

method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for education of blind children by the Department of Public Instruction, and for the payment therefor out of appropriations made for such purposes.

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

BILL INTRODUCED

Mr. STIEFEL. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL read in place and presented to the Chair Senate Bill No. 684, entitled:

An Act authorizing all public offices and departments of cities and counties of the first class to remain closed on Saturdays, from the third Saturday of July to the last Saturday of August, inclusive, in each year.

Which was committed to the Committee on Municipal Government.

REPORT FROM COMMITTEE

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO from the Committee on Welfare, Public Assistance and Pensions reported as committed, Senate Bill No. 554, entitled:

An Act to amend section two and clause (b) of section four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by redefining assistance and eliminating the requirement that fresh fluid milk shall be furnished to relief recipients, or their children.

REPORT OF JOINT STATE GOVERNMENT COMMISSION

Mr. EALY. Mr. President, I ask unanimous consent to make a report at this time.

The PRESIDENT. Is there any objection. The Chair hears none. The gentleman from Somerset may proceed.

Mr. EALY. I have been asked by the Joint State Government Commission to make a report on the organization and administration of the state government. This report is contained in two volumes, copies of which will be distributed to the Senators.

There has been prepared a statement in connection with

this report, which I will file and not read, although I want to refer to a few matters in the report.

All the members of the Commission perhaps do not agree on all of its recommendations. I do not know that I agree with all of the recommendations either but I think a majority of the Commission agreed with them.

The introductory chapter reviews the financial expenditures and problems of state government for the last twelve years. This is the first report of its kind ever prepared. The only other report approaching this work was a study made by the Sterling Committee in 1931 and 1933. This report differs from the Sterling report in that it contains a full statement of the financial problems and expenditures of state government and it should be a valuable hand book for legislative state administrators and students of public administration.

Among the recommendations in this report, Mr. President, is the establishment of a unit to look after bills as they are introduced and pass through the two branches of the General Assembly, so as to correct errors and save reprinting, as so often occurs.

A special study has been made of auditing practices in the Commonwealth, which indicates a duplication of auditing in many respects and it is thought there will be considerable saving by following the recommendations of the Commission.

One of the recommendations is that mercantile tax appraisers be eliminated and the levying of mercantile taxes by appraisers should be discontinued and the tax placed on a self-assessing basis with centralized collection by the Department of Revenue instead of having payments made to the county treasurers.

This report, Mr. President, recommends the removal of the Department of Internal Affairs from the Administrative Code. It recommends the setting up of a bureau of local government financed in the Department of Internal Affairs to assist local governments in furnishing information.

I shall not read all the recommendations as set forth in this statement and ask simply permission to file it and I further ask that copies of the reports be distributed to the Senators.

The PRESIDENT. If there is no objection it is so ordered.

ADJOURNMENT

Mr. EALY. Mr. President, I move that the Senate do now adjourn until Wednesday, April 23, 1941, at 12:00 o'clock noon.

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

The Senate adjourned at 5:33 o'clock p. m. until Wednesday, April 23, 1941, at 12:00 o'clock noon.

HOUSE OF REPRESENTATIVES

TUESDAY, April 22, 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:

Almighty God, make us ambitious, but not for self. Help us to see the world as it is, good if used for Thee and the common good of all men, but a delusion and a snare if loved for itself alone. Make us rich in good works, and not in things alone. Keep us ever dependable and true. Preserve our going out and our coming in from this time forth and even forevermore. 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. VOGT unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Messrs. HABBYSHAW and DAVID P. REESE.
HOUSE BILL No. 1323.

An Act authorizing the Department of Property and Supplies, with the consent of the Department of Military Affairs and the approval of the Governor, to sell and convey the property of the Pennsylvania State Arsenal at Harrisburg to the City of Harrisburg, in exchange for the conveyance by said city of Wildwood Park to the Commonwealth, for the use of the Pennsylvania Game Commission in maintaining a wild life sanctuary.

Referred to the Committee on State Government.

By Mr. REAGAN. HOUSE BILL No. 1324.

An Act to further amend section thirty-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," further providing for ascertaining the change of classification of counties.

Referred to the Committee on Counties.

By Mr. CULLEN. HOUSE BILL No. 1325.

An Act to add Section 670.1 to the act, approved the twenty-fourth day 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," making it unlawful for any employer to refuse or fail to pay wages to any employe when such wages are due and owing under the terms of any contract of hiring; and imposing penalties.

Referred to the Committee on Judiciary Special.

By MR. BENTLEY. HOUSE BILL No. 1326.

An Act to amend sections three and four of the act, approved the thirtieth day of March, one thousand nine hundred three (P. L. 110), entitled "A supplement to an act, entitled 'An act regulating the construction, maintenance, alteration, and inspection of buildings and party walls in cities of the second class,' approved the seventh day of June, Anno Domini one thousand eight hundred and ninety-five; regulating the construction, alteration and ventilation of tenement-houses, and providing for the safety of the inhabitants thereof; and providing penalties for the violation of the same." further regulating the erection, alteration and ventilation of certain tenement houses.

Referred to the Committee on Cities-Second Class.

By MR. BENTLEY. HOUSE BILL No. 1327.

An Act to amend section six and to further amend section eleven of the act, approved the twenty-eighth day of May, one thousand nine hundred and fifteen (P. L. 596), entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities, and regulating the administration and the payment of such pensions," restricting the right of per diem employes to join such pension system, and giving peace time drafted employes credit for the time spent in the services of the United States.

Referred to the Committee on Cities-Second Class.

By MR. BENTLEY. HOUSE BILL No. 1328.

An Act to reenact and amend the title and the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 526), entitled "An act providing for and regulating joint purchases by counties (other than counties of the first and second classes), cities of the third class, boroughs, towns, townships, school districts, and poor districts," by including second class counties within the provisions of the act.

Referred to the Committee on Counties.

By MR. RAUSCH. HOUSE BILL No. 1329.

An Act to add section four to the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 600), entitled "An act providing that appointive officers and employes, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes, respectively, and providing for the compensation of such substitutes," saving to members of the Pennsylvania Motor Police Force in their right to increases in pay, and certain advancements in rank.

Referred to the Committee on State Government.

By Mr. MOONEY. HOUSE BILL No. 1330.

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board, to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund.

Referred to the Committee on Appropriations.

By Mr. YESTER. HOUSE BILL No. 1331.

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund.

Referred to the Committee on Appropriations.

By Mr. REYNOLDS. HOUSE BILL No. 1332.

An Act making an appropriation from the Motor Li-

cense Fund to the State Employes Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund.

Referred to the Committee on Appropriations.

By Mr. CORRIGAN. HOUSE BILL No. 1333.

An Act requiring all departments, boards, commissions, institutions and agencies of the Commonwealth in awarding contracts for the purchase of equipment, furniture, furnishings, stationery, supplies, fuel and other articles, or for repairs, alterations and improvements, to give certain preference to bidders whose principal places of business are within the Commonwealth.

Referred to the Committee on State Government.

By Mr. ACHTERMAN. HOUSE BILL No. 1334.

An Act making an appropriation to the Department of Property and Supplies for the payment of claims arising in connection with the erection and construction of the Eastern State Penitentiary at Graterford.

Referred to the Committee on Appropriations

By Mr. D'ORTONA. HOUSE BILL No. 1335.

An Act regulating the collection and distribution of water rents and other receipts or moneys received by the cities of the first class, through or by reason of services or water supplies by the cities of the first class, and regulating the expenditure thereof; providing for the regulation and expenditures of said receipts of maintenance and payrolls of the Bureau of Water of the said cities of the first class; providing for certain regulations with reference to the said receipts; and providing for the minimum requirements to be used for salaries of employes and in the maintenance of the Water Bureaus of cities of the first class; and repealing existing laws.

Referred to the Committee on Cities-First Class.

By Mr. FRENCH. HOUSE BILL No. 1336.

An Act authorizing and directing the Department of Property and Supplies to reprint the Report of the Commission to Locate the Sites of the Frontier Forts of Pennsylvania; and providing for the distribution thereof.

Referred to the Committee on State Government.

By Mr. HARKINS. HOUSE BILL No. 1337.

An Act making an appropriation to the Department of Property and Supplies, for the payment of claims against the Commonwealth arising from failure to lease premises after owners thereof had been induced to expend money thereon.

Referred to the Committee on Appropriations.

By Messrs. SHAW and HABBYSHAW.
HOUSE BILL No. 1338.

An Act providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons and blind persons; providing for the administration of such assistance by the Department of Welfare and county welfare boards created for this purpose, instead of by the Department of Public Assistance and the county boards of assistance; requiring the transfer of certain records and documents; and authorizing the Department of Welfare to cooperate with and to accept and dispose of moneys received from the United States Government for assistance to such persons.

Referred to the Committee on Welfare.

By Mr. ELLWOOD B. WELSH. HOUSE BILL No. 1339.

An Act relating to and regulating the practice of the healing profession of naturopathy and the licensure and registration of practitioners therein; creating a Naturopathic Board of Examination and Licensure in the Department of Public Instruction; defining its powers and duties; and providing penalties.

Referred to the Committee on Professional Licensure.

By Messrs. WEISS and MAXWELL.
HOUSE BILL No. 1340.

An Act requiring counties, cities (except cities of the first and second classes) boroughs, towns, townships, school districts (except school districts of the first class) and county institution districts to install by ordinance or resolution a system for the collection of taxes in monthly installments and specifying certain conditions and penalties in such cases.

Referred to the Committee on Municipal Corporations.

By Messrs. LEISEY and GYGER.
HOUSE BILL No. 1341.

An Act to amend section six of the act, approved the first day of July, one thousand nine hundred thirty-seven (P. L. 2624), entitled "An act authorizing townships of the second class to adopt and enforce zoning ordinances regulating the location, construction, and use of buildings, the size of courts and open spaces, the density of population, and the use of land," providing for employment of personnel and expenses of the zoning commission.

Referred to the Committee on Townships.

By Mr. HARKINS. HOUSE BILL No. 1342.

An Act creating an independent administrative commission to be known as the Workmen's Compensation Insurance Commission; prescribing its powers and duties; and prescribing penalties.

Referred to the Committee on Workmens Compensation.

By Mr. TATE. HOUSE BILL No. 1343.

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

Referred to the Committee on Appropriations.

By Mr. TATE. HOUSE BILL No. 1344.

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

Referred to the Committee on Appropriations.

By Mr. BOIES. HOUSE BILL No. 1345.

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

Referred to the Committee on Appropriations.

By Mr. McMILLEN. HOUSE BILL No. 1346.

An Act designating certain days of each year as Arbor Days and Bird Days; one of which days shall be the ninth day of April except when the ninth day of April falls on Saturday, Sunday or Good Friday; providing that the week of the ninth of April be proclaimed as Con-

servation Week; and directing suitable observance of Arbor Days and Bird Days in Public schools under the direction of superintendents and teachers.

Referred to the Committee on State Government.

By Mr. RUSH. HOUSE BILL No. 1347.

An Act to further amend section fifteen of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 465), entitled "An act to provide for the safety of persons employed, housed, or assembled in certain buildings and structures not in cities of the first class, second class, and second class A by requiring certain construction and ways of egress, equipment, and maintenance, providing for the licensing of projectionists; requiring the submission of plans for examination and approval; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of the act by the Department of Labor and Industry and, in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealing certain acts," prescribing qualifications of inspectors of motion picture projection rooms and stages.

Referred to the Committee on State Government.

By Mr. RUSH. HOUSE BILL No. 1348.

An Act to amend sections two thousand five hundred two and two thousand five hundred three of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the laws relating thereto," by authorizing the issuance of bonds resting alone for their security and payment upon assessments for improvement and the delivery of such bonds to the contractor in payment of the work.

Referred to the Committee on Townships.

By Mr. RUSH. HOUSE BILL No. 1349.

An Act to provide for the safety of persons employed, housed or assembled in certain buildings and structures used for the exhibition of motion pictures, by requiring an asbestos or steel curtain and a main control lighting switchboard, by requiring the attendance of a licensed attendant during the performance; providing for the licensing of such attendant; providing for the enforcement of this act by the Department of Labor and Industry, and in certain cases, by the chiefs of fire departments in cities of the first, second and second A classes, and providing penalties.

Referred to the Committee on State Government.

By Messrs. POLEN and PETTIT.
HOUSE BILL No. 1350.

An Act validating certain deeds and conveyances made by trustees without setting forth their authority to convey.

Referred to the Committee on Judiciary General.

By Mr. HOLLAND. HOUSE BILL No. 1351.

An Act making an appropriation to the commission to investigate the Associate Petroleum Industries and their affiliated organizations for the payment of its expenses.

Referred to the Committee on Appropriations.

By Mr. HARKINS. HOUSE BILL No. 1352.

An Act to further amend the first paragraph of section nine of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), en-

titled "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," limiting the interest rate imposed on municipal liens so that the same shall not exceed the rate of interest paid by the municipality in financing the improvement.

Referred to the Committee on Municipal Corporations.

By Mr. HARKINS. HOUSE BILL No. 1353.

An Act to amend sections one thousand one hundred four and one thousand one hundred six, and to further amend section one thousand one hundred 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," changing the term of county superintendents.

Referred to the Committee on Education.

By Messrs. STINE and REAGAN.
HOUSE BILL No. 1354.

An Act to promote public health, morals, safety, defense and welfare by providing supervision and encouragement of low cost housing, and by building housing units to demonstrate the possibility and practicability of low cost housing; creating a State Board of Low Cost Housing as a departmental administrative board within the Department of Public Instruction; providing for the organization of the board and the appointment and removal of its members; enumerating its duties and powers, including the powers to conduct investigations, issue subpoenas, apply to courts for punishment of contempts, make orders, rules and regulations, prescribe forms, require reports and acquire property by eminent domain for low cost housing; and making an appropriation.

Referred to the Committee on Public Health and Sanitation.

By Mr. GOODWIN. HOUSE BILL No. 1355.

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 the conditions of eligibility for election or appointment as county, district, assistant county or district superintendent and associate superintendent, and the term of county superintendents.

Referred to the Committee on Education.

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. 452. (HOUSE BILL No. 1356).

An Act making an appropriation to the trustees of the Pennsylvania State College for use in research work dealing with flax and other farm produce.

Referred to the Committee on Appropriations.

SENATE BILL No. 518. (HOUSE BILL No. 1357).

An Act to further amend the first paragraph of subsection (a) of section one thousand two hundred five 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," prescribing additional causes for termination of a contract of a professional employee.

Referred to the Committee on Education.

SENATE BILL No. 422. (HOUSE BILL No. 1358).

A Joint Resolution proposing an amendment to section four, article nine of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

SENATE BILL No. 447. (HOUSE BILL No. 1359).

An Act making an appropriation to the Department of Labor and Industry to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases; and repealing and lapsing certain appropriations.

Referred to the Committee on Appropriations.

SENATE BILL No. 515. (HOUSE BILL No. 1360).

An Act to amend article nine of the act, approved the third day of June, one thousand nine hundred 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 requiring an additional affidavit by candidates for nomination for any office.

Referred to the Committee on Elections.

SENATE BILL No. 338. (HOUSE BILL No. 1361).

An Act to further amend sections four and five of the act, approved the sixth day of April, one thousand nine hundred thirty-five (P. L. 90), entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A, by providing that city and school taxes within such territorial limits shall be assessed, levied, and

collected upon the basis of the assessments for taxation for county purposes; and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith abolishing the department of assessors in cities of the second class A; consolidating tax statements covering city, school, county and poor taxes therein, and making uniform the time for levy and collection of said taxes respectively, and regulating the discounts therefrom and penalties thereon," by further regulating discounts for prompt payment of taxes and penalties and interest imposed on said taxes and by changing the date of certain tax payments.

Referred to the Committee on Municipal Corporations.

RESOLUTION INTRODUCED AND REFERRED

By Mr. HOLLAND.

(Concurrent) RESOLUTION No. 81.

In the House of Representatives, April 21, 1941.

Whereas, Associated Petroleum Industries, with offices in Philadelphia and representation in Harrisburg, is an unincorporated association of executives representing the major oil and gasoline companies, and interested in advancing the policies of those companies; and

Whereas, The said Associated Petroleum Industries has, through major gasoline and oil company retail and distribution outlets, maintained an organization in every county of the State for the dissemination of propaganda and information favorable to their major companies; and

Whereas, It was brought out in a Report of Proceedings of the Investigation conducted by the Oil Industry Investigating Commission Hearings that the Associated Petroleum Industries did finance and control certain organizations who were made to appear to represent the consumers and users of gasoline and oil; and

Whereas, These organizations were used and maintained primarily as the tools of the large oil interests; and

Whereas, Propaganda, either were by direct mail, by newspapers and magazines, as well as the radio, used to disseminate so-called "consumer arguments" under false pretense; and

Whereas, In these hearings the names of the Pennsylvania Motor Truck Association, the Keystone Automobile Club, the Pennsylvania Motor Federation, the Pennsylvania Automotive Association, Highway Users Conference, certain motor clubs, certain truck associations, the good roads people, cement people, and bus associations, appeared as being financed in part or in whole by the Associated Petroleum Industries; and

Whereas, The names of elected, as well as appointed, officers of the Commonwealth of Pennsylvania appear in this probe as being in the employ of the Associated Petroleum Industries; and

Whereas, Certain organizations that are mentioned in this investigation have been very active in having enacted into law an increased weight truck bill; and

Whereas, Lobbying methods used in this Session are explained thoroughly in the Proceedings of the Oil Industry's Investigation Hearings, are the same as being used today, therefore be it

Resolved, (if the Senate concur), That it is the duty of this Legislature, in protecting the interests of the people of Pennsylvania, to conduct an investigation of the Associated Petroleum Industries, and their numerous affiliated organizations, and for this purpose there is hereby created a joint legislative commission to consist of three members of the House of Representatives to be appointed by the Speaker, and three Senators to be appointed by the President pro tempore. The commission shall serve without compensation; and shall make a report of its findings and recommendations to the General Assembly as soon as possible. The commission shall have power to meet, hold hearings and make its investigations whether or not the General Assembly is in session. The commission may employ and fix the compensation of such counsel, experts, clerks and assistants as may be deemed necessary for the proper conduct of the work of the commission.

Resolved, That the commission shall have the power

to issue subpoenas and subpoenas duces tecum, under the hand and seal of its chairman, requesting and commanding any proper person, corporation, partnership or association to appear before it and to answer such questions touching matters with respect to the oil industry in the Commonwealth inquired into by the commission for and on behalf of the General Assembly, and to procure such books, papers, records and documents as the commission may deem necessary. Such subpoenas or subpoenas duces tecum may be served upon any proper person, corporation, partnership or association and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth or by the General Assembly itself. Each member of the commission shall have the power to administer oaths and affirmation to witnesses appearing before the commission.

Resolved, That if any person, corporation, partnership or association wilfully neglects or refuses to testify before the commission or to produce any books, papers, records or documents subpoenaed by the commission, the commission, or any member thereof, shall file a petition with a court of common pleas having competent jurisdiction over said person, corporation, partnership or association, setting forth such facts. The said court of common pleas, or a judge thereof, shall thereupon issue a rule upon said person, corporation, partnership or association, returnable no less than five nor more than seven days from service thereof, commanding said person, corporation, partnership or association to appear before said court and show cause why the subpoena, subpoena duces tecum or similar order of said commission shall not be complied with.

Resolved, That if said person, corporation, partnership or association, upon the return day of said rule to show cause, is or are unable to show legal cause why the subpoena, subpoena duces tecum or order of the commission should not be complied with, the said court of common pleas shall forthwith enter an order of court directing said person, corporation, partnership or association to comply with the terms of the said subpoena, subpoena duces tecum or order of the commission. If thereupon, such person, corporation, partnership or association shall refuse or fail to comply with the said order of court, the said court of common pleas shall forthwith adjudge said person, corporation, partnership or association to be in contempt of court and such person, corporation, partnership or association shall thereupon forthwith be subject to the penalties provided by the Commonwealth in such cases: Provided further, That if any subpoena, subpoena duces tecum or order of the commission is deemed invalid by the court, the commission is authorized to issue a proper subpoena, subpoena duces tecum or order against such person, corporation, partnership or association.

Referred to the Committee on Rules.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor and the same being correct, the title was publicly read as follows:

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 Act 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.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

EXETER TOWNSHIP JUNIOR HIGH SCHOOL WELCOMED

The SPEAKER. The Chair welcomes to the House the Tenth Grade of the Exeter Township Junior High School, Berks County, the guests of the gentleman from Berks, Mr. Wolf.

RESOLUTIONS CONGRATULATIONS

Messrs. PAUL A. BRUNNER and MARKS offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, April 22, 1941.

Whereas, Several weeks ago it was charged on the floor of this House that a great deal of oil was being spread among some of the Members by unknown and powerful forces; and

Whereas, Startling evidence has been brought to our attention of the affiliation to be soon consummated between one of our Members and one of the members of such oil interests; and

Whereas, The House of Representatives has today learned of the engagement of the Honorable Lloyd L. Wolf to Gwendolyn Spencer of 1512 Palm Street, Reading, Pennsylvania, who at present is secretary to her father, an executive of the Atlantic Refining Company; therefore be it

Resolved, That the House of Representatives felicitates the happy couple upon the announcement of their engagement; and be it further

Resolved, That a copy of this resolution be mailed by the Chief Clerk of this House to all interested parties.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Wolf.

Mr. WOLF. Mr Speaker, I suppose I had better speak now because this will probably be the last chance I will get. I will see Paul Brunner and the other members from Berks County later.

CONGRATULATIONS

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

In the House of Representatives, April 22, 1941.

Whereas, The Honorable John J. Baker by his prodigious labors in the House, has often given birth to legislation of a superior statesmanlike quality; and

Whereas, In spite of all such efforts, the latest honor came to him, not as a result of his own activities, but from sources beyond his immediate control; and

Whereas, He is the youngest looking grandfather to as yet grace the Hall of the House; and

Whereas, His daughter, Mrs. Rose Elacho has, on April 20th, given birth to a baby boy; and

Whereas, John now has a worthy successor to carry on the tradition of the Baker dynasty; therefore be it

Resolved, That the House of Representatives hereby felicitates the Honorable John J. Baker on the birth of a grandson, and wishes both him, and his daughter and son-in-law great joy in the progress through life of his grandson; and be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk of the House to the proud and beaming grandparents and parents.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Baker.

Mr. BAKER. Mr. Speaker, I want to thank the sponsors of this resolution. I am now in the class with the former Speaker and the present Speaker.

CONDOLENCE RESOLUTION

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

In the House of Representatives, April 22, 1941.

Honorable A. S. Batchelor, a member of the House of Representatives during the legislative sessions of 1929 and 1931, and of the Senate of Pennsylvania during the regular sessions of 1933 and 1935, as well as numerous special sessions, died on April 13th in St. Margaret's Hospital, Pittsburgh, after a five months' illness.

Senator Batchelor was a banker, merchant and funeral director. He was president of the First National Bank of Monaca, president of the Penn-Beaver Hotel Association, president of the Western Pennsylvania Funeral Directors' Association, a member of Rochester Lodge 229 F. & A. M., past commander of the Beaver Commandery, Knights Templars, Pittsburgh Consistory, Ancient Accepted Scottish Rite Masons, and Syria Temple, Monaca I. O. O. F., Knights of Pythias, F. O. E., Woodmen of the World, and the First Baptist Church of Rochester, therefore, be it

Resolved, That the House of Representatives pause in the midst of its deliberations to pay reverence to the memory of its former member, and offer its condolence to the widow and family of the deceased, in the form of a certified copy of this resolution, to be forwarded by the Chief Clerk to Mrs. Jessie Holmes Batchelor of 430 Atlantic Ave., Monaca, Beaver County, Pennsylvania, his widow.

CONDOLENCE RESOLUTION

Mr. O'NEILL offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, April 22, 1941.

Whereas, We have learned today of the passing of the mother of the Honorable Martin F. Kenehan; and

Whereas, Catherine (Kelley) Kenehan was well known in Lackawanna County for her devotion to her family, her church and her community; therefore be it

Resolved, That the Chief Clerk of this House be instructed to send a copy of this resolution to the family of the deceased as a token of the House of Representatives' great sympathy for them in their present bereavement.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Munley for Mr. KENEHAN for the remainder of the week on account of death in the family.

FORMER MEMBERS WELCOMED

The SPEAKER. The Chair at this time welcomes a former member of this House from Schuylkill County, Mr. Schrope.

The Chair also welcomes a former member of the House, the gentleman from McKean, Mr. E. Kent Kane.

REPORTS FROM COMMITTEES

Mr. BALTHASER, from the Committee on Counties, reported as committed, House Bill No. 647, entitled:

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

Mr. SHEPARD, from the Committee on Public Health and Sanitation, reported as committed, House Bill No. 218, entitled:

An Act to further amend section three, and to amend section eight of the act, approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 224), entitled "An act preventing the manufacture, sale, or transportation within the Commonwealth of adulterated or misbranded Paris greens, lead arsenates, lime-sulphur compounds, and other insecticides and fungicides, and regulating traffic therein; providing for inspection of such materials, and imposing penalties," by imposing additional duties on the Secretary of Agriculture, and further regulating the sale, manufacture and transportation of insecticides and fungicides.

Mr. FINESTONE, from the Committee on Judiciary Special, reported as committed, House Bill No. 717, entitled:

An Act relating to criminal procedure; providing for the securing of attendance of witnesses from within or without the State in criminal cases; and making uniform the law in reference thereto.

Mr. MALLOY, from the Committee on State Government, reported as committed, House Bill No. 1019, entitled:

An Act to further amend Section 1408 of the act, approved the ninth day of April, one thousand nine hundred 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 money erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth, and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State 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," clarifying the provision of said act with respect to attorneys' commissions on taxes and other demands due the Commonwealth.

Mr. BONEY, from the Committee on Motor Vehicles, reported as committed, House Bill No. 117, entitled:

An Act to further amend 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 clerk

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 providing for different classes of operators' licenses and learners' permits; prescribing the circumstances under which they shall be issued; requiring proof of financial responsibility in certain cases; denying operating privileges under certain circumstances and providing additional penalties.

Mr. HERMAN, from the Committee on Judiciary General, reported as committed, House Bill No. 151, entitled:

An Act to further amend section twenty-five, and to amend section twenty-nine of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237), entitled "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages; and amending, revising, and consolidating the law relating thereto," by providing for notice by registered mail when it proves impossible to secure person's service of the subpoena in divorce.

