Mullen, | Vincent, |
| Cullen, | Jones, P. N., | O'Neill, | Vogt, |
| Dairymple, | Keenan, | Owens, | Voldow, |
| Dennison, | Kenehan, | Petrosky, | Wagner, |
| DiGenova, | Kline, | Pettit, | Watkins, |
| Dolon, | Knoble, | Polaski, | Weingartner, |
| D'Ortona, | Kolankiewicz, | Polen, | Weiss, |
| Duffy, | Komorowski, | Powers, | Welsh, E. B., |
| Early, | Krise, | Prosen, | Welsh, M. J., |
| Eckels, | Lee, T. H., | Rank, | Williams, |
| Elder, | Leisey, | Rausch, | Winner, |
| Elliott, | Leonard, | Readinger, | Wolf, |
| Ely, | Lesko, | Reagan, | Wood, L. H., |
| Finestone, | Levy, | Reese, D. P., | Wood, N., |
| Finnerty, | Leydic, | Reese, R. E., | Woodring, |
| Fiss, | Lichtenwaiter, | Regan, | Woodside, |
| Fleming, | Longo, | Reynolds, | Wright, |
| Fletcher, | Lovett, | Rhea, | Yeakel, |
| Flynn, | Lyons, | Riley, | Yester, |
| Foor, | Malloy, | Rooney, | Young, |
| French, | Marks, | Rose, S., | Kilroy, Speaker |
| Gallagher, | | | |

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. 671, Printer's No. 321, was passed over at the request of the SPEAKER.

RESOLUTION

Messrs. MIHM and MATTHEW J. WELSH offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted:

In the House of Representatives, April 17, 1941.

Whereas, Harrisburg Post No. 27, The American Legion, on April 15th, entertained the members of the House of Representatives at a dinner at the Legion Home on South Front Street, with the War Veteran members of the House and the members of its Committee on Military Affairs as guests of honor; and

Whereas, The feast and the entertainment were of the best and was dished forth as only veterans can, with the exact amount of snap and jovialty necessary to make it an affair long to be remembered; and

Whereas, The Members of this House who attended, each had a splendid time and were glad to be there, and those of our members who were unavoidably absent regret the good time they missed; therefore, be it

Resolved, That the House of Representatives, in appreciation of the hospitality and congeniality of the officers and members of the Harrisburg Post, hereby thanks them and the Post for a most enjoyable occasion and compliments them on their Legion Home and their true spirit of comradeship; and be it further

Resolved, That a copy of this resolution be certified by the Chief Clerk and forward to Harrisburg Post No. 27, The American Legion.

ADJOURNMENT

Mr. ELY. Mr. Speaker, I move that this House do now adjourn until Monday, April 21, 1941, at 9 p. m.

The motion was agreed to, and (at 10:33 a. m.) the House adjourned.