Mr. WOODRING, from the Committee on Judiciary Special, reported as committed, House Bill No. 79, entitled:

An Act prohibiting the recording of any broadcast performance or rendition without the permission and consent of the person or persons whose performance or rendition is so recorded, and the offering for sale, selling, leasing, licensing or possession of such unlawful recording; and providing penalties therefor.

Mr. LICHTENWALTER, from the Committee on Judiciary Special, reported as committed, House Bill No. 179, entitled:

An Act validating the titles to real estate purchased at judicial sales for the unpaid taxes or municipal assessments, where there is a defect in the names of the parties in certain cases; and providing certain exceptions.

Mr. CHAS. H. BRUNNER, from the Committee on Judiciary Special, reported as committed, House Bill No. 1018, entitled:

An Act to amend the act approved the twenty-fourth day 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;" by adding thereto to section 947.1 prohibiting the cutting of, and operations on, tails of horses, mares and geldings except as herein provided; providing for certificates under oath; and regulating and restricting the showing and exhibition of such animals.

Mr. WEINGARTNER, from the Committee on Judiciary General, reported as committed, House Bill No. 1087, entitled:

An Act to amend Clause (2) of Section 3 of the Act approved the sixteenth day of May one thousand nine hundred and twenty-nine (P. L. 1784) entitled "An act concerning newspapers creating uniformity in the publication of legal notices and advertisements defining the newspapers in which official and legal advertising shall be published prescribing methods for computing the charges therefor and providing that the expenses for publishing legal advertising or notices shall be taxable and collectible as court costs are not taxed and collected in all matters and proceedings" by changing the definition of daily newspaper.

Mr. DOLON, from the Committee on Public Health and Sanitation, reported as amended, House Bill No. 960, entitled:

An Act to amend sections one and two and to further amend sections three and five of the act, approved the sixth day of April, one thousand nine hundred and eleven (P. L. 51), entitled "An act providing for the protection of the public health and the prevention of fraud and deception, by prohibiting the sale, the offering for sale, or exposing for sale, or having in possession with intent to sell, of adulterated or deleterious sausage; defining sausage; and prescribing the penalty for the violation thereof," making possession of adulterated sausage prima facie evidence of intent to sell; further defining and regulating the adulteration of sausage; and conferring powers on the Department of Agriculture.

Mr. LESKO, from the Committee on State Government, reported as amended, House Bill No. 660, entitled:

An Act to amend section two hundred twenty-two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and 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, providing that State employes may accumulate their authorized leaves of absence and take such accumulated leaves at one time.

Mr. ROSENFELD, from the Committee on Judiciary General, reported as amended, House Bill No. 797, entitled:

An Act providing for personal notice to defendants admitted to bail, and to persons furnishing such bail, of the time and place where the appearance of such defendants is required.

Mr. CHUDOFF, from the Committee on Judiciary General, reported as amended, House Bill No. 580, entitled:

An Act to amend section twenty-four of the act, approved the sixteenth day of June, one thousand eight hundred thirty-six (P. L. 784), entitled "An act relating to the jurisdictions and powers of courts," by further defining the power of courts to punish summarily for contempt, and setting up a period of limitations.

Mr. TATE, from the Committee on Judiciary General, reported as amended, House Bill No. 32, entitled:

An Act to amend paragraph one of subsection (e) of section twelve of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians and trustees, herein designated as fiduciaries, the administration and distribution of the estates of presumed

decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees *durante absentia*; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases, and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by further defining exemption granted minor child or children.

Mr. FISS, from the Committee on Counties, reported as amended, House Bill No. 1185, entitled:

An Act to further amend section five hundred and two and section five hundred and four 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," requiring submission of all plans for public improvements to the county planning commission for approval, and prohibiting the recording of plans and sales of lots before their approval, under penalties.

Mr. McFALL, from the Committee on State Government, reported as amended, House Bill No. 1127, entitled:

An Act defining, regulating and providing for the licensing and registration of employment agents and their representatives, including private employment agents, theatrical employment agencies and nurses' registries; providing for revocation and suspension of licenses and registrations, subject to appeal, and for their reinstatement; defining the powers and duties of the Department of Labor and Industry and the Department of Public Instruction; providing penalties; and repealing existing laws.

Mr. ELY, from the Committee on Counties, reported as amended, House Bill No. 645, entitled:

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

Mr. PROSEN, from the Committee on Judiciary Special, re-reported as amended, House Bill No. 803, entitled:

An Act to amend section six hundred and forty-three of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 372), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," prohibiting selling, giving away or permitting or employing minors under eighteen

to sing, dance, act or exhibit in dance houses, concert saloons, theatres, places of entertainment, tap rooms, clubs, cafes, restaurants or eating houses, where or connected with which, wines or spirituous or malt liquors are sold or given away; prohibiting the misrepresentation of age by the aforesaid minors and providing penalties for the violation of the provisions of this act.

BILLS RE-REFERRED

Mr. PROSEN returned from the Committee on State Government with the recommendation that it be re-referred to the Committee on Welfare, House Bill No. 1296, entitled:

An Act to further amend section three of the act, approved the eleventh day of October, one thousand nine hundred thirty-eight (P. L. 63), entitled "An act to amend the act, approved the eleventh day of July, one thousand nine hundred twenty-three (P. L. 998), 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 the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties,' as amended, by further defining and limiting the institutions in which persons mentally ill may receive care and treatment; relieving counties and poor districts of the payment of the cost of the admission, care, and discharge of mental patients, with certain exceptions; imposing such costs on the Commonwealth; and repealing inconsistent laws," by deferring the operation of the act for a further period of time, and making further provision for the care of mental patients in certain county, city, or institution district institutions during such time.

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

Mr. PROSEN returned from the Committee on State Government with the recommendation that it be re-referred to the Committee on Welfare, House Bill No. 1297, entitled:

An Act to amend the act, approved the eleventh day of October, one thousand nine hundred thirty-eight (P. L. 62), entitled "An act to amend section two of the act approved the eleventh day of April, one thousand nine hundred twenty-nine (P. L. 487), entitled 'An act authorizing the Department of Welfare to determine the legal residence of indigent, insane, feeble-minded and epileptic persons, returned to this Commonwealth by the authorities of another State, or transferred from one poor district to another by the department, and requiring the proper district to pay the cost of the care and treatment of such persons in accordance with the laws relating to indigent insane persons,' by relieving poor districts of certain costs and placing such costs on the Commonwealth," as amended, by deferring the operation of the act for a further period of time.

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

Mr. PROSEN returned from the Committee on State Government with the recommendation that it be re-referred to the Committee on Welfare House Bill No. 1928, entitled:

An Act to amend the act, approved the twenty-ninth day of September, one thousand nine hundred thirty-eight (P. L. 53), entitled "An act relating to institutions of counties, cities and institutions districts for the care, maintenance and treatment of mental patients; providing for the transfer of such institutions to the Commonwealth; providing for the management and operation or closing and abandonment thereof, and the maintenance of mental

patients therein, including the collection of maintenance in certain cases; providing for the retransfer of certain property to institution districts under certain circumstances; conferring and imposing upon the Governor, the Department of Welfare, the courts of common pleas and counties, cities and institution districts certain powers and duties; prohibiting cities, counties and institution districts from maintaining and operating institutions, in whole or in part, for the care and treatment of mental patients; and repealing inconsistent laws," as amended, by extending the time within which the Commonwealth shall take over all such institutions; extending the time for the repeal of certain acts listed in section nine of said act; and making further provisions for the adjustment of various matters between the Commonwealth and counties, cities, institution districts, boroughs, towns, townships, wards, and other municipal subdivisions of the Commonwealth, in order to effectuate the purposes of said act.

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

Mr. LOVETT returned from the Committee on Labor with the recommendation that it be re-referred to the Committee on Judiciary General House Bill No. 1179, entitled:

An Act to amend section four of the act, approved the fourth day of June, one thousand nine hundred and thirty-seven (P. L. 1595), entitled "An act relating to peace officers; providing for the qualifications and appointments of deputy sheriffs; regulating the manner of their selection and compensation; regulating the source of compensation for other peace officers; declaring void certain contracts inconsistent with the provisions hereof; providing penalties; and repealing inconsistent acts," by regulating also the appointment of special deputy sheriffs and prohibiting the use of such deputies as "strike breakers" in cases involving labor disputes but authorizing sheriffs to appoint and arm special deputies for certain purposes who may be compensated for their services, mileage and expenses out of private funds or local, State or Federal appropriations, or by the proper county when appointed to preserve public peace or to patrol the highways in case of an emergency.

The SPEAKER. The bill is re-referred to the Committee on Judiciary General.

Mr. LOVETT returned from the Committee on Rules with the recommendation that it be re-referred to the Committee on Welfare House Resolution No. 78.

The SPEAKER. The resolution is re-referred to the Committee on Welfare.

FORMER MEMBER WELCOMED

The SPEAKER. The Chair welcomes to the House a former member, the gentleman from Northumberland, Mr. Sterling T. Post.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 897, entitled:

An Act providing for and regulating the appointment promotion and reduction in rank suspension and removal of paid members of the police force in boroughs incorporated town and townships of the first class maintaining a police force of not less than three members creating a civil service commission in each borough incorporated town and townships of the first class defining the duties of such civil service commission imposing certain duties and expense on boroughs incorporated towns and townships of the first class imposing penalties and repealing inconsistent laws

The first to the thirteenth sections inclusive were separately read and agreed to.

The fourteenth section was read.

On the question,

Will the House agree to the section?

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

The amendments were read by the Clerk as follows:

Amend section 14 page 9 line 25 by striking out the word "relative"

Amend section 14 page 9 line 27 by striking out the words "in the order of the relative merit and fitness"

The amendments were agreed to.

The section was agreed to as amended.

The fifteenth section was read.

On the question,

Will the House agree to the section?

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

The amendments were read by the Clerk as follows:

Amend section 15 page 10 lines 11 and 12 by striking out the words "and not over forty-five years of age"

Amend section 15 page 10 line 14 by inserting after the word "preceding" the word "immediately".

Amend section 15 page 10 line 14 by inserting after the word "application" the following: "unless no resident applicants are available".

The amendments were agreed to.

The section was agreed to as amended.

The sixteenth, seventeenth, eighteenth and nineteenth sections were separately read and agreed to.

The twentieth section was read.

On the question,

Will the House agree to the section?

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

The amendment was read by the Clerk as follows:

Amend section 20 page 12 line 12 by inserting after the word "inefficiency" the word "neglect".

The amendments were agreed to.

The section was agreed to as amended.

The twenty-first to the twenty-eighth sections inclusive and title were separately read and agreed to.

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. 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.

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 a public hearing.

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. 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.

The first section was read.

On the question,

Will the House agree to the section?

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

The amendments were read by the Clerk as follows:

Page 2, Section 1, Lines 12 and 13, at the end of Line 12, after the word "permits" strike out the following words in these lines: "and inspection and restoration fees."

Page 2, Section 1, Line 14, strike out brackets before the word "State" and after the word "Department."

Page 2, Section 1, Line 14, strike out the words "township supervisors."

Page 2, Section 1, Line 25, after the word "township" at the end of the line add the following words: "in which the work is located."

The amendments were agreed to.

The section was agreed to as amended.

The title was read and agreed to.

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

Ordered, To be transcribed for a third reading.

BILL RECOMMENDED

Mr. HAMILTON. Mr. Speaker, I move that this bill be recommitted to the Committee on Townships for the purpose of further consideration.

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. 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

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMENDED

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

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. 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

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMENDED

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

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. 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

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMENDED

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

On the question,

Will the House agree to the motion?

Mr. HARKINS. Mr. Speaker, when this bill was reported from committee it was my understanding that it was reported with the agreement that it would be recommitted. I, therefore, ask that the motion be agreed to.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second 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 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. 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 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" further regulating the 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

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

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

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 75, as follows:

An Act to amend section two thousand one hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by fixing the minimum salaries or compensation for paid firemen and paid employees of the fire department in such cities

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

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

Section 2101 Organization of Fire Bureau Maintenance Apparatus and Compensation of Paid Firemen and Paid Employees of the Fire Department Each City may organize a fire bureau with or without pay make appropriations for the maintenance of the same prescribe rules and regulations for the government of the officers and companies belonging thereto and purchase fire engines hooks ladders trucks fire alarms and other apparatus for the extinguishment of fires

The salary or compensation of the paid firemen or paid employees of the fire department except the chief engineers and the assistant chief engineers shall in no case be less than the following amounts

Sixteen hundred dollars (\$1,600) per annum for the first year of service and an additional annual increment of eighty dollars (\$80.00) for each year of service after the first year not exceeding six (6) such annual increments All paid firemen or paid employees of the fire department in any city of the third class shall from the time this act becomes effective be entitled to salaries or compensation in accordance with this act including the increment credits accrued for service prior to the effective date of this act provided that the salaries or compensation of a paid fireman or paid employee of the fire department shall not after the effective date of this act be reduced below the amount he is receiving at the time this act becomes effective for the reason that he has not sufficient annual increment credits to entitle him according to the preceding provisions of this act to compensation he is then receiving or be reduced for any other reason whatsoever

Section 2 The provisions of 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. DIX. Mr. Speaker, I believe this is probably the worst anti-home rule bill that has come before the House. The purpose of this bill is to increase the salaries of firemen in some forty-five cities of the state of Pennsylvania. These cities contain about fifteen to twenty percent of the entire population and range in population from seven thousand up to one hundred fifty thousand inhabitants, yet this bill proposes the identical salaries for cities of seven thousand population as it does for cities of one hundred fifty thousand population. I submit to you on the basis of this one thing alone this bill should be defeated. I cannot understand how the members of this House will support any bill that provides the identical minimum salaries for a small town as it does for metropolitan cities.

I cannot see why we should be meddling in the affairs of forty-five cities of the state as Legislators. If this bill or another bill provided for an appropriation of the entire increase, I would be inclined somewhat to favor this bill, but we have no right as state Legislators to tell the citizens of this State how much they shall pay their policemen and then fail to provide any of the funds for paying them. I contend this is taxation without representation, and we all know what that means. My county, Mr. Speaker, has no cities of the third class but I know and you know just as soon as this bill is passed through the House and pushed through the Senate that in a couple more years the same forces that are behind this Bill will come back and attempt to legislate for one hundred boroughs in the State of Pennsylvania.

I have here an editorial from one of the leading Harrisburg newspapers which I would like to read. It goes on to say:

"Perhaps not in twenty years since the Pennsylvania Legislative sessions have been giving cities the run-around on home rule has the issue been as specifically drawn as now. More than ever the people in cities know the facts. Their resentment is rising. It is certain that individual members of the Legislature are going to be listed as for or against the people in the cities. Names and records will be preserved and should any member seek re-election little more than a year hence, the public will know on which side of the home rule issue they stood.

This is the only method left to the people. Why in the world the two parties do not assume responsibility in this conflict is testimony of lack of statesmanship. There is no better political asset for a party than to write its record in favor of the people running their home affairs as they choose. There has been a lot of talk over "home rule" and the people's rights to have it. The time for action has come."

I also would like to read some extracts from letters I have received from high public officials of the third class cities of Pennsylvania. I have received letters from practically every third class city in the state of Pennsylvania opposing this particular bill. I do not think there is a single Mayor of a third class city or a single councilman who is in favor of this bill, and I submit to you when these duly elected officials are opposed to a bill of this kind it is time we decide to legislate for and not against home rule.

Mr. Speaker, I would like to read extracts from letters I have received from officials of the third class cities. I am listing these letters by number and not by the name of the town or by the name of the person who wrote the letter. I would like to read first a letter from city number one. In this letter—and it is quite a long letter it states:

"It seems to me that the whole spirit of these various acts are a distinct violation of the Home Rule Amendment. The Mayor and Council fix the wages and the number of men on the departments. These officials are elected by and are the official representatives of the people. Every two years the people have the opportunity to elect or reject these officials. The city employes are employes of the people in the city in which they reside and in my judgment these elected officials are better able to judge the minimum wages, hours and number of employes than some person or persons three hundred miles away who know nothing of local conditions. This type of legislation smacks of totalitarianism as it denies the peoples' own representatives the right to control their own affairs and puts it instead in the hands of a super state government."

A letter from City No. 2:

"We do not believe it would be fair for the legislators to set the salaries for men for whom they are not responsible. There is nobody in a better position to judge the salaries than the public officials who are responsible for the affairs of the city."

From City No. 3:

"I am very much opposed to the legislature fixing a minimum salary for police and firemen as was proposed at a former session. It seems to me that that denies the city the right to control its financial affairs and would unquestionably work a serious hardship."

A letter from City No. 4:

"As to firemen, that are 74 firemen each receiving eighteen hundred dollars for the year; one man fireman receiving seventeen hundred twenty-five dollars and two firemen receiving sixteen hundred fifty dollars. Under the proposed new act the cost to the city for firemen would be the sum of \$176,400 which is \$38,175 higher than the present cost for the year. Our firemen and patrolmen are selected from our Civil Service Register in the order of their rating received in the Civil Service Examination. We have a large waiting list at this time; in fact, we have never had any difficulty in securing men of high type for these positions as we always have plenty of applicants."

Letter from City No. 5:

"Observations as made discloses that these promoters of legislative bills, are men who play for political control, by having members of a large group, large in the sense of the police force, feel that they owe their well-being to these political profiteers, and thus are able to get worthless legislative acts through. A great majority of these officers do not earn what they get, and there is always the hue and cry to advance wages and yet they are not required to do anything additional for this added suggested recompense.

All cities, boroughs, and townships have been begging for home rule, for some years, and yet in the face of all this, state and government representatives are encroaching and taking away more of the rights with each Session. I still feel that the people who have to pay the taxes in cities, boroughs and townships should have the right to say what salaries or wages should be paid to its employes, and I also further believe that if such a bill as here proposed were passed, fixing salaries, and the municipalities were to take such matters to the courts, it would be unquestionable be declared unconstitutional."

Mr. Speaker, I think these letters are sufficient proof along with some thirty-five others that I received, that there is not one of the third class cities in the state of Pennsylvania that desires to have this bill passed through its duly elected officials.

I might go on to make a number of other statements, but I believe as I said before, this is the worst anti-home rule bill that has been offered in this House in this session. I thank you.

Mr. TARR. Mr. Speaker, I would like to interrogate the gentleman from Wayne, Mr. Dix.

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

Mr. DIX. I shall, Mr. Speaker.

Mr. TARR. Mr. Speaker, I would like to ask the gentleman whether he has in his possession any letters from cities in Fayette County.

Mr. DIX. I probably have, Mr. Speaker, but these letters are confidential.

Mr. TARR. Has the gentleman from Wayne received any communication from either the mayor or city council of Uniontown, Connellsville or Brownsville, Mr. Speaker?

Mr. DIX. Mr. Speaker, I have received letters from practically every third class city in Pennsylvania.

Mr. TARR. Has the gentleman received letters from Connellsville, Uniontown or Brownsville?

Mr. DIX. Are they third class cities, Mr. Speaker?

Mr. TARR. They are, Mr. Speaker.

Mr. DIX. Well, I have some of them, but I cannot remember all of the forty five cities, Mr. Speaker, to determine offhand whether I have received from all of the forty five.

Mr. TARR. Mr. Speaker is the gentleman a member of the committee on Third Class Cities?

Mr. DIX. I am not a member of the committee on Third Class Cities, Mr. Speaker, but as I said before, this is the opening wedge to drive out home rule from every city and borough in Pennsylvania.

Mr. TARR. Mr. Speaker, I thank the gentleman for the elucidation. I would like to ask the gentleman further if in the county in which he is located there are any third class cities?

Mr. DIX. No, there are not, Mr. Speaker, but there is one approaching the third class city status, with 7,000 population.

Mr. TARR. Just one more question, Mr. Speaker, the gentleman spoke a moment ago about the unconstitutionality of this act, and not being an attorney I would like to ask on what basis the gentleman gives that opinion.

Mr. DIX. Mr. Speaker, I base that on the fact of being taxed with representation. That is why the Revolutionary War was fought, taxation without representation.

Mr. TARR. Mr. Speaker, I am in favor of the bill now under discussion. Perhaps I shall be called a foe of home rule, but if being a foe of home rule means adequate pay for firemen in third class cities, then I guess we would all like to be wearing that banner.

Whether or not we want to discuss the home rule bill is beside the question. There seems to be no one who cares what the fireman is paid if he happens to be saving you children or your property. I know that the cry is always made that they sit in the station house with nothing to do at all and get enough pay. This is all right, I guess, but we are all too willing to let them sit at the station house just as long as we know that our house, our wives, our mothers and children are protected, that the firemen are ready to go out.

I am not going to debate at length the bill, but just wish to say that being a representative of a county which has three third class cities I have received no communication against the bill. I have been in touch with at least two mayors and some members of the council during the past week, and nothing was said about the bill. Assuming that those persons who represent the third class cities would be more qualified to speak upon the wishes of those cities, I ask the House to vote for the bill.

Mr. YESTER. Mr. Speaker, I represent only a third class city, and I want to say at this time that I believe it should be left up to Council of the third class cities as to what they shall pay firemen. They know better than anybody else. One city may pay seven thousand

and another city one hundred twenty-five thousand. I don't see how we can legislate the pay of firemen. There are certain third class cities that have volunteer firemen, paying them nothing, so what are you going to do with those firemen? I would like to ask the members to vote this bill down because I do not think it is a fair bill, as it has been presented by several members who do not have a third class city in their district, and I think the members from the third class cities should be recognized.

Mr. AUKER. Mr. Speaker, I rise to oppose very vigorously this bill. In the first place it is a typical home rule bill—it is a bill against home rule if any bill ever was or ever will be.

Now, as regards increase in salaries of the firemen, I think as a matter of general principle, that firemen as well as other civil employes should be entitled to increments over the basic salary with which they started. Just what the increment may be each year is, of course, I say and the proponents of home rule say, a matter entirely for the local communities to handle.

I know the argument has been raised that the councilmen raised their own salaries, and they raised the salaries of Mayors and City managers. That is all true. But if the firemen wish to make an issue of it, it should be a local election issue. They have the organization and they have the ability to go out among the people in their various communities and go after this increase, and if one council will not give it to them, then let them elect councilmen in their own communities who will give them a fair increment each year, based on the financial condition and the financial ability of the municipality to pay increments. We asked earlier that this bill be given a public hearing in order that the cities affected would have a chance to come down here and present their side of the case, as to just how seriously it was going to affect the financial condition on these various communities.

There are only two places where you can get these increases. Cities have only two sources of taxation, outside of the city of Philadelphia, of course, which has a system of taxing wages. We are not going into that argument today, but cities of the third class have only two ways of raising money, one of which is by taxing real estate and the other is by a small personal tax which returns very little.

You can raise the money, of course, for these increases to the firemen if you dig into the budgets and do away with certain vital city services that are now furnished to the communities. That of course you can do, but I venture to say that there isn't one fireman, there isn't one citizen in any of those cities that would vote to do away with any of the vital city services furnished today under the budget and set up by the third class cities. So, not being willing to do that, they only have one source left and that is to put an increase in tax on real estate. Let us follow that through to the logical conclusion. If we are going to do this for the firemen, if we are going to be fair to the policemen, if we are going to be fair to every other civil service or other employee of the third class cities, we have the right to do it for them, and I ask where are we going to end? We started back in 1910 to legislate here in Harrisburg providing increments for teachers. That is fine—I do not think the teachers get paid enough, but the local school districts have to pay it,

and in fact when the local school districts got up against hard times and the depression years we had in the last ten years, local school districts went bankrupt, and that left only one source of additional taxation which was real estate, and real estate couldn't stand the burden, and the taxes could not be paid. Now here we are again on the same proposition. We in the legislature sit down here and say in effect, "We don't care where you get the money, but you have got to get it." I say if the Legislature wants to pass this kind of a bill, let them put the bill back into committee and furnish an appropriation by the state. I would like to repeat that statement, Mr. Speaker, and members of the House, if the Legislature wants to pass this kind of a bill helping the firemen let them put into the bill a provision carrying an appropriation from the State to help the cities pay those firemen.

As I said before I think the firemen ought to have increase from time to time; there is no argument on that at all, but how it is to be obtained of course is another matter.

Here we are attempting to pass one law, Mr. Speaker, that effects forty-six third class cities in Pennsylvania with a population of some million and a half. These forty-six third class cities all have different populations. It runs from eleven thousand in Arnold to one hundred forty thousand in Erie. The number of firemen employed in third class cities run from three in Arnold to one hundred forty in Erie. Based on the population figures we have different real estate taxes and different real estate assessments. In other words the city of Arnold of course, would only have small real estate assessments as compared with the city of Erie which would have a very large real estate assessment. Then again the financial condition and the economic condition surrounding one third class city may be entirely different from other third class cities and may be different from other cities in Pennsylvania. In other words, the economic conditions and financial conditions of all these third class cities vary materially from each other.

To illustrate how vicious this bill is, and how radical it is as affecting these different communities with different populations, I have compiled here very briefly seven or eight different classes.

Let us take the first city of Arnold, with a population of 11,375, and the city of New Kensington with a population of 16,762. They each have three paid firemen. It is going to cost the city of Arnold the sum of five hundred sixty dollars each year of an increase, and the city of New Kensington one hundred thirty dollars. Now what is fair about that? Here is the city of Arnold with its five thousand less population than the city of New Kensington, yet it is going to cost the city of Arnold four hundred dollars more to pay these firemen than another city that has five thousand more population, as I said before with a much bigger real estate assessment to back up these increases.

Then take the city of Beaver Falls with a population of 17,147 and Meadville with a population of 16,698. The city of Beaver Falls, mind you, has only four paid firemen and the city of Meadville thirteen paid firemen. The increase in the city of Beaver Falls with only four firemen is one thousand two hundred dollars, and the increase in the city of Meadville with thirteen paid firemen is only twice as much. Here is a city that has three times as many paid firemen, yet it is going to cost them only

twice as much; the city of Meadville will pay two thousand four hundred sixty-three dollars. Now, that isn't fair. This shows how radical this bill is.

Let us take the city of Duquesne with a population of 21,396 and the city of Butler with a population of 23,568. I am showing you these different brackets, comparing the number of firemen that each city employs and taking them according to the population in each one. The city of Duquesne has sixteen paid firemen, now mark this carefully—the city of Butler has twenty-one paid firemen. It is going to cost of the city of Duquesne, with sixteen paid firemen on the one thousand dollar increase and the city of Butler with twenty-one paid firemen only five more, seven thousand nine hundred dollars of an increase each year or six times as much with only five more paid firemen. What is fair about that? That shows again how radical is this legislation.

Let us take the city of Easton with a population of 34,468, the city of Williamsport with a population of 45,729, and the city of New Castle with a population of 48,674. The city of Easton has thirty-four paid firemen. Williamsport has forty-eight and New Castle has forty-four. It will cost Easton an annual increment each year of \$6,920; Williamsport each year \$16,208, nearly three times as much, with only fourteen more paid firemen. The city of New Castle with forty-four paid firemen, will have to pay an increment of \$13,452.

Now let us take the two cities of Altoona and Harrisburg. Altoona has 82,000 population and Harrisburg has 60,339 population—and might I repeat that the real estate assessments in all these cities is in direct proportion, to the population. That is of necessity, a well known fact; it would have to be. Altoona has eighty-three paid firemen and Harrisburg has sixty-six. It will cost the city of Altoona \$15,052, with seventeen more paid firemen than has the city of Harrisburg, it will cost the city of Altoona \$15,000 and the city of Harrisburg \$21,000 annual increase each year.

The city of McKeesport with 54,000 population has sixty-two firemen, practically the same number of firemen as the city of Harrisburg and will only have an increase of \$4,905 or about one-fourth of what it will cost Harrisburg.

Let us take the cities of Wilkes-Barre and Erie. Wilkes-Barre has a population of 86,626 while Erie has a population of 115,967. Wilkes-Barre has one hundred nineteen firemen and Erie has one hundred forty paid firemen. And Erie with its immense population, greater than any other third class city, it will only cost them \$8,620 increment while it will cost Wilkes-Barre \$13,810 increment each year, almost twice as much.

May I bring to the attention of the members of the House the fact that there are ten third class cities in Pennsylvania that have no paid firemen who are in no way affected by this act.

I haven't had a chance to look into the constitutionality of this act. On that basis there may be some grounds that the law may not be constitutional. I wouldn't want to make a definite statement one way or the other on that point. But we do know this, and I have tried to set these facts up for you, here is one law affecting all these forty-six third class cities, ranging in population from eleven thousand to one hundred nineteen thousand with paid firemen ranging from three to one hundred nineteen, all hav-

ing different financial positions, all having different economic conditions, all having different working conditions, all different classes of people, and yet we are attempting down here to set up one law that will legislate for the group as a whole. This to my mind, Mr. Speaker, is just plain ridiculous. As I said before, I want to drive this point home if I can, here we are starting with firemen, and there is also a policemen's bill. Where are we going to stop? Next year there will be another bill to increase the pay of all of our city employees with a certain increment each year. It is going to go on year after year. Where is it going to stop? We had a teachers' increments bill, and we come down here year after year during each legislative session and pass deficiency appropriation bills, and in 1937 and 1938 the school districts had to close the schools because of this increment. Because the state could not help them.

We are getting ourselves into that same mess, and I am arguing, I am pleading and I am hoping that the Members will not vote for this bill. I am asking all my colleagues in the House to vote against this bill.

Mr. HEATHERINGTON. Mr. Speaker and members of the House, in answer to the three gentlemen, Mr. Dix, Mr. Yester, and Mr. Auken, I notice in the Legislative Journal that when the bill to raise the pay for the police and firemen in the city of Philadelphia was before the House all of them voted for the bill.

Also in answer to Mr. Yester in the city of McKeesport last Friday evening at a special meeting of council, Councilman George F. Young, director of the Department of Finance and Accounts was in conference with the mayor and other officials several times in the past few days, discussing the possibility of a raise in wages. Mr. Young disclosed the proposal for higher wages for the municipal workers, and a council meeting, when Councilman Rosenberg announced that the employes in his department were not satisfied with four dollars and four cents a day. The city controller, John W. Montgomery, at that time stated that a ten percent raise would be entirely reasonable because most of our city employes are underpaid.

Mr. Speaker, in regard as to whether we should come down here and ask legislation for the firemen I have here an act, No. 149, passed in this House and in the Senate and signed by the Governor on June 27th, 1913, at which time they raised the salaries of councilmen of these same third class cities, from three thousand dollars up to four thousand five hundred dollars, also the mayors in the same bill had their salaries raised from three thousand five hundred dollars up to five thousand two hundred dollars.

Mr. Speaker and members of the House, I ask you in your consideration of this bill to use your same good judgment that you used when you voted for the Philadelphia firemen and policemen, and the same judgment that the men who were in this House at the time they raised the salaries of the mayors and councilmen, and vote "aye" on this bill.

Mr. YESTER. Mr. Speaker, Mr. Heatherington said that I voted for the Philadelphia bill. I did. That was one city, and I believe if it is for one city it is all right. I am not opposed to raising the wages of firemen. He said the councilmen in the city of McKeesport were considering it. I favor that. But I do not favor coming down

here and making legislation involving one set of figures, whether it affects cities of ten thousand or one hundred twenty-five thousand population. I am absolutely not opposed raising wages of firemen, but I do think it should be done by the councilmen who understand the conditions. You heard that the city of McKeesport is figuring on raising the wages of its firemen. I am not opposed to that. The city of Philadelphia is a first class city. If we were to introduce a bill here and arranging the third class cities of ten thousand to twenty-five thousand, from twenty-five to fifty thousand, I would not oppose a bill like that, but to bring a bill here for third class cities arranging them from ten thousand to one hundred twenty-five thousand in the same bill, I cannot see where the fairness is.

Mr. WALTER E. ROSE. Mr. Speaker and members of the House, I would like to make a few observations on this bill. The question of home rule has been brought into this argument and used by both sides. I believe the Legislature should not have to set the salaries of employes of any third class city, but that it should be left up to the residents of that city, the residents as distinguished from the Council and Mayor. I agree that is the way it should be, but it cannot be as long as some people use home rule as a sword for their own good on other questions. You all have a letter on that subject. You all have a letter on your desks from W. E. Greenwood, President of the League of Third Class Cities. It was just a few weeks ago that we had a public hearing in the Senate when the question of a City Charter for third class cities was taken up. This same Mr. Greenwood came and opposed it, and I might say he was not fair in his answers to my argument. He misquoted me. He said that I made statements that I did not make and I had to depend upon the Senators, upon memory as to what I said rather than upon his claim for what I said. The argument that we cannot set one price for a city ranging in population from ten thousand to one hundred and ten thousand or one hundred and twenty thousand is true, but the solution lies in passing a bill allowing for third class cities. Then each community can finally settle all questions as to rule in their homes and need not come down to the Legislature and ask for something they want when they raise this great shield of home rule to oppose us. I say as long as the League of Third Class Cities is going to regard itself as the third class cities instead of the population of the third class cities and as long as they have home rule in the sections, and as long as they do not have city charter for each city, then I say we must legislate on the questions as they are presented. Until we have a real home rule for these third class cities, under a third class city charter, I believe it is our duty to step in on all these minor questions, and some day they may see the light and allow third class cities to find their own solutions for these questions and remove consideration of all these questions from us.

Therefore, Mr. Speaker, I ask all the Members to vote for this bill.

Mr. DIX. Mr. Speaker, I understand from the gentleman on the other side that I supported a bill that would raise the salaries of the Philadelphia policemen. If I did so, it was certainly under a misapprehension or else my record was not put correctly in the Legislative Journal. I would like to have that record amended to show that I voted "No" on that particular bill.

I have always been opposed to the Legislature setting salaries in any city, or municipality where they do not provide the funds for that increase of salary or a large proportion of it. Any bill that comes into this house that does not provide the funds for this purpose. It is my intention to vote against and to do what I can for the principle of home rule, which principle is certainly being violated in its worst form when we propose to tax people and then not allow them to be represented in that taxation.

I do not intend to prolong this argument, but there are some things that have been said with regard to salaries which I think should be answered. I want to say this, that the great majority of these forty-five or forty-six third class cities provide very excellent salaries. The great majority of these cities provide excellent salaries.

I would like to cite just an average third class city. Here is a city that has fifty paid employes in the fire department. The chief receives two thousand five hundred dollars, and the average salary of these fifty employes in the fire department runs from fifteen hundred dollars to two thousand dollars. Work of this type is not arduous, it is mostly a sit-down job, it is only for emergency purposes, and we all know that where they have volunteer fire companies where they are not paid anything, that these firemen render excellent service, in fact they render service comparable to that of the paid fire department.

I would just like to add a few more words as far as I am concerned Mr. Speaker, and I will not delay this vote any further.

Members of the Assembly, I submit that as state Representatives, it is none of our business what the cities and boroughs do in the way of paying or promoting their employes. I repeat it is none of our business. If we are going to assume the functions of home rule, let us do a real job of it and be done with it once and for all. Let us legislate for all salaries both public and private. We have just as good a right to regulate private salaries as we do to regulate public salaries. There is nothing in this bill to indicate that the state will share the expense of paying for the increase in wages of the third class cities firemen. Local firemen and policemen perform no state function whatsoever and we have no inherent right to legislate against the will of the citizens of third class cities. We have no right to say to them or to any other city employes that you shall receive a certain wage or salary and then say to the taxpayer, "You foot the bill." I thank you very much.

Mr. AUKER. Mr. Speaker, I will only take about two or three minutes and then I will be through.

There have been only two arguments advanced so far as I can see that have been used in favor of the bill. One of them is that at a previous session of the Pennsylvania Legislature, they passed a bill raising the salaries of councilmen and mayors or allowed them to be raised. That is true. If that was done it was a big mistake that such a law was ever passed, but if we make one mistake, why repeat the same mistake?

The second argument was in view of this so-called Home Rule Charter bill which is resting in the Senate very peacefully, and as far as I am concerned, and from what I understand of the bill, I hope it is very deeply buried there, because it will materially affect the laws

affecting all third class cities, and make it impossible to enact laws affecting third class cities as a unit.

Those are the only two arguments which have been used in favor of the bill. I haven't heard one argument concerning the fact that it increases taxes on real estate. A vote for this bill cannot help but be, a vote to increase taxes on exery home owner in every third class city. That must follow as a matter of course, because that is the only place they are going to get the money.

On the question recurring,
Shall the bill pass finally?

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

Messrs. Dalrymple, George E. Jones and Dix asked for a verification of the roll.

The roll was verified and was as follows:

YEAS 141

Achterman,	Finestone,	Malloy,	Reese, R. E.,
Allmond,	Finnerty,	Marcks,	Regan,
Baker,	Fleming,	Maxwell,	Reynolds,
Balthaser,	Fletcher,	McClanaghan,	Rhea,
Baughner,	Flynn,	McDermott,	Rooney,
Bentley,	French,	McFall,	Rose, S.,
Bentzel,	Gallagher,	McGrath,	Rose, W. E.,
Boies,	Gates,	McLanahan,	Rosenfeld,
Boney,	Gerard,	McLane,	Rush,
Bower,	Goodwin,	McSurdy,	Sarraz,
Bradley,	Gross,	Melchiorre,	Scanlon,
Breth,	Gryskewicz,	Mihm,	Schwab,
Brown,	Habbyshaw,	Modell,	Shaffer,
Brunner, P. A.,	Haberlen,	Monks,	Shaw,
Burns,	Haines,	Mooney,	Shepard,
Burriss,	Hamilton,	Moran,	Skale,
Chervenak,	Harkins,	Moul,	Stank,
Chudoff,	Harmuth,	Munley,	Tarr,
Cochran,	Harris,	Nagel,	Tate,
Cohen, M. M.,	Heatherington,	Nunemacher,	Thompson, E.,
Cohen, R. E.,	Hering,	O'Brien,	Thompson, R.,
Cook,	Hirsch,	O'Connor,	Vincent,
Cooper,	Holland,	O'Dare,	Vogt,
Cordier,	James,	O'Mullen,	Voldow,
Corrigan,	Jefferson,	O'Neill,	Voorhees,
Croop,	Jones, P. N.,	Owens,	Watkins,
Cullen,	Kline,	Petrosky,	Weiss,
Dalrymple,	Kolankiewicz,	Pettit,	Welsh, E. B.,
DiGenova,	Krise,	Polaski,	Welsh, M. J.,
Dolon,	Lee, E. A.,	Polen,	Williams,
D'Ortona,	Lee, T. H.,	Powers,	Wolf,
Duffy,	Lesko,	Prosen,	Woodside,
Eckels,	Levy,	Rausch,	Wright,
Elliott,	Longo,	Readinger,	Young,
Falkenstein,	Lovett,	Reese, D. P.,	Kilroy, Speaker

NAYS 51

Auker,	Greenwood,	McMillen,	Trout,
Boorse,	Cyger,	Muir,	Turner,
Bretherick,	Hare,	Rank,	Van Allsburg,
Brunner, C. H.,	Helm,	Reagan,	Wagner,
Cadwalader,	Hewitt,	Riley,	Weingartner,
Dennison,	Imbrie,	Royer,	Wilkinson,
Dix,	Jones, G. E.,	Serrill,	Winner,
Early,	Knoble,	Simons,	Wood, L. H.,
Elder,	Leisey,	Snyder,	Wood, N.,
Ely,	Lyons,	Sollenberger,	Woodring,
Fiss,	McClester,	Sorg,	Yeakel,
Foor,	McDowell,	Stambaugh,	Yester,
Gillette,	McKinney,	Stockham,	

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.

REASONS FOR VOTE

Mr. WOODRING filed the following reasons for his vote:

With the greatest reluctance I am compelled to vote in the negative on House Bill 751, Printer's No. 264.

The cause of the firemen of Third Class Cities is a worthy and meritorious one. The firemen are woefully underpaid. Those faithful servants who risk their very lives in the protection of our homes, our personal property, and our loved ones ought to be fairly compensated for their services. The instant Bill, however, should be defeated for several reasons: 1. The bill provides for additional expenses without providing for the funds with which these expenses could be paid. 2. The bill is a glaring example of the elimination of home rule. 3. The bill is a usurpation of authority which authority is properly vested in the Councils of the Cities of the Third Class.

Personally, I hope and trust that all of the firemen of Third Class Cities may and will receive adequate salary increase. I hope that members of the respective Councils may recognize the fairness of the request. In the absence of such action. I recommend that a bill be introduced to increase salaries which bill would include an appropriation clause so that the additional amount could be provided from state funds. To such bill I would lend my enthusiastic support.

FORMER MEMBERS WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon former members, the gentleman from Berks, Mr. Warren K. Hess, the gentleman from Delaware, Mr. Thomas Weidemann and the gentleman from Allegheny, Mr. John D. Scorza.

Mr. MIHM. Mr. Speaker, I also wish to call your attention to the presence in the gallery, a former member of this House, Mr. Clair E. McGinnis, from Allegheny County, who is sitting in the gallery with his beautiful bride of almost a week.

The SPEAKER. The Chair thanks the gentleman from Allegheny, Mr. Mihm, for calling our attention to the presence of Mr. McGinnis.

RECONSIDERATION OF VOTE

Mr. HEATHERINGTON. Mr. Speaker, I move that the vote by which House Bill No. 393, Printer's No. 235, entitled:

An Act to amend 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 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," 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.

was defeated on final passage on Tuesday, April 15th, be reconsidered.

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

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

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

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

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

On the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. Fleming and Mr. Cooper and were as follows:

YEAS 142

Achterman,	Linestone,	Leydic,	Reynolds,
Allmond,	Linnerty,	Longo,	Rose, S.,
Auker,	Fiss,	Malloy,	Rose, W. E.,
Baker,	Flynn,	Marks,	Rosenfeld,
Balthaser,	French,	Maxwell,	Royer,
Baughner,	Gallagher,	McClanaghan,	Rush,
Bentley,	Gerard,	McDermott,	Scanlon,
Bentzel,	Gillette,	McDowell,	Schwab,
Boles,	Goodwin,	McFall,	Serrill,
Boney,	Greenwood,	McGrath,	Shaffer,
Breth,	Gross,	McIntosh,	Shaw,
Brown,	Gryskewicz,	McLane,	Shepard,
Brunner, C. H.,	Gyger,	McSurdy,	Skale,
Brunner, P. A.,	Habbyshaw,	Melchiorre,	Snyder,
Burns,	Haberlen,	Mihm,	Stank,
Burriss,	Haines,	Modell,	Stockham,
Cadwalader,	Hall,	Monks,	Tate,
Chervenak,	Hamilton,	Mooney,	Trout,
Chudoff,	Hare,	Moran,	Turner,
Cohen, R. E.,	Harkins,	Mcul,	VanAllsburg,
Cordier,	Harmuth,	Munley	Vincent,
Corrigan,	Heatherington,	Nunemacher	Vogt,
Croop,	Hering,	O'Brien,	Voldow,
Cullen,	Herman,	O'Connor,	Wagner,
Dennison,	Hirsch,	O'Mullen,	Watkins,
DiGenova,	James,	O'Neill,	Welsh, E. E.,
Dix,	Jefferson,	Owens,	Welsh, M. J.,
Dolon,	Jones, P. N.,	Petrosky,	Wilkinson,
D'Ortona,	Keenan,	Pettit,	Williams,
Duffy,	Kline,	Polaski,	Woodring,
Early,	Knoble,	Polen,	Wright,
Eckels,	Kolanekiewicz,	Powers,	Yeakel,
Elder,	Komorofski,	Prosen,	Yester,
Elliott,	Krise,	Readinger,	Young,
Ely,	Lee, T. H.,	Reese, R. E.,	Kilroy, Speaker.
Falkenstein,	Lesko,	Regan,	

NAYS 10

Bower,	Fleming,	McKinney,	Thompson, R. L.,
Cook,	Gates,	Rhea,	Voorhees,
Cooper,	Holland,		

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

On the question recurring, S.all the bill pass finally?

BILL POSTPONED

Mr. VOLDOW. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

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. 125. (HOUSE BILL No. 1372).

An Act abating certain tax penalties and interest on unpaid county (except counties of the second class) city (except cities of the first and second class) borough town township school district (except 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.

Referred to the Committee on Municipal Corporations.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 227, as follows:

An Act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons engaging in the care preparation and embalming of the bodies of deceased persons creating a State Board of Embalmers setting forth its powers and duties and providing penalties

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

Section 1 The following terms as used in this act shall unless the context indicates otherwise have the following meanings

(a) The word "embalmer" shall include any person engaged in the profession of embalming or the preservation in any manner of dead human bodies Any person shall be regarded as transacting the practice of embalming within the meaning of this act who shall hold himself out as an embalmer or engaged in the preservation of the dead human body or who shall use in connection with his name the word "embalmer" or any other title intending to imply or designate him as an embalmer or as one engaged in the profession of embalming or in the preservation of the dead human body

(b) The word "board" shall mean the State Board of Embalmers of this Commonwealth

(c) The word "department" shall mean the Department of Public Health of this Commonwealth

(d) The term "student apprentice" shall mean any person operating under or with an embalmer for the purpose of learning such profession to the end that he or she may become a licensed embalmer

Section 2 Any person after this act becomes effective desiring to operate as an embalmer in this Commonwealth shall make application for examination and licensure to the board upon a form furnished by it and shall accompany the application by such fee as may be fixed by the department whereupon the board shall fix a time and place for the examination of the applicant and shall notify the applicant thereof Persons or corporations holding licenses under the existing laws as well as persons who have been engaged in the profession of embalming continuously for a period of five years prior to the passage of this Act and who shall produce satisfactory proof that he or she has embalmed at least twenty-five dead human bodies shall be entitled to receive a license from the board to engage in the profession of embalming without examination

Section 3 An applicant shall not be entitled to an examination if

(a) The applicant is not a citizen of the United States

(b) The applicant is not at least twenty-one years of age

(c) The applicant is not a graduate of an approved school of embalming

(d) The applicant has not had practical experience in the profession of embalming for two years prior to filing his application as a student apprentice and shall have completely embalmed at least twenty-five dead human bodies

(e) The applicant is not a graduate of an approved high school of this Commonwealth or has an education equivalent thereto under the rules and regulations of the Department of Public Instruction

Section 4 If the board shall find upon due examination that the applicant is of good moral character and is possessed of skill and knowledge of sanitation preservation of the dead disinfecting the bodies of deceased persons the apartment clothing and bedding in case of death from infectious or contagious diseases and has sufficient knowledge experience and training to properly conduct the profession of embalming in all its phases the board

shall issue to said applicant upon payment of such fee as may be fixed by the department a license to operate as an embalmer and shall register such applicant as a duly licensed embalmer

Section 5 Such license shall be issued by bear the seal of the Department of Public Health and be signed by the president and secretary of the board Every licensee shall register the fact of the issuance of the license with the board of health department of health or health officer of the municipality in which such licensee desires to operate and shall display such license conspicuously in the place of business of the licensee

Section 6 The Board of Embalmers of the Commonwealth of Pennsylvania shall consist of five members to be appointed by the Governor with the advice and consent of the Senate The term of office of each member shall be four years and until his successor be appointed and qualified Three members of said board shall have had at least Ten years experience as practical embalmers one member thereof shall be a qualified and licensed practicing physician of this Commonwealth and the fifth member shall be a recognized instructor in pathology and bacteriology of a recognized school of this Commonwealth Any vacancies occurring in the board shall be filled by the Governor for the unexpired term only In the original appointment of the members of the board one member the instructor in pathology and bacteriology shall be appointed for the term of one year one other member thereof a qualified and licensed practicing physician of this Commonwealth shall be appointed for the term of two years one other member thereof a practical embalmer qualified as aforesaid shall be appointed for a term of three years and the remaining two members thereof also qualified as aforesaid shall be appointed for a term of four years

Section 7 Every person appointed to serve on said board shall within thirty (30) days after receiving notice of his appointment take and subscribe to an oath before any officer authorized to administer oaths in this Commonwealth for the faithful performance of duty and shall file the same with the Secretary of the Commonwealth Said board shall elect from its number a president and a secretary who shall serve for one year and until their successors shall be elected and qualified The secretary shall receive such compensation for his services as may be determined by the board and shall give such bond for the faithful performance of his duties as said board may determine Said board may also appoint an agent or agents whose title shall be "Inspector of the Board of Embalmers of the Commonwealth of Pennsylvania" who shall hold office during the pleasure of said board and who shall during his or their continuance in office be authorized to serve any papers or process issued by the board or any officer or member of the board under authority of this act and who shall also have power to enter the office or establishment or place of business of any embalmer or any office or establishment where embalming is carried on for the purpose of inspecting said premises and the license and registration of the embalmers operating therein The said agent or agents shall be paid such compensation as the board may determine Each member of the said board shall receive as compensation ten dollars (\$10) for each day that he attends a session of said board and shall also be paid the actual traveling expenses in and about the business of said board

Section 8 Original licenses under this act shall be granted only to individuals upon the qualification and examination of the individual applicant and shall specify by name the person to whom it is issued and shall designate the particular place at which the profession of embalming shall be carried on A license so issued shall authorize the conduct of such profession at the particular place of business so designated and no other and by the particular person designated and only one license shall be granted to or held by any individual An embalmer so licensed may change his or her place of business upon registration of that affect with the board This act shall not be construed as prohibiting two or more registered embalmers from operating a joint or partnership business

if the business be conducted under the names of all such licensed embalmers but no embalmer granted a license under this act shall conduct business under any other name than the name appearing on his or her license

Section 9 All embalmers' licenses granted under this act shall expire on the first day of September following their issuance or renewal and shall become invalid unless renewed as hereafter provided It shall be the duty of the board on or before the first day of June of each year to mail to every licensed embalmer a blank application for renewal of license Renewal may be affected at any time during the month of August following by the filing of such application with the board together with such renewal fee as may be fixed by the Department and the approval of the board Provided that the board may at its discretion renew the license of any embalmer who has failed to make application for renewal before September first

Section 10 The board by a majority vote thereof may refuse to grant refuse to renew suspend or revoke a license to any applicant or licensee for the following reasons

(a) The practice of any fraud or deceit in obtaining or attempting to obtain a license

(b) Violation of the health laws of this Commonwealth

(c) The conviction of a crime involving moral turpitude

(d) The use of misleading advertising

(e) Gross incompetency negligence or misconduct in the carrying on of such profession

(f) Violation of this act or the non-compliance with its provisions or the rules and regulations of the board

(g) Lending borrowing or using the license of another or of knowingly aiding or abetting in any way the granting of an improper license

Section 11 No license shall be refused suspended or revoked until after a hearing by the board with not less than ten (10) days' notice thereof to the applicant or licensee at which hearing the applicant or licensee shall have the right to appear personally and by counsel with the right of cross-examination and of producing evidence and witnesses A suspended or revoked certificate of licensure shall be immediately returned to the board and the board or its representatives are hereby empowered to seize and retain suspended or revoked certificates of licensure

Section 12 Any applicant or licensee whose license has been refused suspended or revoked by the board shall within thirty (30) days have the right of appeal to the court of common pleas of Dauphin County where the matter shall be heard by the Court without a jury The action of said court shall be final

Section 13 Every Student apprentice shall register with the board annually in such manner as may be provided by the board and shall pay such registration fee as shall be fixed by the department The secretary of the board shall keep a separate register for student apprentices containing their names ages residence where they attend school the licensed embalmers with whom they are associated and such other information as the board may desire Should any student apprentice so registered as a student of any licensed embalmer change his or her preceptor such student apprentice shall immediately re-register and pay such additional fee as may be fixed by the department Every embalmer with whom a student apprentice is registered shall immediately notify the board of any termination of such relation

Section 14 No person shall operate as an embalmer in this Commonwealth unless he or she hold a license so to do as provided in this act

The provisions of this section shall not apply to

(a) Persons acting under orders of commissioned medical officers of the Army or Navy or Marine force of the United States

(b) Persons disposing of bodies of deceased persons lawfully placed at the disposition of legally organized

medical surgical or other institutions for the benefit of science

(c) Persons disposing of the bodies of deceased persons under the authority and direction of the Department of Health of this Commonwealth in times of actual epidemic or public calamity

(d) Estates of deceased licensees when the profession is carried on under the supervision of a licensed embalmer for such period and under such rules and regulations as may be prescribed by the board

Section 15 The board shall be charged with the enforcement of this act It shall be empowered to formulate necessary rules and regulations not inconsistent with this act for the proper conduct of the profession of embalming

Section 16 Any person persons co-partnership or corporation heretofore licensed to practice embalming may have his her their or its license suspended or revoked for any cause for which a license granted under this act may be suspended or revoked

Section 17 All fees fines and penalties specified and imposed by this act shall be paid into the State Treasury through the Department of Revenue

Section 18 Any person violating the provisions of section fourteen of this act shall be guilty of a misdemeanor and upon conviction thereof before any court of competent jurisdiction shall be sentenced to pay a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or undergo imprisonment not exceeding one (1) year or both at the discretion of the court for each such offense

Section 19 This act specifically repeals clause (a) of section one (1) of the act approved the tenth day of June one thousand nine hundred and thirty-one (P. L. 485) entitled "An act to provide for the better protection of life and health of the citizen of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" in so far as the word "undertaker" shall include any person engaged in the profession of embalming or the care preparation and embalming of the bodies of deceased persons in his or her own name and on his or her own account when such person shall use the title of "embalmer"

All other acts or parts of acts inconsistent herewith are hereby repealed

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. ELLWOOD B. WELSH. Mr. Speaker, on March 26th, almost a month ago the Members of the Committee on Professional Licensure held a public hearing on the bill which is now before us. In that hearing the sentiments of those who are in favor of this bill and the feelings of those who are opposed to it were fully aired. The members of the Committee have weighed everything relating to the makeup of the arguments for and against the bill.

In discussing House Bill 227, I do so with a sincere conviction that it is a good bill and that being a good bill, it ought to be passed.

Is it not a fact that throughout the long struggle of man, brain power, not physical strength has been responsible for his survival. Science tells us that in the early days man did not have enough sheer strength to best the animals or climate around him. He could no more conquer a gorilla with bare hands or live without clothes and shelter in biting winter than can we today. But he learned

how to use a club and throw stones at animals to kill them, and, perhaps, greater than all, he learned how to build a fire. It was the use of his mind that enabled him to rise above the level of the other animals surrounding him.

In his realization of the fact that he had a mind, it was natural for him to form the concept that he had a spirit. It was his early conclusion that the body and spirit were interrelated and that when the body was interred in the earth, it symbolized but a temporary separation. Some day—some day, thought he, the spirit will cease to roam in far places and will return to its original abode in the body, causing the heart to again beat, the body to stand erect, the eyes to sparkle, the lips to smile and the tongue to speak.

In his crude fashion he was quick to infer that even though he could not lay hold of the departed spirit, he could do something to preserve the remaining body and those who know tell us that early peoples, believing that dead men needed material things in the next world, buried their belongings with them, and made a rudimentary effort to preserve the body.

A crowning example of this is to be found in the opening of the tomb of King Tut, a not so great nor powerful Egyptian King. After three thousand years the old fellow was found in a fair state of preservation. The door leading to his resting place was guarded by the statues of two servants, the coffin containing the mummy of the King was of solid gold. Fine linens and garments were found as well as the King's chariot, his throne and many of his household effects.

In line with the early chain of reasoning the ancient art of embalming came into use. It was a process of filling and surrounding the body with aromatic and antiseptic substances in order to preserve it for the day of resurrection and to prevent corruption.

As time marched on we have learned that bodies of the dead can be preserved for a long time by embalming. The body of Edward I was buried in Westminster Abby in 1307, and, 463 years later it was uncovered and found to be in a perfect state of preservation. Canute, an eleventh century King of England, Denmark and Norway, who once ordered his throne to be placed at the edge of the water as the tide was rising, and commanded the water to go back, and, when it continued to roll over his feet despite his orders, told his followers that only God rules land and sea, was buried in 1036, and, 740 years later was found in a very fresh state of preservation. Many of you here today have a vivid recollection of the search for the body of Paul Jones, whose name shines un-dimmed in American Naval History, who died in Paris in 1792. 113 years later, when his remains were re-buried on the grounds of the United States Naval Academy at Annapolis, it was found to be in an excellent state of preservation.

I mention these facts to show that there is a significant relation between the past and the present and that the whole panorama is disclosed in House Bill 227.

For many years prior to the passage of the Act of 1931, and its amending act of July 19, 1935, in this Commonwealth, an Undertaker and an Embalmer were looked upon as two separate callings. The formation of strong Undertaking Associations carrying on an aggressive lobby, worked to destroy this separate identity and reached their objective with the passage of the 1931 Act, which defines

an Undertaker as any one engaged in the business or profession of Undertaking, or the care, embalming, disposition or burial of the bodies of deceased, in his or her name and on his or her own account, whether such person shall use the title of Undertaker, Undertaker and Embalmer, Embalmer, Funeral Director, Mortician or other term.

By this act, all true Embalmers were relegated to their present subservient position in Pennsylvania. Many men of mature age, married and with dependent families, men of skill and training, often the equal of their ancient Persian, Peruvian and Egyptian forebearers, are reduced to a mere existence. They cannot practice their art without the say-so of those who are questionably protected by the present law.

In the session of the Assembly of 1939, the members were given their oath of office by the Honorable Judge Wickersham of the Dauphin County Court. This snowy-haired man of the law speaks to us regarding the substance of the Bill now under consideration, in the case of Magill vs the Department of Public Instruction, in these words:

"Embalmers should be licensed and regulated so that there may be the assurance that they are competent to determine that life is extinct before performing their offices and so they may likewise preserve the Sanitary precautions necessary in handling dead human bodies."

In the case of the State of Wisconsin vs. White, the Court made this clear-cut distinction between an Undertaker and an Embalmer, when it stated:

"An Embalmer is to be distinguished from an Undertaker in that he neither buries, nor takes charge of funerals, nor dresses the body, nor procures the coffin, nor performs the other functions of an Undertaker. His sole function is to so treat the body as to disinfect and preserve it. Chapter 464, Laws of 1921, which requires an Undertaker to procure an Embalmers' license, is invalid and cannot be sustained as essential to the public health, safety, convenience or comfort, since the two callings are too vitally different to permit them being put under one classification."

On this score it can be seen that whilst the Legislature may have lost sight of the fact that undertaking and embalming are two distinct and vitally different callings, the Court in the cases which I have cited, and in many other instances, has recognized the clear distinction between the two callings.

In most states the law distinguishes between an Embalmer and a Funeral director in this respect, in that the Embalmer is one who sells nothing but his service and skill, whereas, the Funeral Director is classed as a retail dealer. In our own state the Supreme Court, in the case of the Commonwealth vs Dinnien, had this to say:

"The Court Below sustained the Commonwealth's Contentions that the appellant is subject to the tax (mercantile license tax) because in the conduct of his business, he supplies and sells at a profit, caskets, clothes, or shrouds and gloves. He is a retail vendor of or dealer in goods."

The majority of States in these United States grant separate licenses to embalmers. In California, for instance, the law speaks of a Funeral Director as a person, partnership, association, corporation or other organization engaged in or conducting or holding himself or itself out as engaged in each of the following:

(a) Preparing for the burial or disposal and directing and supervising for burial or disposal of dead human bodies.

(b) Maintaining a funeral establishment for the preparation for the disposition or for the care of dead human bodies.

(c) Using in connection with his or its name or funeral establishment, the words "Funeral Director" or "Undertaker" or "Mortician" or any other title implying that he or it is engaged as a funeral director."

The same law speaks of an Embalmer as follows:

An Embalmer is a person engaged in or holding himself out as engaged in the following practices:

(a) Disinfecting or preserving human bodies.

(b) Preparing for the transportation by railroad, Express company or common carrier of human bodies dead of contagious or infectious disease.

You will notice that the California Law speaks of an undertaker being a person, corporation, partnership, association or person, but, clearly and specifically it speaks of an embalmer in one class, "A person engaged in or holding himself out as engaged in."

My fellow Legislators I ask you to vote for House Bill 227, because

1. It will immediately remove the impossible conditions created by the Act of June 10, 1931, and its amendment.
2. It will restore the embalmer his right to work.
3. It will better safeguard the health and life of the citizens of this Commonwealth, by placing the carrying on by anyone of embalming dead human bodies, under the strict supervision and regulation of a Competent and authoritative licensing board.
4. It will create additional revenue for the Commonwealth, in that thousands of embalmers now unlicensed, will be obliged to pay a license fee for his original license or any renewal thereof.
5. It will place this Commonwealth in equal position with all other States, which license and regulate embalming separately from undertaking.

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 22

Chudoff.	Hall.	Mooney.	Scanlon.
Cohen, R. E.	Harmuth.	O'Dare.	Shepard.
Cooper.	Levy.	Rooney.	Tate.
DiGenova.	Lovett.	Pose, S.	Turner.
Falkenstein.	Milhm.	Rush.	Yester.
Gerard.			

NAYS 148

Achterman.	Gallagher.	McClester.	Sarge.
Allmond.	Gates.	McDermott.	Saraf.
Auker.	Goodwin.	McDowell.	Schwab.
Baker.	Greenwood.	McFall.	Serrill.
Balthaser.	Gross.	McGrath.	Shaffer.
Baugher.	Gryskewicz.	McIntosh.	Shaw.
Bentley.	Cyger.	McLanahan.	Skole.
Bentzel.	Habbyshaw.	McLane.	Snyder.
Boles.	Haberlen.	McMillen.	Stambaugh.
Brey.	Haines.	McSurdy.	Stank.
Boorse.	Hamilton.	Melchiorre.	Stine.
Bower.	Hare.	Modell.	Stockham.
Bradley.	Harkins.	Monks.	Tarr.
Brunner, P. A.	Harris.	Moran.	Thompson, E. F.
Burriss.	Heathington.	Moul.	Thompson, E. L.
Cadwalader.	Helm.	Muir.	Trout.
Chervenak.	Hering.	Munley.	VanAltsburg.
Cochran.	Hewitt.	Nagel.	Verona.
Cohen, M. M.	Hirsop.	Numemacher.	Vincent.
Cook.	Holland.	O'Brien.	Vogt.
Cordier.	Imbrie.	O'Connor.	Voldow.

Croop.	James.	O'Mullen.	Voorhees.
Dalrymple.	Jefferson.	O'Neill.	Watkins.
Dennison.	Jones, P. N.	Owens.	Weingartner.
Dix.	Keenan.	Petrofsky.	Weiss.
Dolon.	Kline.	Polacki.	Welsh, E. E.
D'Ortona.	Knoble.	Polen.	Welsh, M. J.
Duffy.	Komorofski.	Powers.	Wilkinson.
Early.	Krise.	Rank.	Williams.
Eckels.	Lee, E. A.	Rausch.	Winner.
Elder.	Lesko.	Readinger.	Wolf.
Ely.	Leydic.	Reese, D. P.	Wood, L. H.
Fies.	Lichtenwalter.	Regan.	Wood, N.
Fleming.	Longo.	Rhea.	Woodside.
Fletcher.	Lynne.	Riley.	Wright.
Flynn.	Malloy.	Rose, W. E.	Young.
Foor.	Marks.	Rosenfeld.	Kilroy, Speaker
French.	Maxwell.		

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

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 993, as follows:

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

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

Section 1 Section three four and five of the act approved the nineteenth day of June one thousand nine hundred and thirty-one (P. L. 589) entitled as amended "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops and barber schools and apprentices and students therein regulating compensation for service rendered conferring certain powers and duties on the Department of Public Instruction and providing penalties" which title and sections were last amended by the act approved the fifth day of June one thousand nine hundred and thirty-seven (P. L. 1689) are hereby further amended to read as follows

Section 3 Any person not holding a certificate of registration under the provisions of the preceding section and desiring to obtain a license under this act shall make application under oath or affirmation in such form as the [department] State Board of Barber Examiners hereinafter referred to as the board shall prescribe Such application shall be accompanied by an affidavit which shall be made by a practicing physician and shall set forth that the applicant was examined that a test of his or her blood was made and that he or she is free from all contagious and infectious disease The applicant at the time of filing such application and affidavit shall pay to the [department] board an examination fee of five dollars or such other fee as may be fixed by the [department] board and shall present himself or herself at the next examination of applicants as hereinafter provided The [department] board shall thereupon proceed to examine such person after being satisfied that he or she is a citizen of the United States above the age of sixteen years free from contagious and infectious disease has a certificate showing graduation from an eighth grade school or its equivalent and has either (a) studied the occupation for a period of two years covering a period of at least 2500 hours as a registered apprentice under a qualified and practicing

barber as hereinafter provided or (b) studied the occupation and trained as a registered student in a registered and properly appointed and conducted barber school under the instruction of a registered teacher for a period of at least six months and served at least eighteen months covering a period of at least 1500 hours as an apprentice with a registered barber. Under no circumstances shall student or apprentice receive wages directly or indirectly for service rendered. If the [department] board is satisfied as a result of the examination the applicant is possessed of requisite skill in said occupation to properly perform all the duties thereof including his or her knowledge and ability in the antiseptic preparation of tools shaving hair cutting and all the duties and services incident thereto and is possessed of sufficient knowledge concerning the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of said occupation and the knowledge of the Barber's Licensing Laws and rules and regulations of the [department] board adopted thereunder [it] the department shall enter his or her name in the register hereinafter provided for and shall issue a certificate of registration to him or her authorizing him or her to practice such occupation or to teach in registered barber schools as the case may be.

For any person to be registered as a teacher in a barber school he must be at least twenty-three years of age a graduate from an approved high school or its equivalent and have had either (a) at least five years' experience as a registered barber in a registered barber shop or (b) training in a registered barber school of at least fifteen hundred hours in not less than ten months and in addition thereto two years' experience as a registered barber or in lieu of subsections (a) and (b) hereof fifteen years' experience as a barber five years of which experience shall have been as a registered barber in a registered barber shop in this State. The examination for a teacher's certificate shall differ from the examination for a barber's certificate in that it shall be of a more exacting nature and require higher standards of knowledge of the practice and theories of barbering including ability to teach properly the various practices and theories of barbering physiology hygiene elementary chemistry relating to sterilization and antiseptics massaging and manipulating the muscles of the face neck scalp hair cutting bobbing shaving and trimming the beard dyeing the hair and the barber laws of this State and the rules and regulations adopted by the [department and advisory committee] board. The registration fee for teachers shall be five dollars and the annual renewal fee shall be five dollars.

Every person now owning or managing or who shall hereafter own or manage a barber shop which has not been heretofore registered shall file with the board an application for the registration of such barber shop which applications shall set forth the name and address of the owner of the barber shop and the address of the barber shop for which registration is sought. The applicant at the time of filing the application shall have been a resident of the State for a period of at least six months and shall pay to the department the sum of two dollars.

Section 4 (a) Any person who is at least eighteen years of age and of good moral character and temperate habits and has a certificate showing graduation from an eighth grade school or an equivalent education as determined by an examination conducted by the [department] board and either (1) Has a license or certificate of registration as a practicing barber from another state or country which has substantially the same requirements for licensing or registering barbers as required by this act or (2) can prove by sworn affidavits that he has practiced as a barber [in another state or country] for at least five years prior to making application in this State shall upon the payment of the required fee be granted permission to take an examination to determine his fitness to receive a certificate of registration to practice barbering. Should he fail to pass the examination upon payment of the required fee he may take one other examination if he so desires. In no event shall he or she be permitted to practice barbering until he or she has received a certificate of registration as a registered barber.

Section 5 Nothing in this act shall prohibit any person from serving as an apprentice in such occupation under a registered barber of this Commonwealth or from serving as a student in any barber school for the training of students in said occupation under the training of a duly registered teacher authorized to teach such occupation in this Commonwealth. Provided That such apprentice or student shall apply to the [department] board to have his or her name registered with the department in a book which shall be kept by the department and secure a permit upon the payment of a fee of [one dollar] two dollars which permit shall be valid for two years to practice as an apprentice under a duly registered barber or student under a duly registered teacher such permit to be displayed in front of his or her working chair. Students upon graduation from a registered barber school and having served eighteen months' apprenticeship in a barber shop and apprentices upon completion of two years' apprenticeship in a barber shop as hereinbefore specified shall make application for examination at the next regular period specified in this act. In case the applicant fails to pass such examination he or she shall secure a new apprentice permit upon the payment of a fee of one dollar which shall be valid until the next succeeding examination.

Apprentice permits not exceeding two to practice as an apprentice barber may be issued at the discretion of the [department] board.

Section 2 Section six of said act is hereby amended to read as follows:

Section 6 The [department] board shall hold public examinations [on the first Tuesdays] in March June September and December in the cities of Philadelphia Pittsburgh Scranton Harrisburg and Erie [at such hours] on such dates as the board shall prescribe.

Section 3 Section eight of said act as amended by the act approved the ninth day of May one thousand nine hundred and thirty-five (P. L. 158) is hereby further amended to read as follows:

Section 8 The certificate shall be renewed on or before the first day of [January] April in each year and the holders of said certificates of registration shall pay to the department the sum of two dollars or such other sum as may be fixed by the department for a renewal card. Any holder of a certificate of registration who shall fail to apply for a renewal of his or her certificate on or before the first day of [January] April in each year and who continues the practice of barbering or any of its branches shall on conviction thereof before any magistrate alderman or justice of the peace be subject to a fine of not more than ten dollars to be collected by summary conviction as like fines are collected by law or in case of non-payment of the fine to undergo an imprisonment for a period not exceeding ten days. Any such person shall have the right of appeal as in other cases of summary conviction.

Section 4 Sections nine and ten of said act as last amended by the act approved the fifth day of June one thousand nine hundred and thirty-seven (P. L. 1689) are hereby further amended to read as follows:

Section 9 The [department] board may suspend or revoke any permit or certificate of registration granted "by it" under this act to any person who (a) habitually indulges in the use of ardent spirits narcotics or other stimulants to such an extent as in the opinion of the [department] board incapacitating such persons from the duties of a barber (b) has or imparts any contagious or infectious disease to any recipient of such person's services as a barber (c) performs work in an unsanitary or filthy manner or place of business (d) who is grossly incompetent (e) who conducts [his] the business of barbering on Sundays (f) who displays any price list or signs pertaining to prices for barber services in or upon any part of premises of a barber shop in such manner that such list shall be visible from the outside of the barber shop (g) unethical or dishonest practice or conduct (h) employing an unlicensed person. Before any such permit or certificate shall be suspended or revoked for any of the reasons contained in this section the holder thereof shall

have notice in writing of the charge or charges against him or her and shall at a day specified in said notice which shall be at least five days after the service thereof be given a public hearing before a duly authorized representative of the [department] board with a full opportunity to produce testimony in his or her behalf and to confront the witness against him or her Any person whose permit or certificate of registration has been so suspended or revoked may after the expiration of ninety days on application have the same reissued to him or her upon satisfactory showing to the board that the disqualification has ceased except where such certificate was suspended or revoked for having or imparting any contagious or infectious disease in which case a new certificate shall not be issued for a period of at least one year and then only after the provisions of this act have been fully complied with by such person in the same manner as if he or she had never been registered

Section 10 The [department] board may adopt reasonable rules and regulations prescribing the safety and sanitary requirements of each barber shop or barber school [in cooperation with the Department of Health] and shall cause the rules and regulations so approved to be printed in a suitable form and may transmit a copy thereof to the proprietor or person operating such barber shop or school which shall at all times be kept conspicuously displayed in such shop or school It shall be unlawful for any person to open either a new barber shop or move his shop to another place or take over as owner an existing barber shop unless the shop has a minimum length of at least ten feet for a one chair shop fifteen feet for a two chair shop and five feet additional in length for each additional chair unless the shop has a minimum width of not less than twelve feet when waiting chairs are not opposite or in line with barber chairs unless the shop has a minimum width of sixteen feet when waiting chairs are opposite or in line with barber chairs or until he or she has filed an application with the [department] board for the inspection [and] approval and registration of such shop It is further provided that no barber shop may open for business until said inspection has been had and the shop approved It shall be unlawful for any person to sleep in or for any owner or manager to permit any person to sleep in or use for residential purposes any room used as a barber shop or a school of barbering All rooms used for such purposes shall be used for barbering purposes [exclusively] Any officer or duly authorized agent of the [department] manicuring shoe shining and such allied business as may be approved by the board Any member of the board and any barber inspectors or investigators may enter and make reasonable examination of any barber shop or barber school during the business hours for the purpose of ascertaining the sanitary conditions thereof and ascertaining whether the shop or school and all persons working therein are properly licensed and registered Any barber shop barber school or tools appliances and furnishings in use therein kept in an unclean and unsanitary condition as to be a danger to health or to the creation and spreading of infectious and contagious diseases is hereby declared to be a public nuisance and the [department] board may suspend or revoke the certificate of the proprietor thereof or any person operating in such barber shop or school or the permit hereinafter required for such shop or school or both the certificate and permit

Section 5 Section eleven of said act is hereby amended to read as follows

Section 11 The department shall keep a register in which shall be entered the places to which and the names of all persons to whom certificates of registration or permits for serving apprenticeship or as students are issued under this act which register shall be open to public inspection during the business hours of the department

Section 6 Sections twelve thirteen and fifteen of said act as last amended by the act approved the fifth day of June one thousand nine hundred and thirty-seven (P. L. 1689) are hereby further amended to read as follows

Section 12 In no barber shop shall there be more than one apprentice who must be at all times under the super-

vision of a barber authorized under this act to practice such occupation All barber schools shall keep prominently displayed at every entrance to said school a sign reading "Barber School" Any copartnership corporation or person desiring to operate or conduct a barber shop or barber school shall first secure from the department a permit or registration certificate to do so and shall keep the same prominently displayed The fee for registration of each barber school shall be fifty dollars and the annual renewal fee therefor shall be twenty-five dollars The [department] board may pass upon the qualifications appointments and course of study in said school which shall be not less than six months All barber schools shall have not less than one registered teacher for every twenty students and in no case less than one full-time teacher who shall be in attendance at all times during the hours the school is open for instruction

No school of barbering shall be granted a certificate of registration unless it requires as a prerequisite to admission thereto graduation from an eighth grade school or its equivalent as determined by an examination conducted by the [department] board and it shall attach to its staff as a part-time teacher a person licensed by the Commonwealth to practice medicine and employ and maintain a sufficient number of competent teachers registered as such and shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum shall keep a daily record of the attendance of each student shall maintain regular class and instruction hours which shall not be less than seven nor more than eight hours per day the school is open for instruction shall establish grades and hold examination before issuance of diplomas and shall be required to maintain a course of study requiring not less than [one thousand hours for completion in not less than] six months and shall comprise all of the subjects pertaining to barbering the barber laws of this State and the rules and regulations adopted by the [department] board and shall include practical demonstrations and theoretical studies and studies in sanitation sterilization and the use of antiseptics cosmetics and electrical appliances consistent with the practical and theoretical requirements as applicable to barbering or any practice thereof

No school of barbering shall permit its students to practice barbering on the public under any circumstances except by way of clinical work upon persons willing to submit themselves to such practice after first being properly informed that the operator is a student No school of barbering shall directly or indirectly charge any money whatsoever for treatment by its students or for materials used in such service or treatments

Section 13 To shave or trim the beard to cut hair to shape the eyebrows to give facial and scalp massaging facial and scalp treatment with any preparations made for this purpose either by hand or by mechanical or electrical appliances to singe and shampoo the hair or apply any makes of hair lotions or hair tonics and to dye hair of any person for compensation direct or indirect the person performing such service shall be construed as practicing the occupation of barber within the meaning of this act No person shall practice or attempt to practice barbering for compensation directly or indirectly in any place other than a registered barber shop except that any registered barber in a registered barber shop may furnish barber services to persons at their place of residence or in institutions in cases of sickness incapacitation confinement and other emergencies Provided however That nothing contained in this section shall be construed to include hospitals or colleges and private schools for children so-called beauty shops or hair-dressing parlors or schools of beauty culture except that it shall be unlawful and a violation of this act for any person to employ or to accept employment in any such shops parlors or schools who has been refused a certificate by the [department] board

Section 15 Any barber apprentice or student who shall practice the occupation of barber while suffering from contagious or infectious disease or who shall knowingly serve any person afflicted with such disease shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars

or undergo an imprisonment not exceeding thirty days or both at the discretion of the court.

Any barber apprentice or student who shall infect any person or who shall impart any contagious or infectious disease by reason of carelessness or negligence in the practice of such occupation shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding five hundred dollars or to undergo imprisonment not exceeding six months or both at the discretion of the court.

Nothing contained in this act or the act to which this is an amendment shall be construed as prohibiting any municipality from adopting appropriate ordinances not inconsistent with the provisions of this act or the rules and regulations adopted thereunder as may be deemed necessary to promote the public health and safety and regulate the conduct of barber shops and schools and any municipality shall have power by proper ordinances to fix the days and hours during which barber shops in the said cities may be open for business [Provided however That in any such ordinance provisions shall be made that a designated local health or police official may upon application of the proprietor of any barber shop and upon proof that barber service to the public so requires issue a permit effective for a limited time for the operation of a particular barber shop at such times outside of any beyond those fixed in the said ordinances as is required by temporary public necessity with the power to renew the said permit upon further proof of public necessity] All municipalities having proper ordinances shall have power to enforce the provisions of this act and its amendments.

It shall be unlawful

(a) To own manage operate or control any barber shop unless continuously hot and cold running water be provided for therein except in communities lacking such facilities

(b) To own manage operate or control any barber school or part or portion thereof whether connected therewith or in a separate building wherein the practice of barbering is engaged in or carried on unless all entrances to the place wherein the practice of barbering is so engaged in or carried on shall display a sign indicating that the work is done by students exclusively

(c) To own manage control or operate any barber shop unless the same displays a recognized sign indicating that it is a registered barber shop which shall be clearly visible at the main entrance to said shop

(d) For the owner of any barber shop to display a permit or certificate of registration of any barber not employed in such shop

The [department and advisory committee] board shall have power to make such other rules and regulations and prescribe such other sanitary requirements as shall be deemed necessary to carry out the provisions of this act.

The department shall employ at least five inspectors or investigators who shall be qualified barbers or any other investigators or inspectors of barber shops and barber schools who have been practicing barbering in the State of Pennsylvania for a period of five years immediately preceding their appointment and must be a citizen of the United States shall be required to devote their entire time to the inspection of barber shops barber schools and to the enforcement of the provisions of this act.

Any person who shall violate any of the provisions of this act except as herein otherwise provided shall upon summary conviction thereof be sentenced to pay a fine of not less than ten dollars nor more than ninety dollars or to undergo an imprisonment of not less than ten days nor more than sixty days or both at the discretion of the court. Any such person shall have the right of appeal as in other cases of summary conviction.

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 132

Achterman,	Gerard,	McIntosh,	Sarraf,
Allmond,	Goodwin,	McLane,	Scanlon,
Auker,	Greenwood,	McSurdy,	Schwab,
Balthaser,	Gryskewicz,	Melchiorre,	Shaffer,
Bentzel,	Haberlen,	Mihm,	Shepard,
Boney,	Haines,	Modell,	Snyder,
Boorse,	Hamilton,	Monks,	Sollenberger,
Bower,	Harmuth,	Mooney,	Sorg,
Bradley,	Heatherington,	Moran,	Stambaugh,
Brunner, P. A.,	Hering,	Moul,	Stank,
Burns,	Herman,	Munley,	Stine,
Burris,	Hirsch,	Numemacher,	Stockham,
Cadwalader,	Jefferson,	O'Brien,	Tarr,
Chervenak,	Jones, G. E.,	O'Connor,	Tate,
Chudoff,	Jones, P. N.,	O'Dare,	Tompson, R. L.,
Cohen, M. M.,	Keenan,	O'Mullen,	Turner,
Cohen, R. E.,	Kline,	O'Neill,	VanAllsburg,
Cook,	Knoble,	Petrosky,	Vincent,
Cooper,	Komorofski,	Pettit,	Vogt,
Cordier,	Krise,	Polaski,	Voldow,
Croop,	Lee, E. A.,	Polen,	Watkins,
Dalrymple,	Lesko,	Powers,	Weingartner,
DiGenova,	Levy,	Prosen,	Weiss,
Dolon,	Lichtenwalter,	Rausch,	Welsh, E. B.,
D'Ortona,	Longo,	Readinger,	Welsh, M. J.,
Duffy,	Lovett,	Reese, R. E.,	Williams,
Early,	Malloy,	Regan,	Winner,
Elliott,	Marks,	Reynolds,	Wolf,
Finestone,	Maxwell,	Rhea,	Woodring,
Finnerty,	McClanaghan,	Rooney,	Wright,
Flynn,	McDermott,	Rose, S.,	Yester,
French,	McFall,	Rosenfeld,	Young,
Gallagher,	McGrath,	Rush,	Kilroy, Speaker
Gates,			

NAYS 39

Baker,	Gross,	Leydic,	Sarge,
Baughner,	Gyger,	McDowell,	Skale,
Bentley,	Habbyshaw,	McMillen,	Trout,
Boles,	Hall,	Muir,	Wagner,
Brown,	Hare,	Reese, D. P.,	Wilkinson,
Chran,	Harkins,	Rose, W. E.,	Wood, N.,
Dix,	Harris,	Royer,	Woodside,
Ely,	Holland,		

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.

FORMER MEMBER WELCOMED

The SPEAKER. The Chair welcomes a former member of the House, the gentleman from Berks, Mr. Chester A. Mohn.

MR. TURNER IN THE CHAIR

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 671, as follows:

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 Gov-

ernor 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 the State Board of Barber Examiners as a departmental administrative board in the Department of Public Instruction

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

Section 1 So much as relates to the Department of Public Instruction of section two hundred two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers 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 departments boards and commissions and prescribing the all deputies and other assistants and employes in certain 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 last amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-seven (P. L. 1865) is hereby further amended to read as follows

Section 202 Departmental Administrative Boards Commissions and Offices The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section as follows:

* * * * *

In the Department of public Instruction
 State Council of Education
 Pennsylvania State Board of Censors
 Public School Employes' Retirement Board
 Pennsylvania Historical Commission
 Board of Trustees of Thaddeus Stevens Industrial School
 Board of Trustees of Pennsylvania State Oral School for the Deaf
 Board of Trustees of Pennsylvania Soldiers' Orphan School
 Board of Trustees of West Chester State Teachers' College
 Board of Trustees of Millerwille State Teachers' College
 Board of Trustees of Kutztown State Teachers' College
 Board of Trustees of East Stroudsburg State Teachers' College
 Board of Trustees of Mansfield State Teachers' College
 Board of Trustees of Bloomsburg State Teachers' College
 Board of Trustees of Shippensburg State Teachers' College
 Board of Trustees of Lock Haven State Teachers' College
 Board of Trustees of Indiana State Teachers' College
 Board of Trustees of California State Teachers' College
 Board of Trustees of Slippery Rock State Teachers' College

Board of Trustees of Edinboro State Teachers' College
 Board of Trustees of Clarion State Teachers' College
 Board of Trustees of Cheyney Training School for Teachers

State Board of Medical Education and Licensure
 State Board of Pharmacy
 State Dental Council and Examining Board
 State Board of Optometrical Examiners
 State Board of Osteopathic Examiners
 Osteopathic Surgeons' Examining Board
 State Board of Examiners for the Registration of Nurses
 State Board of Barber Examiners
 State Board of Veterinary Medical Examiners
 State Board of the Examination of Public Accountants
 State Board of Examiners of Architects
 Anthracite Mine Inspectors' Examining Board
 Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania
 State Registration Board for Professional Engineers

Section 2 Article four of said act is hereby further amended by adding at the end thereof a new section to read as follows

Section 453 State Board of Barber Examiners The State Board of Barber Examiners shall consist of the Superintendent of Public Instruction ex officio and five members Each member of the board at the time of his appointment and qualification shall be a citizen of the United States and a resident of the Commonwealth of Pennsylvania shall have been a registered barber under the laws of this Commonwealth and shall have continuously followed the occupation of barbering in the Commonwealth for a period of at least five years next preceding his appointment

The board shall elect one of its members as chairman and shall elect a secretary who need not be a member of the board

Three members of the board shall constitute a quorum and any action or order of the board shall require the approval of at least three members

The secretary shall have such powers and shall perform such duties not contrary to law as the board shall prescribe The Secretary shall have power and authority to designate from time to time one of the clerks appointed by the board

The members of the board other than the Superintendent of Public Instruction shall receive fifteen dollars (\$15.00) per diem for each day actually devoted to the work of the board and the Secretary shall receive such reasonable compensation as shall be determined by the board with the approval of the Superintendent of Public Instruction

Section 3 Section one thousand three hundred ten of said act as last amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-seven (P. L. 1865) is hereby further amended to read as follows

Section 1310 Professional Examining Boards The professional examining boards within the Department of Public Instruction shall respectively exercise the rights and powers and perform the duties by law vested in and imposed upon them provided however that all certificates and official documents of such examining boards shall be issued by the Department of Public Instruction but may be signed by the members of the appropriate board or any of them as determined by such board

Subject to the preceding provisions of this section and to any other inconsistent provisions in this act contained

The State Board of Medical Examination and Licensure shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the Bureau of Medical Examination and Licensure in the Department of Public Instruction

The State Board of Pharmacy shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Dental Council and Examining Board shall continue to exercise the powers and perform the duties by

law vested in and imposed upon the said board the State Dental Council and the Board of Dental Examiners for the Commonwealth of Pennsylvania

The State Board of Optometrical Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the Board of Optometrical Education Examination and Licensure

The State Board of Osteopathic Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the State Board of Osteopathic Examiners of Pennsylvania

The Osteopathic Surgeons' Examining Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Examiners for Registration of Nurses shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Barber Examiners shall exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Veterinary Medical Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Examination of Public Accountants shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Examiners of Architects shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The Anthracite Mine Inspectors' Examining Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the Mine Inspectors' Examining Board created by the act approved the ninth day of June one thousand nine hundred and eleven (P. L. 760) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania and for the protection and preservation of property connected therewith" and the amendments and supplements thereto

The State Registration Board for Professional Engineers shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

Section 4 The provisions of this act shall become effective immediately 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—133

- | | | | |
|-----------------|----------------|-------------|------------------|
| Achterman, | Gallagher, | McLanahan, | Rosenfeld, |
| Allmond, | Gerard, | McLane, | Rush, |
| Auker, | Greenwood, | McSurdy, | Sarrat, |
| Balthaser, | Gryskewicz, | Melchiorre, | Scanlon, |
| Baugher, | Cyger, | Mihm, | Schwab, |
| Bentzel, | Haberlen, | Modell, | Shaffer, |
| Boies, | Haines, | Monks, | Shaw, |
| Boney, | Hamilton, | Mooney, | Shepard, |
| Boorse, | Harkins, | Moran, | Snyder, |
| Bower, | Heatherington, | Moul, | Sorg, |
| Bradley, | Hering, | Munley | Stank, |
| Brown, | Herman, | Nunemacher | Stockham, |
| Brunner, P. A., | Jefferson, | O'Brien, | Tarr, |
| Chervenak, | Jones, G. E., | O'Connor, | Tate, |
| Chudoff, | Jones, P. N., | O'Dare, | Thompson, E. F., |
| Cohen, M. M., | Keenan, | O'Mullen, | Thompson, R. L., |
| Cohen, R. E., | Kilne, | O'Neill, | Turner, |
| Cooper, | Knoble, | Owens, | VanAllsburg, |
| Cordier, | Kolaniewicz, | Petrosky, | Vincent, |
| Croop, | Krise, | Pettit, | Vogt, |

- | | | | |
|------------|---------------|---------------|-----------------|
| Dalrymple, | Lesko, | Polaski, | Voldow, |
| DiGenova, | Lichtenwaite, | Polen, | Watkins, |
| Dix, | Longo, | Prosen, | Weingartner, |
| Dolon, | Lovett, | Rausch, | Weiss, |
| D'Ortona, | Malloy, | Readinger, | Welsh, M. J., |
| Duffy, | Marks, | Reese, D. P., | Williams, |
| Early, | Maxwell, | Reese, R. E., | Wolf, |
| Elliott, | McClanaghan, | Regan, | Wood, L. H., |
| Finestone, | McClester, | Reynolds, | Woodring, |
| Finnerty, | McDermott, | Rhea, | Wright, |
| Fletcher, | McFall, | Riley, | Yester, |
| Flynn, | McGrath, | Rooney, | Young, |
| For, | McIntosh, | Rose, S., | Kilroy, Speaker |
| French | McKinney, | | |

NAYS—23

- | | | | |
|------------|-------------|--------------|------------|
| Dennison, | James, | Rank, | Trout, |
| Ely, | Lee, E. A., | Rose, W. E., | Wagner, |
| Habbyslaw, | Leydic, | Royer, | Wilkinson, |
| Hill, | McDowell, | Sarge, | Wood, N., |
| Hare, | McMillen, | Serrill, | Woodside, |
| Harris, | Muir, | Skale, | |

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. 1207. (Senate Bill No. 285), Printer's No. 105, was passed over at the request of the Speaker, pro tempore.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1228, as follows:

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

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

Section 1 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" are hereby amended to read as follows

Section 3 This act shall not apply to any contract or agreement between wholesalers or between producers or between retailers as to sale or resale prices nor shall the provisions of this act apply to or fix or limit prices at which any books may be sold or offered for sale to a library located in this State

Section 4 The following terms as used in this act are defined as follows

"Producer" means grower baker maker manufacturer or publisher

"Commodity" means any subject of commerce

"Library" means the following non-profit organizations administering a collection of books for non-profit purposes The national and state governments counties cities boroughs towns townships school districts vocational school districts universities colleges schools archives offices museums and literary educational professional scientific fine arts and religious societies

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—203

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

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 499, as follows:

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 firemen by reason of any superannuation classification

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

Section 1 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" is hereby amended to read as follows

Section 18 No officer clerk or employe in the classified civil service of such city shall be removed discharged or reduced in pay or position except for just cause which shall not be religious or political Further no such officer clerk or employe shall be removed discharged or reduced except during the probationary period until he shall have been furnished with a written statement of the reasons for such action and been allowed to give the removing officer such written answer as the person sought to be removed may desire In every case of such removal or reduction a copy of the statement of the reasons therefor and of the written answer thereto shall be furnished to the civil service commission and entered upon its public records

No police officer or fireman except those dismissed during probationary period shall be removed or discharged except for cause upon written charges and after an opportunity to be heard in his own defense Such charges may be filed by any superior officer or by any citizen or taxpayer and shall within thirty days after filing be heard investigated and determined by the commission or by one of the commissioners or by some person or board appointed by the commission to hear investigate and determine the same Where one person is appointed by the commission to hear such charges he shall be a person learned in the law Where a board is appointed to hear such charges at least one member of such board shall be learned in the law The hearing shall be public and the accused and his counsel shall have the right to be heard

The finding and decision of the commission or commissioner or of such person or board when approved by the commission shall be certified to the appointing authority and shall be forthwith enforced by such authority

Provided however That nothing herein contained shall permit the reduction in pay or position of any police officer or fireman by reason of any superannuation classifications

Nothing herein contained shall limit the power or any superior officer to suspend a subordinate for a reasonable period not exceeding thirty days pending hearing and decision Every such suspension shall be without pay Provided however That the commission shall have authority to investigate every such suspension and in case of its disapproval it shall have power to restore pay to the employe so suspended

All papers filed in any hearing under this section shall be public records of the commission

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. D'ORTONA. Mr. Speaker, in asking your support of House Bill No. 499 I wish to present a few pertinent facts.

For the past year it has ben the practice that, when a policeman or fireman reaches the age of sixty years he has in many instances been reduced in rang from first class to second class, such reduction in rank carrying with it a reduction in pay of five hundred and ninety dollars per year per person.

At this time such artificial standards of demotion may prove a hardship with a stepped-up industrial program. With the taking of younger men for defense needs the Police and Fire Bureaus face an added responsibility and the need for experienced men will become greater.

Such demotions, forcing experienced members of the police and fire forces to do the same work at greatly reduced pay would be both unfair and unwise. A much fairer and wiser solution would call for a physical examination to determine the man's fitness to carry a full

schedule of work and no such demotion should occur unless such examination demonstrates that the man is not fit to do the work.

This would be the fair and equitable course to pursue and would ensure that these men who have so faithfully served their city would not suffer an unjust demotion due simply to their having reached the age of sixty years.

So therefore, Mr. Speaker and Members of the House, I ask support of this 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—202

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

NAYS—1

Dix,

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. 796, as follows:

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

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

Section 1 All taxes heretofore or hereafter assessed and levied within the limits of any city of the first class for city or school purposes may hereafter at the discretion of the taxable against whom the tax is charged be paid by installments or partial payments and the receiver of taxes shall accept from any taxable at any time amounts of not less than five dollars as payment on account of the taxes or any of them owned by such person and shall give a receipt therefor showing such partial payment and the specific tax on which such payment is credited

Section 2 When any partial payment of a tax is made to the receiver of taxes as herein provided the taxpayer shall be entitled to the discount or shall pay the penalty on the amount of such partial payment which is provided by law for the payment of such taxes during the period when such partial payment is made

Section 3 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 4 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—203

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

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 60, as follows:

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

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

Section 1 Whenever the county commissioners of any county have heretofore purchased any real estate at a county treasurer's sale and thereafter agreed with any person to accept in compromise of the amount of taxes penalties interest and costs due thereon any sum less than the whole of such amount due or thereafter sold such real estate or any part thereof at private sale and have in pursuance of such agreement or sale conveyed such real estate to the person or persons with whom such agreement or sale was made and such compromise agreement or sale has been approved or confirmed by the court of common pleas of the proper county all such compromise agreements sales and conveyances are hereby ratified confirmed and validated and declared to be effectual to vest in the purchaser or person to whom such conveyance was made such title as the county commissioners had the right to convey notwithstanding any defect whatsoever in the procedure under which such agreement sale or conveyance was made and whether or not the provisions of the act or acts of assembly relating to such compromise agreements or private sales were compiled with Provided however That this act shall not apply to any case heretofore judicially adjudicated

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—203

Achterman,	Flynn,	Malloy,	Rosenfeld,
Allmond,	Poor,	Marks,	Royer,
Auker,	French,	Maxwell,	Rush,
Baker,	Gallagher,	McClanaghan,	Sarge,
Balthaser,	Cates,	McClester,	Sarraf,
Baughner,	Gerard,	McDermott,	Scanlon,
Bentley,	Gillan,	McDowell,	Schwab,
Bentzel,	Gillette,	McFall,	Serrill,
Boles,	Goodwin,	McGrath,	Shaffer,
Boney,	Greenwood,	McIntosh,	Shaw,
Boorse,	Gross,	McKinney,	Shepard,
Bower,	Gryskewicz,	McLanahan,	Simons,
Bradley,	Cyger,	McLane,	Skale,
Breth,	Habbyshaw,	McMillen,	Snyder,
Bretherick,	Haberlen,	McSurdy,	Sollenberger,
Brown,	Haines,	Melchiorre,	Sorg,
Brunner, C. H.,	Hall,	Mihm,	Stambaugh,
Brunner, P. A.,	Hamilton,	Modell,	Stank,
Burns,	Hare,	Monks,	Stine,
Burriss,	Harkins,	Mooney,	Stockham,
Cadwalader,	Harmuth,	Moran,	Tarr,
Chervenak,	Harris,	Moul,	Tate,
Chudoff,	Heatherington,	Mulr,	Thompson, E. F.,
Cochran,	Helm,	Munley,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Nagel,	Trout,
Cohen, R. E.,	Herman,	Nunemacher,	Turner,
Cook,	Hewitt,	O'Brien,	VanAllsburg,
Cooper,	Hirsch,	O'Connor,	Vincent,
Cordier,	Holland,	O'Dare,	Vogt,

Corrigan,	Huntley,	O'Mullen,	Voidow,
Croop,	Imbrie,	O'Neill,	Voorhees,
Cullen,	James,	Owens,	Wagner,
Dalrymple,	Jefferson,	Petrosky,	Watkins,
Dennison,	Jones, G. E.,	Pettit,	Weingartner,
DiGenova,	Jones, P. N.,	Polaski,	Weiss,
Dix,	Keenan,	Polen,	Welsh, E. B.,
Dolon,	Kline,	Powers,	Welsh, M. J.,
D'Ortona,	Knoble,	Prosen,	Wilkinson,
Duffy,	Kolankiewicz,	Rank,	Williams,
Early,	Komorofski,	Rausch,	Winner,
Eckels,	Krise,	Readinger,	Wolf,
Elder,	Lee, E. A.,	Reagan,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, N.,
Ely,	Lelsey,	Reese, R. E.,	Woodring,
Falkenstein,	Lesko,	Regan,	Woodside,
Finestone,	Levy,	Reynolds,	Wright,
Finnerty,	Leydic,	Rhe.,	Yeakel,
Fisher,	Lichtenwalter,	Riley,	Yester,
Fiss,	Longo,	Rooney,	Young,
Fleming,	Lovett,	Rose, S.,	Kilroy,
Fletcher,	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.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

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

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1187, as follows:

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

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

Section 1 The Secretary of Property and Supplies with the approval of the Governor of the Commonwealth of Pennsylvania is hereby authorized to convey as a donation to the United States of America title to the land and buildings on the Delaware River below Philadelphia Pennsylvania which comprise the Marcus Hook Pennsylvania Quarantine Station property and which is now leased to the United States by the Department of Property and Supplies of the Commonwealth of Pennsylvania at a rental of one dollar (\$1.00) per annum

The description of the property to be conveyed and jurisdiction ceded to the United States of America shall be such as the proper officials of the Commonwealth and the United States Government may agree upon

Section 2 The Governor of the Commonwealth of Pennsylvania is authorized to furnish the Attorney General of the United States without cost to the United States such evidences of a valid title to the aforesaid land as may be necessary to permit the said Attorney General to approve said title

Section 3 The consent of the Commonwealth of Pennsylvania is hereby given in accordance with the seventeenth clause eighth section of the first article of the Constitution of the United States to the acquisition by the United States of the aforesaid land and exclusive jurisdiction in and over the aforesaid land when acquired by the United States is hereby ceded to the United States for all purposes except the service thereon of all civil and criminal processes of the courts of this Commonwealth but the jurisdiction so ceded shall continue no longer than the said United States shall own such lands

and so long as the said lands shall remain the property of the United States and no longer the same shall be and continue exempt and exonerated from all State county and municipal assessment taxation or other charges which may be levied or imposed under the authority of this Commonwealth

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

Section 5 The provisions of 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. TURNER. 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. TURNER. Mr. Speaker, will the gentleman advise why this transfer is being made? What is the purpose?

Mr. ACHTERMAN. Mr. Speaker, I understand that the Federal government is desirous of constructing a new quarantine station at Marcus Hook, and is desirous of securing title to the land. I also understand in the event that title is not acquired, the site of the station will very likely be changed.

Mr. TURNER. Mr. Speaker, what department of the state government has approved it?

Mr. ACHTERMAN. I don't know, Mr. Speaker, that any particular department has approved it. However, may I state that transfer of the title can only be made with the approval of the Governor, under the bill.

Mr. TURNER. That is all, Mr. Speaker.

Mr. RUSH. Mr. Speaker, the quarantine station located at Marcus Hook at the present time, the State now owns the ground and the buildings and they are leased to the Federal government for the sum of one dollar a year on a 99 year lease. The present buildings are falling down and are badly in need of repairs. Under the present terms of the lease the Federal government cannot and will not repair those buildings and they desire to acquire the title to the ground so that they can build a new station and rebuild the present buildings.

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—203

Achterman,	Flynn,	Malloy,	Rosenfeld,
Allmond,	Poor,	Marks,	Royer,
Auker,	French,	Maxwell,	Rush,
Baker,	Gallagher,	McClanaghan,	Sarge,
Balthaser,	Cates,	McClester,	Sarraf,
Baughner,	Gerard,	McDermott,	Scanlon,
Bentley,	Gillan,	McDowell,	Schwab,
Bentzel,	Gillette,	McFall,	Serrill,
Boles,	Goodwin,	McGrath,	Shaffer,
Boney,	Greenwood,	McIntosh,	Shaw,
Boorse,	Gross,	McKinney,	Separd,
Bower,	Gryskewicz,	McLanahan,	Simons,
Bradley,	Cyger,	McLane,	Skale,
Breth,	Habbyshaw,	McMillen,	Snyder,
Bretherick,	Haberlen,	McSurdy,	Sollenberger,
Brown,	Haines,	Melchiorre,	Sorg,
Brunner, C. H.,	Hall,	Mihm,	Stambaugh,
Brunner, P. A.,	Hamilton,	Modell,	Stank,

Burns,	Hare,	Monks,	Stine,
Burris,	Harkins,	Mooney,	Stockham,
Cadwalader,	Harmuth,	Moran,	Tarr,
Chervenak,	Harris,	Moul,	Tate,
Chudoff,	Heatherington,	Muir,	Thompson, E. F.,
Cochran,	Heim,	Munley,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Nagel,	Trout,
Cohen, R. E.,	Herman,	Nunemacher,	Turner,
Cook,	Hewitt,	O'Brien,	VanAllsburg,
Cooper,	Hirsch,	O'Connor,	Vincent,
Cordier,	Holland,	O'Dare,	Vogt,
Corrigan,	Huntley,	O'Mullen,	Voldow,
Croop,	Imbrie,	O'Neill,	Voorhees,
Cullen,	James,	Owens,	Wagner,
Dalrymple,	Jefferson,	Petrosky,	Watkins,
Dennison,	Jones, G. E.,	Pettit,	Weingartner,
DiGenova,	Jones, P. N.,	Polaski,	Weiss,
Dix,	Keenan,	Polen,	Welsh, E. E.,
Dolon,	Kline,	Powers,	Welsh, M. J.,
D'Ortona,	Knoble,	Prosen,	Wilkinson,
Duffy,	Kolankiewicz,	Rank,	Williams,
Early,	Komorofski,	Rausch,	Winner,
Eckels,	Krise,	Readinger,	Wolf,
Elder,	Lee, E. A.,	Reagan,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, N.,
Ely,	Leirev,	Reese, R. E.,	Woodring,
Falkenstein,	Lesko,	Regan,	Woodside,
Finestone,	Levy,	Reynolds,	Wright,
Finnerty,	Jeydic,	Rhea,	Yeakel,
Fisher,	Lichtenwalter,	Riley,	Yester,
Fiss,	Longo,	Rooney,	Young,
Fleming,	Lovett,	Rose, S.,	Kilroy,
Fletcher,	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.

FORMER MEMBERS WELCOMED

The SPEAKER. The Chair welcomes a former member of the House, the gentleman from Cumberland, Mr. William R. Shearer.

The Chair also welcomes another former member of the House, the gentleman from Montgomery, Mr. Frederick C. Peters

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 730, as follows:

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

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

Section 1 On the trial of any person accused of the commission of any crime in any court of record of this Commonwealth it shall be the duty of the trial judge to require both the prosecuting or district attorney and the defendant's attorney or attorneys to conduct such trial from the same side of the bar or rail which separates the rostrum of the trial judge from the rest of the court room

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 203

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

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 869, as follows:

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 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

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

Section 1 Section one of 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" is hereby amended to read as follows

Section 1 That any person association partnership or corporation may enter into an agreement [with and borrow funds from the Government of the United States or any department agency or instrumentality thereof including among others the Reconstruction Finance Corporation and the R F C Mortgage Company on the security of the obligation of the borrower and] for the repayment of any funds [so] borrowed or of any then existing indebtedness [to the United States or any department agency or instrumentality thereof may be evidenced by a bond containing a confession of judgment secured by a chattel mortgage upon any chattel or chattels of any kind or description Such mortgage shall be a lien against the chattel or chattels thereby conveyed and shall be good and available in law against any subsequent purchasers or execution creditors upon the recording thereof as hereinafter directed Such mortgage must be in writing signed by the mortgagor or his agent duly authorized and constituted and duly acknowledged by some person authorized to take acknowledgment of deeds Provisions contained in such chattel mortgage that property of the same class as is covered by the chattel mortgage shall be included in the mortgage lien if acquired by the mortgagor subsequent to the execution of the chattel mortgage and prior to its extinguishment and provisions that the chattel mortgage may secure future advances to be made by the mortgagee at his option within a period of three (3) years from the execution of such chattel mortgage but not to exceed in the aggregate an amount stated in said chattel mortgage and that all advances so made shall be secured by such chattel mortgage equally and to the same extent as the amount originally advanced on the security of such mortgage and that all such future advances shall be a lien upon the property therein described from the time of the recording of such chattel mortgage good and valid against and superior to all rights of subsequent creditors purchasers mortgagees and other lienors and encumbrances and any of them and provisions that the chattel mortgage may include replacements of any of the mortgaged property therein described shall be valid and binding

Section 2 Section two of said act is hereby amended to read as follows

Section 2 The chattel mortgage mentioned in the preceding section when executed and acknowledged as hereinbefore provided shall be recorded in the office for the recording of deeds for the county in which the mortgaged property is actually located at the time of the execution of such chattel mortgage and such recorder is hereby required to index and to record the same at length in a book to be by him kept in his said office to be provided at the expense of said county and to be called "Chattel Mortgage Book" and he shall duly certify the record of all such instruments in the manner provided by law for mortgages on real estate and such recorder shall be entitled to charge and receive for services rendered hereunder such fees as are provided by law for services rendered with respect to mortgages on real estate the following fees

For recording each chattel mortgage seventy-five cents (\$.75)

For noting assignment on the margin of the page on which the chattel mortgage is recorded twenty-five cents (\$.25)

For noting release or satisfaction or extension of each such chattel mortgage and the date thereof on the margin of the page of the book where the chattel mortgage is recorded twenty-five cents (\$.25)

Such chattel mortgage shall except between parties

thereto take effect and be valid only from the time of recording as herein provided and in case of more than one chattel mortgage the first recorded shall have preference and be first paid out of the proceeds of the sale of the property mortgaged. Such mortgage shall remain a lien on the mortgaged property as between the parties thereto until paid but as to third parties shall not remain a lien for a longer period than five (5) years unless the lien thereof is extended [for an additional period of five (5) years] by the filing prior to the expiration of said lien with the recorder of deeds of the affidavit of the mortgagee or his successor in interest stating the amount then secured by the lien in which case the said mortgage shall remain a lien for an additional period of five (5) years from the date of the filing of such affidavit. The lien of any mortgage may be further extended with like effect by the filing of successive like affidavits. A notation of the filing of such affidavit and extension of lien shall be made on the margin of the original record of the chattel mortgage in the office of the recorder of deeds.

Section 3 The said act is hereby amended by adding after section five the following new sections

Section 5.1 If the mortgagor without the consent of the mortgagee shall substantially injure the chattel or chattels subject to the mortgage or conceal or purport to sell or otherwise dispose of them or any substantial part of them under claim of full ownership or otherwise by his act or wilful neglect substantially impair the value of the agreed security save insofar as is consistent with reasonable use of the chattel or chattels such action shall constitute default. But unless otherwise provided in the instrument the injury or destruction of the chattel or chattels without fault of the mortgagor shall not constitute default and such injury or destruction occurring before final sale on foreclosure shall not discharge the mortgagor from any obligation secured for which he is personally liable.

Section 5.2 When prior to release or satisfaction of the mortgage the mortgagor maliciously or with intent to defraud and without consent of the mortgagee (a) shall conceal all or any substantial portion of the chattel or chattels subject to the mortgage or remove them from the county in which they are located at the time of the execution of the mortgage or shall procure or be a party to such concealment or removal and (b) shall thereafter or in conjunction therewith purport to sell or otherwise dispose of such chattel or chattels under claim of full ownership he shall be guilty of a misdemeanor and upon conviction thereof be sentenced to pay a fine not exceeding five hundred dollars (\$500) or to undergo an imprisonment not exceeding one (1) year or both.

Section 4 This act shall become effective immediately 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—203

- | | | | |
|-----------------|-------------|--------------|---------------|
| Achterman, | Flynn, | Malloy, | Rosenfeld, |
| Allmond, | Foor, | Marks, | Royer, |
| Auker, | French, | Maxwell, | Rush, |
| Baker, | Gallagher, | McClanaghan, | Sarge, |
| Balthaser, | Gates, | McClester, | Sarraf, |
| Baughner, | Gerard, | McDermott, | Scanlon, |
| Bentley, | Gillan, | McDowell, | Schwab, |
| Bentzel, | Gillette, | McFall, | Serrill, |
| Boles, | Goodwin, | McGrath, | Shaffer, |
| Boney, | Greenwood, | McIntosh, | Shaw, |
| Boorse, | Gross, | McKinney, | Shepard, |
| Bower, | Gryskewicz, | McLanahan, | Simons, |
| Bradley, | Cyger, | McLane, | Skale, |
| Breth, | Habbyshaw, | McMillen, | Snyder, |
| Bretherick, | Haberlen, | McSurdy, | Sollenberger, |
| Brown, | Haines, | Melchiorre, | Sorg, |
| Brunner, C. H., | Hall, | Mihm, | Stambaugh, |
| Brunner, P. A., | Hamilton, | Modell, | Stank, |

- | | | | |
|---------------|----------------|---------------|------------------|
| Burns, | Hare, | Monks, | Stine, |
| Burris, | Harkins, | Mooney, | Stockham, |
| Cadwalader, | Harmuth, | Moran, | Tarr, |
| Chervenak, | Harris, | Moul, | Tate, |
| Chudoff, | Heatherington, | Muir, | Thompson, E. F., |
| Cochran, | Helm, | Munley, | Thompson, R. L. |
| Cohen, M. M., | Hering, | Nagel, | Trout, |
| Cohen, R. E., | Herman, | Nunemacher, | Turner, |
| Cook, | Hewitt, | O'Brien, | VanAllsburg, |
| Cooper, | Hirsch, | O'Connor, | Vincent, |
| Cordier, | Holland, | O'Dare, | Vogt, |
| Corrigan, | Huntley, | O'Mullen, | Voldow, |
| Croop, | Imbrie, | O'Neill, | Voorhees, |
| Cullen, | James, | Owens, | Wagner, |
| Dalrymple, | Jefferson, | Petrosky, | Watkins, |
| Dennison, | Jones, G. E., | Pettit, | Weingartner, |
| DiGenova, | Jones, P. N., | Polaski, | Weiss, |
| Dix, | Keenan, | Polen, | Welsh, E. B., |
| Dolon, | Kline, | Powers, | Welsh, M. J., |
| D'Ortona, | Noble, | Prosen, | Wilkinson, |
| Duffy, | Kolankiewicz, | Rank, | Williams, |
| Early, | Komorowski, | Rausch, | Winner, |
| Eckels, | Krise, | Readinger, | Wolf, |
| Elder, | Lee, E. A., | Reagan, | Wood, L. H., |
| Elliott, | Lee, T. H., | Reese, D. P., | Wood, N., |
| Ely, | Levey, | Reese, R. E., | Woodring, |
| Falkenstein, | Lesko, | Regan, | Woodside, |
| Finestone, | Levy, | Reynolds, | Wright, |
| Finnerty, | Leydic, | Rhea, | Yeakel, |
| Fisher, | Lichtenwalter, | Riley, | Yester, |
| Fless, | Longo, | Rooney, | Young, |
| Fleming, | Lovett, | Rose, S., | Kilroy |
| Fletcher, | 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.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 480, as follows:

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.

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

Section 1 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" are hereby amended to read as follows

Section 834 Fraudulent Conversion of Property Whoever having received or having possession in any capacity or by any means or manner of any money or property of any kind whatsoever of or belonging to any other person or which any other person is entitled to receive and have fraudulently withholds converts or applies the same or any part thereof or the proceeds or any part of the proceeds derived from the sale or other disposition thereof to and for his own use and benefit or to and for the use and benefit of any other person is guilty of a [felony] misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding [five thousand dollars (\$5,000)] one thousand dollar. (\$1,000) or to undergo imprisonment not exceeding [five (5)] two (2) years or both.

The offense specified in this section may be joined in the same bill of indictment with any other felony or misdemeanor arising out of the same transaction and there may be included in the same indictment as many counts as there are separate and distinct misdemeanors hereunder committed against the same person.

Section 836 Cheating by Fraudulent Pretenses Who-

ever by any false pretense obtains the signature of any person to any written instrument or obtains from any other person any chattel money or valuable security with intent to cheat and defraud any person of the same or being an officer manager agent employe of or in any way interested in any person by false pretense knowingly and with intent to defraud procures obtain or aids assists or abets in obtaining from any other person any chattels moneys or valuable securities for such person of which he is an officer manager agent employe or in which he is in any way interested is guilty of a [felony] misdemeanor and on conviction shall be sentenced to pay a fine not exceeding [five thousand dollars (\$5,000)] one thousand dollars (\$1,000) or undergo imprisonment not exceeding [five (5)] two (2) years or both

If upon the trial of any person indicted for such a misdemeanor it shall be proved that he obtained the property in question in such manner as to amount in law to larceny he shall not by reason thereof be entitled to be acquitted of such misdemeanor. No person tried for such misdemeanor shall be liable to be afterwards prosecuted for larceny upon the same facts

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—203

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

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 1105, as follows:

An Act naming the State Military Reservation at Indiantown Gap "Camp Muhlenberg"

Whereas The State Military Reservation at Indiantown Gap by reason of its location has been referred to and known as the Indiantown Gap Military Reservation and

Whereas It is the custom throughout these United States to name such reservations in honor of deceased distinguished military persons and

Whereas John Peter Gabriel Muhlenberg (1746-1807) preacher and soldier born at Trappe in this Commonwealth entered the Lutheran ministry and thereafter in time of national emergency took up arms in defense of his country becoming a major-general in the Continental Army taking part in the battles of Brandywine Germantown Monmouth and Yorktown and

Whereas Thereafter he became vice-president of the Supreme-Executive Council of Pennsylvania and was elected in 1801 as a Democratic-Republican to the United States Senate and

Whereas The Commonwealth should duly honor the achievements of that distinguished Pennsylvanian the said John Peter Gabriel Muhlenberg therefore

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

Section 1 The State Military Reservation at Indiantown Gap in this Commonwealth known and referred to as The Indiantown Gap Military Reservation shall hereafter be known and referred to as Camp Muhlenberg

Section 2 The provisions of 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. READINGER. Mr. Speaker, in proposing this bill which would name the state military reservation at Indiantown Gap, Muhlenberg, I did so with the full realization that Pennsylvania has many famous military sons. However, we cannot call the Camp by the names of all those persons and I had to select one of them. I could think of no person who deserved this honor more than John Peter Gabriel Muhlenberg.

I am not going to burden the membership at this time with a recital of the great heroic and patriotic deeds of General Muhlenberg. In the last week unsolicited aid on the part of the president of Muhlenberg College at Allentown has been received, and I believe it has been very helpful in considering just who General Muhlenberg was and what he did for the Commonwealth of Pennsylvania and these United States.

I have heard some objection from persons who believe that the camp now has a name, but that is not so. The Camp is in the Indiantown Gap area and the area will, of course, retain its name, but I believe it is true that most of these camps have a name of their own and I think it is time this one should have a name. Therefore, I ask the members of the House to support this bill.

Mr. WOODSIDE. Mr. Speaker, as Mr. Habbyshaw and I have the honor of representing the Legislative District in which the Military Camp at Indiantown Gap is located,

we are interested in its name. We are proud not only of the splendid boys training there, of the capable commanding officer and his competent corps and of the fine physical equipment, but we are also proud of the name of Indiantown Gap Military Reservation by which it is known. We are opposed to changing its name to Muhlenberg.

There is no doubt but that a number of the most capable and loyal citizens of Pennsylvania bear German names, including my own mother. But I do not think it timely to abandon the true American name of Indiantown Gap for the name of Muhlenberg. Conrad Weiser, another good German name, has also been suggested for the Military Camp. Weiser was a diplomat. Whether he used "bar-room diplomacy," or whether that form of diplomacy is an innovation of more recent diplomats from Pennsylvania I do not know. I do know however, that Conrad Weiser was a successful diplomat for he prevented the local Indians from joining the Paris-Iroquois Axis during the days of the French and Indian War.

If you insist on naming the Camp a good German name you might use that of my great grandfather, Neitz. He had vision. He saw the necessity of converting the Germans, and after being born in this country went over to Germany and established a church. Measured by present day observations he wasn't any more successful in converting them to the right way of life than his great grandson is in converting this House to his views.

Maybe the supporters of this bill feel that if we change the name of Indiantown Gap to Muhlenberg, Hitler might change the name of Heidelberg to Franklinville, or maybe Sophia to Earleville.

Personally, I know that the people of Dauphin County are opposed to changing the name of Indiantown Gap. Well can they be. It is truly American. It takes its name from an Indian village located at the Gap. The first white settlers there were great American patriots in the forefront of the American Revolution.

It was the settlers of this section who twenty-five months before the Declaration of Independence was signed adopted what are known as the Hanover Resolves in which they called for a closer union of the Colonies as a safeguard of the liberties of the people, and stated, "That in the event of Great Britain attempting to force unjust laws upon us by the strength of arms, our cause we leave to heaven and our rifles." This resolution was adopted on June 4, 1774, and on June 10th, the people of Middletown adopted a similar resolution, and the next day the people of Bill Habbyshaw's town of Hummelstown, followed suit.

The people of Dauphin County, descendants of these great patriots, are anxious to maintain the name of Indiantown Gap, the name by which they have known this spot. I believe that the boys located there, and the people of the Commonwealth as a whole, would prefer it to Muhlenberg.

Mr. MATTHEW J. WELSH. Mr. Speaker, I would not object to this bill, but Indiantown Gap is known all over Pennsylvania and I see no reason for changing the name of Indiantown Gap. When our boys leave from various parts of Pennsylvania as selectees, they usually are asked, "Where are you going?" They say, "We are going to Indiantown Gap." We know where they are going and they know where they are going, but if they say they are going to Muhlenberg we wouldn't know where they were going, we would not know where to find them.

I object to this bill, and I hope the Members of this

House will not support it, but will retain the name of Indiantown Gap.

Mr. SARGE. Mr. Speaker, I rise in opposition of this bill, but first I want to correct a wrong impression that has been created by the two gentlemen who represent Dauphin County. In view of my innate modesty it is pretty hard for me to do this, but I want to call the attention of the Members of the House to the fact that Indiantown Gap is located in the fairest county in the state of Pennsylvania the County of Lebanon, and not in Dauphin County.

Very briefly I want to voice my objection to this bill. We of Lebanon County, Mr. Speaker, have a certain sort of respect for the name Indiantown Gap. We do not want to sacrifice that name merely for the privilege of changing the name to Muhlenberg. I hope the Members of this House will see fit to oppose this bill, and again were it not for my innate modesty I could suggest the name of a certain Lebanon County citizen, and perhaps it would be far better to name this camp after his name than to name it after Muhlenberg.

Mr. WOODRING. Mr. Speaker, I rise to lend my support to this bill for the reason that Mr. Muhlenberg was an outstanding Pennsylvanian and an outstanding American. Mr. Muhlenberg was at one time a vice-president of the Commonwealth of Pennsylvania. Mr. Muhlenberg was elected to the first Congress of the United States, he was a member of the United States Senate. He occupied other important offices in both the state of Pennsylvania and in the United States. More than that, however, Mr. Speaker, and Members of this House it is the spirit of Muhlenberg that commends him to me in the consideration of naming the Camp located at Indiantown Gap. When Muhlenberg was in the army of the Colonies he was criticised for having left his church to join the army. His reply was as follows:

"I am clergyman, it is true, but I am a member of society as well as the poorest layman. My liberty is as dear to me as to any man. Shall I then sit still and enjoy myself at home when the best blood of the Continent is spilling? Do you think that if America is conquered I should be safe? Far from it. And would you not sooner fight like a man than die like a dog?"

Mr. Muhlenberg was a minister of the gospel, and in 1775 while occupying a charge in a Colony of Virginia, at the time of the Revolutionary War, he stepped down from the pulpit with these words:

"There is a time for all things, a time to preach and time to pray; but there is also a time to fight and that time has now come."

Mr. Speaker and Members of the House, it seems to me that a man who had the spirit that Muhlenberg had, should commend himself to our consideration. It seems to me that we cannot do better than to name this Camp after Muhlenberg. I might say in answer to the opposition that has been voiced, that the Camp will still be at Indiantown Gap, and for those fond parents or friends, or relatives, or the boys out there, they will still be at Indiantown Gap, at Camp Muhlenberg, if you vote in favor of this bill.

Mr. TURNER. Mr. Speaker, there seems to be some difficulty in determining in what county this military reservation at Indiantown Gap is located, and there also seems to be a dispute among the Members of the House

as to the name which should be given to that military reservation. Therefore, in the spirit of compromise, I would like to offer the name of a great war governor, the present Governor of Pennsylvania, Arthur James.

Mr. HOLLAND. Mr. Speaker, I feel in justice to an ancestor, something should be said to repudiate some of the statements made by the gentleman from Dauphin. He seems to have given the impression to the Members of the House that all of the statesmen who fought for this country have German names. I know the names of Ryan, Donovan, Sheridan, the Mitchells, the O'Tooles and I might add the name of Holland is still Irish.

Mr. McMILLEN. Mr. Speaker, inasmuch as we are having such a hard time to decide what the name will be, whether we shall name it after a German, an Irish man or an Englishman, I wonder if we could not find here someone who has both Italian and German blood in him and just call it for short plain "Axis"

Mr. HARKINS. Mr. Speaker, we have at last found out where Indiantown Gap is. I suppose that great Indian scout who served as an interpreter to Conrad Weiser did not have any difficulty in locating that camp and I suppose he knew which county it was in, even if he did not know, or if we today don't know, or are not quite so sure of the exact location. It seems in the discussion here today that all of the early patriots came from the eastern part of Pennsylvania. I think if we are going to name it some other name, we might as well go out to western Pennsylvania and find some great names of early patriots there who, too, served the country in the war of Independence or in the early frontier days in the making of a new nation in the wilderness of Pennsylvania. We might name it after McDowell, who was a former member of the House of Representatives and one of the great leaders, or we might name it after a Fayette county leader, William Finley. I think if you look at the bill you will note that Muhlenberg was a vice president of the Supreme Executive council of Pennsylvania. I suppose most of us know of the peculiar type of government we had in the early history of Pennsylvania, when the Supreme Executive Council had a veto power no one now possesses over the acts of the Governor, but I am wondering if any of us know just what kind of a ticket he ran on in 1801 when he was elected as a Democrat and Republican. I am rather interested in hearing what kind straight ticket voting got him elected in those days.

Mr. Speaker, I believe these people up in the edge of Dauphin and Lebanon Counties, who claim joint ownership of this famous camp, have a right to have the name go down as it is. We might find that some of these new men who are selected or some of the National Guard, rather, will entrain for Muhlenberg and perhaps Lafayette will get some more football players by mistake. We all believe that the interest of the patriotism won't be bettered by changing the name at this late date. Nothing that we can do here will add to the glory that Muhlenberg rightly deserves and I think this bill will not accomplish anything but will engender a feeling in that we are tampering with things historical which we would be better off to let alone.

Mr. WOODSIDE. Mr. Speaker, I have been trying to steal things away from Dave Sarge, but I have not been able to get away with it, and again today I am not able to get away with it. In order to keep the records straight

I might say that a very large part of Indiantown Gap is of course located in Lebanon County, but there is also a portion of it in Dauphin County. Therefore, I am glad to claim joint ownership of Indiantown Gap with Dave Sarge and Bill Habbysshaw.

Mr. HEWITT. Mr. Speaker, my county of Indiana has two very large delegations at Indiantown Gap, one from Blairsville and the other from Indiana proper.

I rise to oppose this bill for one reason which has not been brought out as yet. The people in Indiana have finally learned to spell the name of Indiantown Gap, and in the event the name is changed to Muhlenberg I fear we will be unable to spell it.

Mr. READINGER. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

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

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. READINGER. Mr. Speaker, does the gentleman from Dauphin know of any other military reservation which is named after the locality where it is found, rather than some other name?

Mr. WOODSIDE. Mr. Speaker, I don't know whether there are any other or not.

Mr. READINGER. Thank you. Mr. Speaker, I have enjoyed the remarks made in the debate on this bill very much. Most of them, I believe, are facetious and very amusing. I noted with particular interest the fact that the great-grandfather or the great-great-grandfather of the gentleman from Dauphin went to Germany to convert some Germans, and it appears to me he had no greater success in doing that than the great-great-grandson has had in converting the Democratic party to the James program.

I would like to add also in answer to one of the statements made concerning the feelings of the boys at Indiantown Gap at the present time. Some one told me just today that he had spoken to some of them and they said, "We don't care, we are going to Virginia next month anyway." But apart from the amusing statements which have been made here today I still think this camp should be given the name of an illustrious Pennsylvanian.

I might add at this point, in reply to the gentleman from Delaware, Mr. Turner, that I think he made an error. It should be named Camp Estes instead of Camp James.

Once again I am going to ask that you support this bill and honor this great Pennsylvanian.

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 65

Achterman,	2.	Maxwell,	Rooney.
Auker,	3.	McDermott,	Royer,
Balthaser,	4.	McFall,	Rush,
Bentzel,	Gallagher,	McGrath,	Schwab,
Boles,	Cates,	McLane,	Shaffer,
Boney,	Gerard,	Mihm,	Snyder.
Boorse,	Greenwood,	Mooney,	Stockham
Breth,	Gryskewicz,	Moran,	Tarr,
Brown,	Hoberien,	Moul,	Vogt,
Brunner, C. H.,	Haines,	Nunemacher	Voidow,
Erunner, P. A.,	Hamilton,	O'Brien,	Weiss,
Burns,	Hering,	O'Connor,	Wilkinson,
Chervenak,	Hirsch,	O'Neill,	Winner,
Cludoff,	Jones, P. N.,	Owens,	Wolf,
Cohen, R. E.,	Keenan,	Pettit,	Wood, L. H.,

Cordier, Corrigan, Cullen, Dolon, Early, Eckels, Elliott,	Kline, Lesko, Lichtenwalter, Longo, Lovett, Malloy, Marks,	Polaski, Powers, Prosen, Rausch, Readinger, Regan, Reynolds,	Wood, N., Woodring, Yeakel, Yester, Kilroy, Speaker.
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Allmond, Baugher, Bower, Bradley, Cadwalader, Cooper, Dalrymple, Dennison, DiGenova, Dix, Elder, Ely, Fiss, Fleming, Fletcher, Flynn, Foot, Gillan, Gillette, Goodwin, Gross,	Gyger, Habbyshaw, Hall, Hare, Harkins, Harmuth, Harris, Heatherington, Helm, Hewitt, Holland, Huntley, Imbrie, James, Jefferson, Jones, G. E., Kolankiewicz, Krise, Lee, E. A., Lee, T. H., Leisey,	Levy, McClanaghan, McClester, McDowell, McIntosh, McKinney, McLanahan, McMillen, McSurdy, Melchiorre, Monks, Mulr, O'Dare, Petrosky, Polen, Rank, Reagan, Reese, D. P., Reese, R. E., Rhea, Riley,	Rose, S., Rose, W. E., Sarge, Serrill, Sorg, Stambaugh, Stank, Tate, Thompson, E. F., Thompson, R. L., Trout, Turner, VanAllsburg, Vincent, Wagner, Watkins, Weingartner, Welsh, M. J., Williams, Woodside, Wright,
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Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

PERMISSION TO ADDRESS HOUSE

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

Mr. Speaker, on behalf of our Speaker and the Philadelphia delegation, I want to take this opportunity to thank those Members of the House and Senate who so graciously traveled to Philadelphia last Thursday, April seventeenth, to join us in our testimonial to our beloved Speaker, Elmer Kilroy, a gentleman's gentleman from Philadelphia.

The SPEAKER. The Chair also appreciates very much the Members having attended this banquet.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. WEISS asked and obtained permission for the Committee on Municipal Corporations to meet during the session of the House.

REPORT ON ORGANIZATION AND ADMINISTRATION OF JOINT STATE GOVERNMENT COMMISSION

Mr. TURNER. Mr. Speaker, I would rather that someone else than I make this report, because I believe there is a man who as a Member of this House to whom much credit is due for the fact that we are now about to present the report. That man has labored hard from the summer of 1939 when the Joint State Government Commission was organized and until this report was sent to the printers. I refer to the gentleman from Dauphin, Mr. Habbyshaw, who was chairman of the subcommittee of the Joint State Government Commission, on departmental organization.

This afternoon there was in this House a former Member, the Honorable Philip Sterling of Philadelphia, under whose guidance was written the Sterling Committee Report, and it has been in use for a great many years and

was perhaps the first hand book on the state government of Pennsylvania to be published and to be given to the public. So valuable have the reports become that they tell me it is hardly possible to buy one. They are selling now at five dollars apiece. The Sterling Committee report was a fine piece of work and it has been useful not only to the officials of the state government for a number of years but also to students of state government in Pennsylvania and has been constantly in demand.

The Joint State Government Commission thought there should be some text book or manual that would be available to the Members of the House and to the officials of the state government in order that they might readily find the duties, functions and powers that make up the organization of the different departments, boards and commissions of the state government.

This report, as I said, was prepared under the direction of the gentleman from Dauphin, Mr. Habbyshaw, but he is too modest to appear upon the floor, and has forced upon me the duty of presenting the report.

The report together with the recommendations are here. I am not going to attempt to read a statement which we have prepared with reference to the report. The statement has been given to the Press. The report will speak for itself.

It has been done by the offset method rather than putting it in final printing, because we felt that during this session there might be changes in some of the functions of the various departments and that should be left until the session has been completed when changes could be made.

During this session there certainly should be some provision for the printing of this report and the binding of it in a proper volume so that it may be in form for distribution, so that every Member of the Legislature may have it upon his desk and in the future Members may be able to secure copies of it.

In a separate cover you will find the recommendations of the Commission. They are quite extensive. They refer to many things that have been recommended not only by the departments, but have been gleaned by the members of the sub-committee of the Commission during the many, many hearings that were held and from reports that were delivered to the Commission.

In passing, I do not think that I ought to omit to say that the work in preparing this report was under the direction of Mr. Wasserman, executive director of the Joint-State Government Commission. The report would not have been possible had it not been for the help of a great many people on the outside.

The Pennsylvania State Economy League loaned out some of their staff in the latter part of 1940 and the early part of this year, and in the preparation of this volume some of the young men came in and helped out as volunteer employes, spent many hours and many Sundays in the office of the Joint-State Government Commission in order that we might have this work.

We hoped to be able to put it on the desks of the Members when the session convened. That was not found possible because of the difficulty encountered by many of the Departments in having the volume compiled. It had to be sent back to the Departments so that they could review it. It had to come back to be checked and that took a longer time than we anticipated. The copy was

sent to the printers over a month ago and it has taken considerable time to get it from the printer and have it available for you.

There are copies now available for each Member of the House, and I ask, Mr. Speaker, that at a convenient time the Page boys distribute these volumes to the Members. Remember that they are scarce and the reports are voluminous. The Members should guard them very carefully. The Page boys should distribute these volumes only to those Members whose names appear upon the volumes, and if the Member is not at his desk I would suggest that it be taken back to the Joint-State Government Commission office.

The SPEAKER. The gentleman from Delaware submits to the General Assembly a report and also a supplement to the report from the Joint-State Government Commission on the organization and administration of Pennsylvania State Government. The reports will be noted in the Journal of the House. Copies of the reports will be distributed to the Members at this time. The Page boys are instructed to distribute them to the Members.

The Chair would inquire of the gentleman from Delaware whether in his opinion the report should be printed in the Appendix to the Legislative Journal.

Mr. TURNER. Mr. Speaker, I think that is a rather difficult question to answer off-hand. It seems to me we might discuss that in the Joint-State Government Commission and consult with you and the Rules Committee as to what is the best disposition to make of it. It certainly ought to be in the Journal or in the appendix to the Journal if possible, but at the same time I realize the report is voluminous and there will be attached a considerable cost to printing it in the Appendix. Off-hand I would say I should like to see it printed in the Appendix, but we might pass that for discussion among ourselves at some later time.

The SPEAKER. For the moment the Chair will not direct the report to be printed in the Appendix to the Legislative Journal, pending further investigation.

Mr. TURNER. Mr. Speaker, I should have said in my opening remarks that I am presenting this report through the courtesy of the present Chairman of the Joint State Government Commission and the Director, who very courteously asked me to submit it to the House. It was a real work and was prepared during the time I was Chairman, but the Commission has changed and I appreciate the courtesy extended.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 885, as follows:

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

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

Section 1. 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 re-

vising consolidating and changing the law relating thereto" as last amended by the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (P. L. 906) is hereby further amended to read as follows

Section 530 Township Commissioners When a vacancy occurs in the office of township commissioners in any township by reason of death resignation removal from the township or ward or otherwise the court of quarter sessions upon the petition of twenty qualified voters of the ward or township as the case may be in which the vacancy occurs may appoint a qualified voter of the township to fill such vacancy If such petition is not presented to the court within thirty days after such vacancy occurs the board of township commissioners of the township may board of township commissioners of such township shall fill such vacancy by appointing by resolution a qualified voter of the ward or township as the case may be in which the vacancy occurs If the board of township commissioners of any township shall refuse fail or neglect or be unable for any reason whatsoever to fill such vacancy within thirty (30) days after the vacancy occurs then the court of quarter sessions shall upon the petition of twenty (20) qualified voters of the ward or township as the case may be in which the vacancy occurs appoint a qualified voter of the township to fill the vacancy In either event the person so appointed shall hold office until the first Monday of January succeeding the next municipal election occurring at least sixty days after the happening of such vacancy at which election a township commissioner shall be elected for the unexpired term of the person whose place he is elected to fill

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 203

Achterman,	Flynn,	Malloy,	Rosenfeld,
Allmond,	Foor,	Marks,	Royer,
Auker,	French,	Maxwell,	Rush,
Baker,	Gallagher,	McClanaghan,	Sarge,
Balthaser,	Gates,	McClester,	Sarraf,
Baughner,	Gerard,	McDermott,	Scanlon,
Bentley,	Gillan,	McDowell,	Schwab,
Bentzel,	Gillette,	McFall,	Serrill,
Boles,	Goodwin,	McGrath,	Shaffer,
Boney,	Greenwood,	McIntosh,	Shaw,
Boorse,	Gross,	McKinney,	Siepard,
Bower,	Gryskewicz,	McLanahan,	Simons,
Bradley,	Cyger,	McLane,	Skale,
Breth,	Habbyshaw,	McMillen,	Snyder,
Bretherick,	Haberlen,	McSurdy,	Sollenberger,
Brown,	Haines,	Melchiorre,	Sorg,
Frunner, C. H.,	Hall,	Mihm,	Stambaugh,
Funner, P. A.,	Hamilton,	Modell,	Stank,
Burns,	Hare,	Monks,	Stine,
Burris,	Harkins,	Mooney,	Stockham,
Cadwalader,	Harmuth,	Moran,	Tarr,
Chervenak,	Harris,	Moul,	Tate,
Chudoff,	Heatherington,	Muir,	Thompson, E. F.,
Cochran,	Helm,	Munley,	Thompson, R. L.
Cohen, M. M.,	Hering,	Nagel,	Trout,
Cohen, R. E.,	Herman,	Nunemacher,	Turner,
Cook,	Hewitt,	O'Brien,	VanAllsburg,
Cooper,	Hirsch,	O'Connor,	Vincent,
Cordier,	Holland,	O'Dare,	Vogt,
Corrigan,	Huntley,	O'Mullen,	Voldow,
Croop,	Imbrie,	O'Neill,	Voorhees,
Cullen,	James,	Owens,	Wagner,
Dalrymple,	Jefferson,	Petrosky,	Watkins,
Dennison,	Jones, G. E.,	Pettit,	Weingartner,
DiGenova,	Jones, P. N.,	Pezacki,	Weiss,
Dix,	Keenan,	Polen,	Weish, E. E.,
Dolon,	Kline,	Powers,	Weish, M. J.,
D'Ortona,	Knoble,	Prosen,	Wilkinson,
Duffy,	Kolankiewicz,	Rank,	Williams,
Early,	Komorofski,	Rausch,	Winner,
		Readinger,	

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

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. 1157, as follows:

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

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

Section 1 That whenever any Board of Township Supervisors of any township of the Second Class shall have heretofore hired any work to be done purchased any materials or made any contracts for the township the hiring purchasing or making of which is authorized under the provisions of the Second Class Township Laws of the Commonwealth and such Township has received in maintenance and improvement of its highways a reasonable quid pro quo for such hiring purchasing or contracting and no fraud or dishonesty on the part of the said Township Supervisors has been shown then such hiring purchasing and contracting shall be valid and binding on the township and payment for such hiring purchasing and contracting by the township is hereby authorized ratified confirmed and validated notwithstanding the fact that such contract was legally null and void by reason of the fact that moneys were expended on contracts let for the repair and maintenance of the highways in excess of the sums budgeted and appropriated for such purposes or that money was paid out of the township treasury upon appropriation not made according to law or that no appropriation was made in the budget for such hiring purchasing or contracting or that disbursements were made without previous appropriation according to law and for payment of obligations legislatively declared to be beyond the power of the supervisors to incur or by reason of any other defect in compliance with or for failure or omission to comply with the township laws of this Commonwealth regulating the hiring of any work to be done the purchasing of any materials or the making of any contracts No Board of Township Supervisors nor any member thereof shall be subject to surcharge for payments made by any Board of Township Supervisors on any such contract even though judgment may have already been entered against any such township supervisors on any such contract even though judgment may have already been entered against any such township supervisor or supervisors

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. REAGAN. Mr. Speaker, there is something about this bill that is hard to understand. In the first page it speaks of purchases and so forth, contracts, which are authorized under the provisions of the second class townships laws of the Commonwealth.

Later it goes on to say that this purchasing and contracting is alright or is validated, notwithstanding that the fact that such contract was legally null and void by reason of the fact that moneys were expended on the contracts in excess of the sum in the budget. Further on that appropriations not made according to law, or disbursements that were made without previous appropriations according to law or obligations legislatively declared to be beyond the power of supervisors, in other words, they can do things according to the first page which are legal and on the second page they can do things which are illegal.

Of course, in the body of the bill, it says provided they have received quid pro quo—evidently Mr. Sarge or Mr. Cohen could explain that. It surely opens up a wonderful situation made to order for enterprising salesmen. They can talk these supervisors into buying something, whether it is legal or not, and be sure of getting their pay. Then at the finish, these township supervisors are exonerated from any surcharges which may be made against them. I wonder who is holding the bag in this case,—no legal responsibility anywhere. I think we should vote against this bill.

Mr. LONGO. Mr. Speaker, I fell that the speaker who spoke in opposition to this bill is not entirely familiar with the surrounding circumstances.

The provision that is provided for in this act is merely to validate certain contracts made by township supervisors in the performance of their duties. These contracts were made not according to the technical provisions of the law. We have a precedent in the House, in the Chester School District Case, where the school district was surcharged with a considerable sum of money because their vouchers were not signed according to the act. This House passed a bill at that time rectifying the condition and the surcharge which amounted to over \$240,000, I believe, was corrected, so that the error could be changed to mean that the vouchers were properly signed.

In this particular case the gentleman has asked a question, who would be holding the bag? There is no doubt in the instant case which this is meant to correct, that the supervisors in this district have made a mistake technically in having these contracts provide a road for the township. They spent slightly more than the budget accounted for. The auditor surcharged the supervisors for that amount, being eleven thousand and some odd dollars, but every penny of that money that was used by the supervisors of that township was used on the highways of that township. There isn't any question here as to the integrity of the supervisors nor dishonesty in disbursing the funds in accordance with their best judgment, for the best interests of the township, and I believe it would leave a considerable loophole in all townships if these laws were permitted to remain as strict as they are, in providing that any township supervisor who does not hold to the appropriation set forth in the budget, should be subject to surcharge. We all know the supervisor's salary is very, very slight, especially in certain townships, and if the supervisors were to be subject to surcharges of this kind,

it would be physically impossible for any man of any consequence or responsibility in the community to run for office, for fear that he would have to stand for a surcharge.

I certainly ask the members of this House to go along in voting to pass this bill.

Mr. JAMES. Mr. Speaker, I believe it would be just as well if we got down to honest facts and the true purpose of this bill. This bill is plainly designed to throw a legislative mantle of mercy over a group of county supervisors who are in serious trouble because of their behaviour in office as public servants. I suppose it very rarely happens that the Members of this House have the opportunity to collectively display that rarest of all human qualities, mercy. I intend to vote for this bill. I intend to vote for it with a full understanding of the frank meaning of the bill. At least a few of us have received a communication which clearly sets forth the entire reason for this bill. The communication says in part:

"This bill is necessitated by a decision of the Supreme Court of Pennsylvania holding a board of supervisors in Northampton county personally responsible for money lawfully expended in the construction of a township road."

The mistake in that sentence, gentlemen, is the word "lawfully," because when township supervisors spend the money of their taxpayers and neighbors over and above and beyond the strict provisions of the law, they have not spent that money lawfully.

This communication goes further and it says:

"The Board of Supervisors made a technical violation of the law with no dishonest intent."

I am perfectly willing to believe that there was no dishonest intent, insofar as their having spent the money for goods of value or for services that were fully worth the amount of money spent. But it is just as dishonest for such supervisors to spend the money of the taxpayers over and beyond the provisions of the strict provisions of the law, as it is to spend that same money for goods that are worth far less than the money spent.

I say again that I am going to vote for this bill but I do not think this House should vote for it in a perfunctory manner. I think something should be written into the record with respect to this vote in nature of a rebuke to those supervisors who have misbehaved in office, and as a warning to other supervisors who at the present time are stepping mighty, mighty close to the very edge of the law.

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—199

- Achterman, Fletcher, Longo, Riley, Allmond, Flynn, Lovett, Rooney, Auker, Foor, Lyons, Rose, S., Baker, French, Malloy, Rose, W. E., Balthaser, Gallagher, Marks, Rosenfeld, Baugher, Gates, Maxwell, Royer, Bentley, Gerard, McClanaghan, Sarge, Bentzel, Gillan, McClester, Sarraf, Boies, Gillette, McDermott, Scanlon, Boney, Goodwin, McDowell, Schwab, Boorse, Greenwood, McFall, Serrill, Bower, Gross, McGrath, Shaffer, Bradley, Gryskewicz, McIntosh, Shaw, Breth, Cyger, McKinney, Shepard, Bretherick, Habbysaw, McLanahan, Simons, Brown, Haberen, McLane, Skale,

- Brunner C. H., Haines, McMillen, Snyder, Brunner, P. A., Hall, McSurdy, Sollenberger, Burns, Hamilton, Melchiorre, Sorg, Burris, Hare, Mhm, Stambaugh, Cadwalader, Harkins, Modell, Stank, Chervenak, Harmuth, Monks, Stine, Chudoff, Harris, Mooney, Stockham, Cochran, Heatherington, Moran, Tarr, Cohen, M. M., Helm, Mcul, Tate, Cohen, R. E., Hering, Muir, Thompson, E. F., Cook, Herman, Munley, Thompson, R. L., Cooper, Hewitt, Nagel, Turner, Cordier, Hirsch, Nunemacher, VanAllsburg, Corrigan, Holland, O'Brien, Vincent, Croop, Huntley, O'Connor, Vogt, Cullen, Imbrie, O'Dare, Voldow, Dalrymple, James, O'Mullen, Voorhees, Dennison, Jefferson, O'Neill, Wagner, DiGenova, Jones, G. E., Owens, Watkins, Dolon, Jones, P. N., Petrosky, Weingartner, D'Ortona, Keenan, Pettit, Weiss, Duffy, Kline, Polaski, Welsh, E. E., Early, Knoble, Polen, Welsh, M. J., Eckels, Kolankiewicz, Powers, Wilkinson, Elder, Komorofski, Prosen, Williams, Elliott, Krise, Rank, Winner, Ely, Lee, E. A., Rausch, Wolf, Falkenstein, Lee, T. H., Readinger, Wood, L. H., Finestone, Irlacy, Reese, D. P., Woodring, Finnerty, Lesko, Reese, R. E., Wright, Fisher, Levy, Regan, Yeakel, Fiss, Leydic, Reynolds, Yester, Fleming, Lichtenwalter, Rhea, Young, Kilroy, Speaker.

NAYS—5

- Dix, Rush, Trout, Wood, N., Reagan,

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 NOT VOTING

Mr. WOODSIDE filed the following reasons for not voting:

I have not voted on H. R. 1157, Printer's No. 293. The bill although general in character is likely to be of particular benefit to certain township supervisors whom I have recently represented in a matter to which this bill relates. Although I will not benefit in any way from the passage of this bill, and although I am satisfied that this is not such a case as contemplated by the constitutional provisions relating to personal interest of legislators, I nevertheless feel it would be better practice for me not to vote on this bill.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 658, as follows:

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

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

Section 1 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" is hereby amended by adding thereto after section nine a new section to read as follows

Section 9.1 When any real estate having a mortgage judgment or other charges against it possessing priority over taxes is sold at such treasurer's sale in cities of the second class the purchaser of said real estate including the city if it becomes the purchaser may at any time present a petition to the court of common pleas of the county wherein such property is situate setting forth the necessary facts and circumstances relative to the sale and purchase of said property the names and last known addresses where known of the legal holder or holders of such mortgage judgment or other charge against the same the amount thereof and the place where recorded Thereupon a rule shall be granted upon the legal holder or holders of such mortgage judgment or charge against said real estate to show cause why a decree should not be made that the said real estate be discharged from the lien or charge of such mortgage judgment or other charge unless the said real estate beredeemed in accordance with the provisions of this act The rule shall be made returnable within sixty (60) days from final service thereof on all parties in interest and in case no answer be filed or the said real estate is not redeemed as provided for in this act the said rule shall be made absolute by the court as of anytime after the period for redemption expires and if no appeal be taken from said rule absolute within three months the court shall enter a final decree discharging the said real estate from the lien or charge of any such mortgage judgment or other charge against the same and cited in the petition except taxes due other municipal sub-divisions and upon the production of a certified copy of said decree the recorder of deeds or any other person having the custody of the records wherein such mortgage judgment or other charge is recorded shall note thereon the effect of such decree and charge the usual satisfaction fee therefor The effect of such decree so entered shall forever thereafter discharge the said real estate from the lien or charge of any such mortgage judgment or other charge regardless of any priority exception or exemption heretofore given the same by law In case an answer be filed to said petition before the return day or appearance entered the matter shall be proceeded with as the court shall direct to final decree or refusal thereof and either petitioner or respondent shall have the right to appeal from the discharge or making absolute of said rule and the court in its discretion may extend the period for redemption pending the termination of any proceedings before it The said rule shall be served and returned by writs of summons are served and returned except that any interested party or his attorney may accept personal service thereof In case the whereabouts of interested parties is unknown to the sheriff after inquiry or they reside without the Commonwealth the sheriff shall post the property with a copy of said rule and advertise a brief notice thereof once in two daily newspapers of general circulation in the county where said real estate is situate In case at any time during the redemption period the said property is redeemed all proceedings on said petition shall be determined and the record shall be marked discontinued by petitioner If said petition is presented to the court after the period for redemption has expired the respondent or any party in interest shall have the right to redeem the property at any time during the course of the proceedings

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

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

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

On the question,

Shall the bill pass finally?

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

YEAS—203

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

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 975, as follows:

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 employer 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

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

Section 1 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" is hereby amended to read as follows

Section 2 (a) The Salary Board shall meet annually prior to the adoption of the annual budget at the call of the chairman of the board of county commissioners to fix the number and compensation of all employes whose salary is by law to be determined by the salary board Each county officer president or executive head of any separate board or division is hereby required to attend said annual meeting and to sit as a member of said board and shall be entitled to vote so long as any matter affecting his office is under consideration and no longer Nothing contained herein shall however be construed to prevent the salary board from functioning at said annual meeting in the absence of any county officer president or executive head on matters affecting his office provided due notice of the annual meeting has been given fifteen days in advance thereof by the chairman of the board of county commissioners In all cases decisions of the salary board shall be made by a majority of those present A full minute of all meetings of said board shall be entered in a book kept for that purpose

(b) The said board shall also meet from time to time [when required by] at the call of any county officer president or other executive head of any separate board or division whatsoever [the number or compensation of whose employes is sought to be fixed and determined and shall forthwith consider and fix and determine the same in manner as they may deem best for the public service and such county officer president or executive head shall sit as a member of said board and be entitled to vote so long as the matter affecting his office is under consideration and no longer and a decision of the majority shall govern] to consider the number or compensation of the employes of his office In the case of such special meetings of the Board a decision of a majority shall govern and minutes shall be kept as provided above [A full minute of all meetings of said board shall be entered in a book kept for that purpose]

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—203

- | | | | |
|-------------|----------------|-------------|-----------------|
| Achterman. | Flynn. | Malloy. | Rosenfeld. |
| Allmond. | Foor. | Marks. | Royer. |
| Auker. | Frunch. | Maxwell. | Rush. |
| Baker. | Gallagher. | McClanaghan | Sarge. |
| Balthaser. | Gates. | McClester | Sarrafi. |
| Brugher. | Gerard. | McDermott. | Scanlon. |
| Bentley. | Gillan. | McDowell. | Schwab. |
| Bentzel. | Gillette. | McFall. | Serrill. |
| Boles. | Goodwin. | McGrath. | Shaffer. |
| Boney. | Greenwood. | McIntosh. | Shaw. |
| Boorse. | Gross. | McKinney. | Shepard. |
| Bower. | Gryskewicz. | McLanahan. | Simons. |
| Bradley. | Gyger. | McLane. | Skale. |
| Breth. | Habyschaw | McMillen. | Snyder. |
| Bretherick. | Haberlen. | McSurdy. | Soltenberger. |
| Brown. | Haines. | Melchiorre. | Sorg. |
| Brunner C H | Hali. | Mihm. | Stambaugh. |
| Brunner P A | Hamilton | Modell. | Stank. |
| Burns. | Hare. | Monks. | Stine. |
| Burriss. | Harkins. | Mooney. | Stockham. |
| Cadwalader. | Harmuth. | Moran. | Tarr. |
| Chervenak. | Harris. | Moul. | Tate. |
| | Heatherington. | Muir. | Thompson, E. F. |

- | | | | |
|--------------|----------------|-------------|-----------------|
| Chudoff. | Helm. | Munley. | Thompson, R. L. |
| Cochran. | Hering. | Nagel. | Trout. |
| Cohen M M. | Eerman. | Nunemacher. | Turner. |
| Cohen R E. | Hewitt. | O'Brien. | Van Allsburg. |
| Cook. | Hirsch. | O'Connor. | Vincent. |
| Cooper. | Holland. | O'Dare. | Vogt. |
| Cordier. | Huntley. | O'Mullen. | Voldow. |
| Corrigan. | Imbrie. | O'Neill. | Voorhees. |
| Croop. | James. | Owens. | Wagner. |
| Cullen. | Jefferson. | Petrosky. | Watkins. |
| Dairymple. | Jones G E. | Pettit. | Weingartner. |
| Dennison. | Jones P N. | Polaski. | Weiss. |
| DiGenova. | Keenan. | Polen. | Weish E B. |
| Dix. | Kline. | Powers. | Welsh M J. |
| Dolon. | Knoble. | Prosen. | Wilkinson. |
| D'Ortona. | Kolankiewicz. | Rank. | Williams. |
| Duffy. | Komorofski. | Rausch. | Winner. |
| Early. | Krise. | Readliger. | Wolf. |
| Eckels. | Lee E A. | Reagan. | Wood L H. |
| Elder. | Lee T H. | Reese D P. | Wood N. |
| Elliott. | Lelsey. | Reese R E. | Woodring. |
| Ely. | Lesko. | Regan. | Woodside. |
| Falkenstein. | Levy. | Reynolds. | Wright. |
| Finestone. | Leydic. | Rhea. | Yeakel. |
| Finnerty. | Lichtenwarter. | Elley. | Yester. |
| Fisher. | Longo. | Rooney. | Young. |
| Fiss. | Lovett. | Rose B. | Kilroy. |
| Fleming. | Lyons. | Rose W E. | Speaker. |
| Fletcher. | | | |

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. 1176, as follows:

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 road 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 method of payment to townships

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

Section 1 The sum of ten million dollars (\$10,000,000) is hereby appropriated to the Department of Highways for the two calendar years beginning January first one thousand nine hundred forty-two out of the Motor License Fund for allocation to and expenditures in the townships of the second class of the Commonwealth in the amounts upon the terms in the manner and for the purpose hereinafter set forth in this act

Section 2 The moneys hereby appropriated shall be allocated and apportioned among the second class townships of this Commonwealth in the ratio which the mileage of township roads in each township of the second class bears to the total mileage of township roads in all of the townships of the second class in the Commonwealth as of January first one thousand nine hundred forty-two

The funds so apportioned shall be expended by the township supervisors of each township and shall be used for the maintenance construction reconstruction resurfacing and improvement of township roads and the maintenance construction and reconstruction of township bridges in townships of the second class excepting that is townships which do not have sufficient funds from other sources for the maintenance and repair of all the roads and bridges under their jurisdiction the allocation to such townships shall be used in whole or in part for such maintenance and repair purposes

Section 3 Nothing in this act shall be construed to relieve any of the second class townships from any obligation they may have incurred under any contract or agreement entered into prior to January first one thousand nine hundred forty-two for the construction or repair of any highway or structure now under their jurisdiction

Section 4 The supervisors of each township shall appoint a foreman who may be a member of the board of supervisors to supervise the work to be done under the provisions of this act and may appoint one or more additional foremen if they shall deem it necessary so to do. Said supervisors shall also employ any laborers required for said work and fix their wages

Nothing herein contained shall be construed to prevent work under the act being done by contract let by the township supervisors

Section 5 No payment shall be made from moneys allocated under this act to the townships of the second class except on warrants drawn by the Auditor General upon the State Treasurer as provided by the act of Assembly to the treasurer of the board of supervisors on vouchers approved by the Secretary of Highways and such payment if approved by the Secretary of Highways shall be made in four equal installments payable the first day of March the first day of June the first day of September and the first day of December of each year

There shall be submitted to the Department of Highways by the board of township supervisors a report on the last days of May and November of each year showing the cost of the work done under the provisions of this act in such detail as may be required by the Department of Highways. In case any records or reports required by law are not made in the manner or at the time required no further funds shall be approved for payment by the Secretary of Highways to such township until such reports have been made and approved

Nothing in this act shall be construed to permit the funds appropriated by the act to be paid for other than labor rental of equipment payrolls material purchases including repair parts for equipment small tools road drags and snow fence on road and bridge work performed by the townships under the provisions of this act

Nothing herein contained shall be construed to prevent the use of any of the funds allocated under this act for Federal projects sponsored by the townships or for county-aid work relating to the improvement of roads and bridges

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. FISS. Mr. Speaker, seldom in one's life as a Member of the House of Representatives of Pennsylvania, is there an occurrence such as this. I do not rise to oppose this measure I arise to support it. However, I do want the Members of this House to know that on February 3rd this identical bill was introduced into this House. I do not even have to mention the names of the men who sponsored Bill 154, introduced in February. I know that you know this bill; it is known all over the state of Pennsylvania. It is in practice now. You are working under this bill at the present time. Just why there would have to be other sponsors seems a mystery. I do not think I would do that. However, if someone else does I think it is a great compliment to pick out a good bill, a good piece of legislation, and present it to this House. I want to thank the men who did this because they are paying the gentleman from Bradford and the gentleman from Northampton, as well as myself, a high compliment. They certainly have picked out a very worthy piece of legislation. If they had any

desire in mind to fool the people of Pennsylvania, I don't know what it might have been.

The bill as it was originally introduced was word for word the same as this bill. It was amended in Committee—a few little amendments, one being ten million dollars instead of eight million five hundred thousand dollars, which could be very easily have been done without any objection on the part of the sponsors. I want to now thank them for taking this bill and introducing it because we certainly want it to pass. It means much to the people of the Commonwealth of Pennsylvania. You have heard plenty about home rule, and this is a perfect, one hundred percent home rule measure. It gives five thousand elected representatives of the people of Pennsylvania a share in their government. It gives them some responsibility as well as an excellent opportunity to serve everyone in their districts. Again it gives about 30,000 men, not full time but at different times work throughout the state of Pennsylvania. Since we have been working for a little over a year under this measure it certainly has proven workable, it has proven satisfactory, I would say to ninety-five percent of the 1512 townships in the state of Pennsylvania.

I want to again say to the sponsors of this bill that I thank them, whoever it was who took the bill. Whether it was because we were just nasty Republicans that they could not bear, I do not know, but something really was the cause of it. Let me repeat, I only want to thank you for taking up a good measure which we certainly want every Member of this House to support.

Mr. ACHTERMAN. Mr. Speaker, now that the gentleman has spoken relative to the measure he introduced, House Bill 154, sometime when he has the opportunity I would suggest that he take House Bill 154 and compare it with House Bill 1176, and then if he is inclined so to do I would suggest that he compare the two as to their effectiveness. He will discover House Bill 154 was very very remote from home rule. He will find that House Bill 1176 does give what he says is home rule. That is the difference in the two bills, plus one other argument, and that is the amount of the appropriation, ten million dollars against his eight million five hundred thousand dollars, only two very small differences, Mr. Speaker, but according to the viewpoint of the supervisors, there is all the difference in the world between the two bills.

May I say for the benefit of the gentleman who spoke that our party declared this as our policy in January prior to the introduction of his bill which was not a home rule bill.

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 find out from the gentleman why the Democratic policy has been changed from what it was in 1935 and 1937 to what it is in 1941.

Mr. ACHTERMAN. Mr. Speaker, it is very simple to answer that. The two years of operation the supervisors have had under the Republican administration have amply justified the change. They, the supervisors, have had an opportunity to see how autocrats rule, and they were desirous of getting away from it.

Mr. WOODSIDE. Mr. Speaker, my recollection is that in 1935 and 1937, the Democrats made certain that all the

money that was spent out of the moneys appropriated to the township supervisors would be under the regulation and the control of Democratic politicians. That was not the law in the 1939 Session or the practice.

Mr. FISS. Mr. Speaker, I have been wondering just why this bill was taken and introduced, but now I have found out. I am glad that the gentleman from Monroe has enlightened us on the subject, but allow me to say this: there is a record on every board of Supervisors in the state of Pennsylvania to the effect that they have up to ninety-five percent profited and agreed to this measure known as the Fiss-Gillette bill, up until today, because we are working under this measure at the present time. It could well be made by a little stroke of the pen 1776 as well as 1176 because the people of Pennsylvania and in every district prior to that have certainly been ground under the heel of the oppressor.

Allow me to give you an example. Under the former act, which was unworkable, one county might receive as much as six hundred dollars a mile for their roads, another county might receive thirty dollars a mile. These things are a matter of record. You know it is a highly technical art that teaches one to remember, but I certainly do not know of any that teaches a man to forget. If these little flimsy excuses that they make will assuage their guilty conscience, or possibly remorseful feeling, then I might say we have the answers to the excuses. But let us hope that these things will end some time or other and we give credit where credit is due, because the people of Pennsylvania will never recognize this bill as coming from this Legislature. It is a copied bill that came from the Fiss-Gillette bill in 1939, but no matter who would be the sponsor of this measure, I say to you to vote for it as I am going to do.

Mr. TROUT. Mr. Speaker, one thing has been strange to me and that is that this proposed legislation and practically all legislation that comes before the House is tinged with politics or efforts are made to tinge it politically. I do not say that legislation of this kind is political. It seems to me we are all interested in the development of our home townships and our home communities, and whether the bill is sponsored by Democrat or sponsored by a Republican, does not make any difference to me so far as the results back home are concerned. I think I belong to a group of rural legislators. I have not been initiated into the inner circle of the group that are publishing the "Rural Legislator," but I still feel that there are some things that I have in common with them.

The point I would like to make, Members of the House, and the thinks I would like to call to your attention, are to oppose this bill because I voted for it in 1939 and I will vote for it in 1941, and as far as our township and our district is concerned it has been entirely satisfactory. It has worked out very well so far as the improvement of our highways is concerned and the handling of the money.

I would like to give you for the record a few figures that might be of interest and which I think we should carefully consider after we have voted on this bill and before we go much further in legislation concerning highways.

Members of the House the receipts for the fiscal year 1940 from the State gasoline tax of two and one-half cents was \$35,630,000 plus; the receipts from the motor license fees was \$37,319,000 plus, or a total income for 1940 of \$72,950,000 plus. The appropriation for the biennium

of 1939-1941 to the Treasury Department sinking fund, employes retirement and so forth, was \$12,176,000; Property and Supplies Highway purchasing was \$63,500; World's Fair Commission, \$312,500; refunding charges, Treasury Department, \$145,000; State Motor Police, and this is rather interesting, salaries and expenses, \$8,070,000; Department of Revenue collecting fees, fines, taxes, was \$4,705,000; Department of Commerce, advertising was \$4,000, or a total for the biennium of \$25,872,015, and the year of 1940, taken out of that was \$12,936,000 plus. The expenditures for 1940 were: administration, \$6,178,000 plus; maintenance, \$16,296,000; special work, \$554,000 plus; purchase tools, land and equipment, \$1,737,000 plus; allocation to Townships, which is in this bill that we are now considering, \$5,543,000 plus or a total of maintenance or operating charges of \$30,310,000 plus making a total appropriation of operating charges in the sum of \$43,246,000 plus.

Now, gentlemen, that left a balance in 1940 of \$29,703,895 for construction and maintenance of construction applicable to over 40,000 miles of highway now in charge of the highway department. Let us look at the proposals for allocation that are now being considered. In the Governor's message he recommended that there be expended \$50,000,000 for approaches to Philadelphia, at the rate of \$10,000,000 a year. House Bill 1315 provides for that now. The Pittsburgh allocation was \$5,000,000 a year. The bridges over rivers was \$2,000,000. House Bill 1176, the bill that we are going to vote on now, provides for \$5,000,000 per year, and the proposals for cities and boroughs provides for \$7,500,000, which makes a total of proposed allocations out of the motor fund of \$29,500,000. If all of those appropriations and proposed allocations are made, we will have a total of \$29,500,000. The records of 1940 showed that there was a reconstruction amounting to \$29,703,895, and if the proposed legislation is enacted there will be remaining in the motor fund in the Highway Department for construction and reconstruction the sum \$203,895. Now, I just want to say to you, Members of the House, that it seems to me that good legislation will require that there be careful consideration given to all these allocations, and of the amounts appropriated for special groups and special contracts and the House cannot and should not deprive the Highway Department of all but a quarter of a million dollars and then come back in 1943 and criticize the Highway Department for their failure to carry out a progressive program.

This afternoon we have had presented here a report from the Joint-State Government Commission. As I recall, I saw a partial report of a special committee that was investigating the highway program and highway financing, and if I remember rightly, there were two provisions, one which is being voted on today, which appropriated \$8,500,000 to second class townships, and the other \$15,000,000 to cities and boroughs. The third recommendation was that 15,000 miles out of the 40,000 be returned to the townships of the Commonwealth, and that that portion be taken care of by the township supervisors, and the Highway Department by legislation make an allocation of a certain number of dollars, I think it ran from seventy dollars a mile for a certain class of highway up to one hundred and seventy dollars a mile for a better class of highway, that money to be appropriated to the townships to take care of those 15,000 miles of highway, and classification be made from surveys that have been made by the Good Roads

Commission. To me, gentlemen of the House, that is a proper method of procedure, and that is what this House should work out. That would leave approximately twenty five thousand miles of highway under the jurisdiction of the Highway Department. I want to say to you now and I want to warn you that if we continue to allocate and if we carry out this proposed program, the Highway Department of this Commonwealth and the highways of the Commonwealth are going to go to rack, and you all know that. Why cannot we lay aside just a little bit of politics. There is enough here for any of us to go out in the campaign of 1942 and claim that we did this and you fellows claim that you did that. You know what was done anyhow, and a great many of our people back home won't forget what you did. Some of the Democratic orators and one or two Republican spokesmen might be able to go back home and convince them of the fact that it was their party who did it.

I plead with you, members of the House, before we go further in the allocation of money, and before we say to the Highway Department you have got to spend ten million dollars, you have got to spend five million, and the greater portion of that to be used to pay for property damage, I say to you it is time we Legislators should consider this problem more carefully. Whenever the Highway Department starts to pay property damage then you can see the end of your highway system.

Mr. ACHTERMAN. Mr. Speaker, Mr. Fiss made some reference to a slight stroke of the pen, 1176 might be considered as 1776. The year 1776 of course, brings to our memory the freedom of the American people and I want to say at this point that Bill 1176 will be just as effective as 1776. The year 1776 did bring freedom and so will Bill 1176 bring freedom to the supervisors of Pennsylvania from the autocratic control of the Highway Department. That is what Bill 1176 does. I can understand how it reminds the gentleman of 1776.

To the gentleman from Lancaster, my recollection of course, is that there were a number of measures introduced to take funds from Highways, that is from the Motor License Fund, the Gasoline Fund and making appropriations to special interests or municipalities. However, my recollection is that the one bill he mentioned of fifteen million dollars, I believe, included also second class townships. Of course, any measure that is passed in this House would take that into consideration, and make a deduction from that particular measure. I think the gentleman will find when the Assembly is through the Highway Department will have sufficient funds to properly function, if it desires to properly function.

Mr. AUKER. Mr. Speaker, I will be very brief. I understand a bill coming over from the Senate, passing the Senate by a vote of 45 to 1, which has been lying in the Highway Committee for some time, will possibly be reported out and will be up for a vote in this House. That bill provides the sum of \$15,000,000 to be allocated to all of the municipalities of Pennsylvania. You know that the cities and boroughs have never before got a cent of this gasoline tax. The townships have come in here year after year and have gotten more than their share, much more than their share.

Now, as regards raiding the Highway Fund of \$15,000,000 provided in Senate Bill 245, I believe it is, that is made up entirely of excesses in gasoline tax funds over

and above the amount the Highway Department now received. In other words, in 1939 and 1940 the Highway Department received \$67,778,000; in 1941 and 1942, based on the increments that have occurred in that fund since 1939 and 1940, they will receive \$4,000,000 more, so that even if this \$15,000,000 bill does pass, the Highway Department is not going to suffer one bit, in fact they are going to gain.

I was very reluctant when I first saw the bill to vote for it, but I have been given to understand that this particular Senate bill is going to come out and in view of that understanding, that the cities and boroughs will share themselves in this part of this fund, that is altogether, the three of them, the boroughs, cities and townships will only receive \$15,000,000 I am going to ask my colleagues to vote for this bill.

Mr. LOVETT. Mr. Speaker, I have listened with a great deal of attention to the debate on this particular piece of legislation. It seems the thing we are most worried about here is that someone is stealing a bill from somebody else. If my memory serves me right, I think in the 1939 session I worked and spoke in support of the bill that the gentleman spoke about on the other side and I asked the members of this House to support that piece of legislation.

I wanted to agree with my floor leader on this side, to the effect that we possibly made this a better piece of legislation and do not see any reason why we should squabble about it. I think everybody has its mind made up that this is good legislation. Why not just vote on it and forget about politics?

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 203

Achterman,	Flynn,	Malloy,	Rosenfeld,
Allmond,	Foor,	Marks,	Royer,
Auker,	French,	Maxwell,	Rush,
Baker,	Gallagher,	McClanaghan,	Sarge,
Balthaser,	Gates,	McClester,	Sarraf,
Baughner,	Gerard,	McDermott,	Scanlon,
Bentley,	Gillan,	McDowell,	Schwab,
Bentzel,	Gillette,	McFall,	Serrill,
Boles,	Goodwin,	McGrath,	Shaffer,
Boney,	Greenwood,	McIntosh,	Shaw,
Boorse,	Gross,	McKinney,	Shepard,
Bower,	Gryskewicz,	McLanahan,	Simons,
Bradley,	Gyger,	McLane,	Skale,
Breth,	Habbyshaw,	McMillen,	Snyder,
Bretherick,	Haberlen,	McSurdy,	Sollenberger,
Brown,	Haines,	Melchiorre,	Sorg,
Brunner, C. H.,	Hall,	Mihm,	Stambaugh,
Brunner, P. A.,	Hamilton,	Modell,	Stank,
Burns,	Hare,	Monks,	Stine,
Burriss,	Harkins,	Mooney,	Stockham,
Cadwalader,	Harmuth,	Moran,	Tarr,
Chervenak,	Harris,	Moul,	Tate,
Chudoff,	Heatherington,	Muir,	Thompson, E. F.,
Cochran,	Helm,	Munley,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Nagel,	Trout,
Cohen, R. E.,	Herman,	Nunemacher,	Turner,
Cook,	Hewitt,	O'Brien,	Van Alisburg,
Cooper,	Hirsch,	O'Connor,	Vincent,
Cordier,	Holland,	C'Dare,	Vogt,
Corrigan,	Huntley,	O'Mullen,	Voidor,
Croop,	Imbrle,	O'Neill,	Voorhees,
Cullen,	James,	Owens,	Wagner,
Dalrymple,	Jefferson,	Petrosky,	Watkins,
Dennison,	Jones G,	Pettit,	Weingartner,
DiGenova,	Jones P,	Polaski,	Weiss,
Dix,	Keenan,	Polen,	Welsh, E. B.,
Dolon,	Kitne,	Powers,	Welsh, M. J.,
	Knoble,	Prosen,	Wilkinson,

D'Ortona,	Kolankiewicz,	Rank,	Williams,
Duffy,	Komorowski,	Rausch,	Winner,
Early,	Krise,	Readinger,	Wolf,
Eckels,	Lee, E. A.,	Reagan,	Wood, L. H.,
Elder,	Lee, T. H.,	Reese, D. P.,	Wood, N.,
Elliott,	Leisey,	Reese, R. E.,	Woodring,
Ely,	Lesko,	Regan,	Woodside,
Falkenstein,	Levy,	Reynolds,	Wright,
Finestone,	Leydic,	Rhea,	Yeakel,
Finnerty,	Lichtenwaiter,	Riley,	Yester,
Fisher,	Longo,	Rooney,	Young,
Fiss,	Lovett,	Rose, S.,	Young,
Fleming,	Lyons,	Rose, W. E.,	Kilroy
Fletcher,			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.

BILL PASSED OVER

There being no objection House Bill No. 1174, Printer's No. 303, 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. 1175, as follows:

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

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

Section 1 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" is hereby amended to read as follows

Section 615 After the organization of the State [Board] Council of Education provided for in this act no public school buildings shall be contracted for constructed or reconstructed in any school district of the second third or fourth class until their plans and specifications have been submitted to the State [Board] Council of Education and any recommendations concerning the same by the State [Board] Council of Education have been laid before the board of school directors [Provided When any school building is being constructed or remodeled at the time of the approval of this act or when a contract has been awarded for the construction or remodeling of any school building such building may be constructed or remodeled without being subject to the provisions of this section] Provided however That where repairs or alterations are proposed to be done which will not tend to change the basic structure or eliminate required construction features and the cost of which will not exceed one thousand dollars (\$1,000) no submission of plans for such repairs

or alterations to the State Council of Education shall be required

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—203

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

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. 1156, Printer's No. 308, was passed over at the request of Mr. HARKINS.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 582, as follows:

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

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

Section 1 Section one thousand one hundred twenty-five 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" as amended by the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 689) is hereby further amended to read as follows

Section 1125 (a) Appointment Burgess to Have Control Borough councils may appoint (and remove) one or more suitable persons citizens of this Commonwealth as borough policemen who shall have the power to arrest persons violating any ordinance of the borough the violation of which may subject persons to arrest Any person so arrested shall be received for confinement by the keepers of the jails lockups or station houses within the county The borough council may designate one of said policemen as chief of police The burgess of the borough shall have full charge and control of the chief of police and the police force and he shall direct the time during which the place where and the manner in which the chief of police and the police force shall perform its duties

The borough may by ordinance establish a police department consisting of chief captain lieutenant sergeants and any other classification desired by the council and council may designate the individual assigned to each office but the burgess shall continue to direct the manner in which the persons assigned to the office shall perform their duties The burgess may however delegate to the chief of police or other officers supervisor over and instruction to subordinate officers in the manner of performing their duties By motion council may fix an hourly or daily wage to be paid to special policemen whose appointment is hereby authorized to be selected by the burgess during an emergency in which the safety and welfare of the borough and the public is endangered

(b) Exclusive Method to Suspend or Dismiss Et Cetera Policemen No policemen of any borough regularly appointed and having permanent duties shall suffer a deduction from salary or be suspended or dismissed without his consent in writing except after hearing before the board of review and then only in the manner hereinafter provided

(c) Board of Review Created Appointments Compensation Oath Officers In each borough having permanent policemen there is hereby created a board of review which shall be composed of three disinterested and impartial persons appointed by the borough council for terms of four years each Any vacancy occurring in the membership of the board of review shall be filled by the appointment of a member for the unexpired term The members of the board of review shall not receive any compensation Each member of the board of review shall take and subscribe an oath of office to perform his duties impartially and without fear or favor which oath shall be filed in the office of borough secretary The oath shall be administered by the burgess The members of the board of review shall elect one of their number as chairman The borough secretary shall be the secretary of the board of review It shall be his duty to keep the minutes of board and to preserve all records and proceedings of the board Each member of the board of

review shall have power to administer oaths to witnesses appearing before the board

(d) General Powers of Board of Review The board of review shall have power and its duty shall be

(1) To hear charges lodged against policemen and filed with the borough council All such charges shall be in writing and shall clearly specify the reasons on which they are based

(2) To receive written charges from the borough council after the same have been filed

(3) To fix a time and place when hearings on any charges received shall be held and to give not less than five days' notice of the time and place of hearing to any policeman against whom charges have been lodged Such hearing shall be fixed not later than thirty days after the receipt of charges from the borough council

(4) To issue subpoenas under the signature of the chairman requiring witnesses to appear and testify before the board and to produce papers documents and records pertinent to any such hearing

(5) Within ten days after the completion of the hearing of charges lodged against any policemen to make recommendations in writing to the borough council either that I the charges lodged against such policeman be dismissed II the policeman suffer a deduction from salary not exceeding one hundred dollars (\$100) during such period of time as the board shall specify III the policeman be suspended from duty without pay for such period of time not exceeding six months as the board shall specify or IV that the policeman be dismissed from service and also to immediately furnish a copy of such recommendations to the policeman affected

(e) Nature of Charges Against Policeman The only charges which shall be sufficient to make a policeman liable to suffer deduction from salary suspension or dismissal shall be

(1) Physical or mental disability affecting his ability to continue in service in such cases the board of review may recommend honorable discharge from service

(2) Neglect or violation of any official duty

(3) Violation of any law of this Commonwealth which provides that such violation constitutes a misdemeanor or felony

(4) Inefficiency intemperance disobedience of orders or conduct unbecoming an officer

(5) Intoxication while on duty

(f) Effect of Recommendations The recommendations of the board of review in any case shall be advisory only and shall have no force or effect unless adopted by the borough council within thirty days after receipt thereof by said council If the recommendations made are adopted the council shall act only in accordance with such recommendations notice of the adoption of such recommendations shall immediately be given to the policeman

(g) Appeals by Policemen Any policeman aggrieved by the recommendations made by the board of review which shall have been adopted by the borough council shall have the right to appeal by petition within thirty days after such adoption to the court of common pleas of the county which court shall hear the charges lodged against a policeman de novo either before a judge or judges thereof or before a jury where a jury trial is demanded If the policeman the issue before the court or court and jury shall be whether the recommendations of the board of review should be affirmed or be modified in any respect or whether the charges should be dismissed Where a jury trial has been demanded the judge hearing the case shall frame proper questions for the jury to answer

(h) Refusal to Obey Subpoena If any person shall fail to obey any subpoena of the board of review or shall refuse to testify or to produce any papers documents or records the board may present a petition to the court of common pleas of the county setting forth the facts whereupon the court if it deems the testimony or the papers documents or records pertinent shall issue its subpoena requiring such person to appear before it and there to testify in relation to the matter

Section 2 Section one thousand one hundred twenty-seven is hereby amended to read as follows

Section 1127 Suspension by Burgess The burgess may [for cause and without pay] suspend any policeman [un-til the succeeding regular meeting; of the council at which time the council may discharge or reinstate such policeman] against whom charges have ben lodged before or during the trial thereof for any period not exceeding thirty days but such suspension may be extended if after the recommendations of the board of review have been adopted by the borough council an appeal is taken to the court of common pleas as herein provided Such extended suspension may in the discretion of the burgess cover the duration of the proceedings in the court Where any policeman has been so suspended and the charges are dismissed by the board of review or on appeal the policeman shall receive full compensation for the entire period of suspension otherwise the suspension shall be without pay

Section 3 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. Messrs. Shaffer Goodwin and Gerard asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—196

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

NAYS—9

- | | | | |
|----------------|-----------|-----------|---------------|
| Cook, | Lovett, | Reynolds, | Van Allsburg, |
| Dix, | Petrosky, | Shaffer, | Woodring, |
| Heatherington, | Tate, | | |

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. ACHTERMAN IN THE CHAIR

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1205, as follows:

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

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

Section 1 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" are hereby amended to read as follows

Section 2

* * *

(b) The members of the board shall be appointed by the county commissioners [The member required to have not less than five years' experience as a practicing attorney at law or registered real estate broker or real estate appraiser or assessor shall be appointed on nomination of the court of common pleas of the county and in the event that there are within the county one or more cities of the second class two of the members required to have not less than five years' practical experience as a registered real estate broker or real estate appraiser or assessor and the member required to have not less than five years' practical experience as a building construction engineer or civil engineer shall be appointed on the nomination of the mayor or mayors of such city or cities acting jointly if more than one The remaining three members shall be directly appointed by the county commissioners subject to the qualifications of this act]

(c) The terms of the members first appointed shall begin on the first Monday of January one thousand nine hundred and forty-two Of such members first appointed [the member to be appointed on the nomination of the court of common pleas one of the members to be appointed on the nomination of the mayor or mayors of the city or cities of the second class if any and one of the members to be appointed without nomination] three shall be appointed for terms of six years [one of the members to be appointed on the nomination of the mayor or mayors of the city or cities of the second class if any and one of the members to be appointed without nomination] two shall be appointed for terms of five years and the two remaining members shall be appointed for

terms of four years. Thereafter all appointments to fill vacancies happening by the expiration of a term shall be for terms of six years. All appointments to fill vacancies happening in any manner other than by the expiration of a term shall be filled for the unexpired term only. In each case whether or not the vacancy happens by the expiration of a term the appointment shall be made subject to the same requirements as in the case of the member whose vacancy is to be filled.

Section 2 The provisions of this act shall become effective on the first Monday of January one thousand nine hundred and forty-two.

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 199

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

NAYS 7

Cook,	Dix,	Haines,	Voorhees,
Cooper,	Fleming,	Rhea,	

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.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Monroe, Mr. Achterman, for presiding.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1088, as follows:

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.

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

Section 1 It shall be unlawful for any person to use the services of a female in the mixing of alcoholic beverages containing distilled spirits on the premises where such alcoholic beverages are sold for consumption.

Section 2 It shall be unlawful for any person engaged in the business of serving malt or vinous beverages or alcoholic beverages containing distilled spirit to permit a female to tend or take care of a bar or to perform such duties behind a bar ordinarily performed by a bartender.

Section 3 As used in this act "person" shall mean a natural person copartnership association corporation organization manager agent servant officer or employe of any of them.

Section 4 The provisions of this act shall not be applied to the mixing of alcoholic beverages containing distilled spirits or the serving of malt or vinous beverages or the tending of bar by any on-sale licensee nor to the mixing of such beverages or tending of bar by the wife of any licensee on the premises for which her husband holds an on-sale license however where the on-sale licensee is a male and it is definitely established that he is employed for wages commissions or other forms of remuneration for services rendered off the premises for which said on-sale license is issued the wife of said on-sale licensee shall be subject to the terms and conditions as set forth in section two.

Section 5 Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor which shall be construed as a violation of the licensee privileges as granted under the Liquor Control Act of Pennsylvania and shall upon conviction be subject to suspension or revocation of such licensee privileges in addition to a fine not exceeding five hundred dollars (\$500.00) or ninety (90) days imprisonment or both at the discretion of the court having jurisdiction in the county where such licensed premises are located.

Section 6 It shall be the duty of all constables sheriffs and police officers to see to it that every licensee within his jurisdiction abides by and conducts his bar in conformity with the provisions of this act.

Section 7 It shall be the duty of the district attorneys of the several districts of this State to prosecute for violations of this act as for other crimes and misdemeanors.

Section 8 The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein.

Section 9 The act approved the ninth day of June one thousand nine hundred and thirty-nine (P. L. 307) entitled "An act prohibiting in any city of the first second and second A class 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 and providing penalties" is hereby repealed and further all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Section 10 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. ACHTERMAN. Mr. Speaker, several weeks ago we passed a bill repealing the act of 1878. I mentioned to the Members of the House that we were doing so, having in mind House Bill 1088, and that it was our intention to pass House Bill 1088 as a companion bill to that measure.

House Bill No. 1088 is now before you and I am asking the members on this side of the House to vote for it.

Mr. HUNTLEY. 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. HUNTLEY. Mr. Speaker, will this bill prevent girls from selling liquor or taking orders for liquor?

Mr. ACHTERMAN. Mr. Speaker, it does not prevent girls from taking orders for liquor. It prevents them however from being bartenders.

Mr. HUNTLEY. Mr. Speaker, as I understand, this bill simply prevents ladies from shaking cocktails back of the bar, is that correct?

Mr. ACHTERMAN. Mr. Speaker, mixing drinks and doing all the things that a bartender would do.

Mr. HUNTLEY. Mr. Speaker, this bill will not prevent girls from peddling liquor to bedrooms in hotels, will it?

Mr. ACHTERMAN. Mr. Speaker, it does not prevent ladies from acting as waitresses.

Mr. HUNTLEY. Mr. Speaker, this bill does not take the place of the Act of 1878 which prevents girls from acting as inducers to get people to come and buy liquor, nor does it prevent them from making a place of assignation for improper relations, nor does it prevent them from taking orders for liquor or delivering liquor to any place on the licensed premises, which they are allowed to do under the present law. This bill is a labor union bill. The labor union bills do not want girls in back of the bar shaking cocktails. I wish to say that I favor the bill but it does not cure the evil that the repeal of the Act of 1878 brings about.

Mr. WOODSIDE. Mr. Speaker, the Members on this side of the House feel very much slighted by the remarks of the gentleman from Monroe, Mr. Achterman. I do not understand altogether why he did not ask us to vote for it as well as the Members on his side of the House. We are going to vote for it anyway, Mr. Speaker, although I agree to some extent with what has been said by the gentleman from Cameron that this bill might go a little bit further.

Mr. ACHTERMAN. Mr. Speaker, I had some doubt as to what position the gentleman from Dauphin, Mr. Woodside was taking in view of the fact that I thought he was opposed more or less to the repeal of the act of 1878. I was not quite certain in my own mind as to what attitude he would take on 1088; at least he very strongly requested that we wait until 1088 was reported out, and in view of the uncertainty of several weeks ago, I decided he could make up his own mind after a very careful study whether he wanted to support 1088.

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—203

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

REASON FOR VOTE

Mr. PETROSKY filed the following reasons for his vote.

Reasons for Voting "Aye" on H. B. 1088

I am voting for this bill, but believe it is very unfair and unreasonable that all members of on-sale licensees are not included as well as wives. Some situations arise which make it very imperative economically and otherwise to have the assistance of female members of the licensee other than those provided for in this measure.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1173, as follows:

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 parts thereof that are or may be inconsistent therewith" allowing further deductions from gross indebtedness in order to determine indebtedness of any school district

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

Section 1 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 parts thereof that are or may be inconsistent therewith" as last amended by section one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 775) is hereby further amended to read as follows

Section 506

* * *

In determining the indebtedness of any school district the following deductions from the amount of the gross indebtedness are permitted cash in the sinking funds invariably pledged for the payment of existing indebtedness investments of money of the sinking fund in bonds specifically enumerated in section five hundred and twenty of this act and any bonds of such school district purchased and held in such sinking funds Provided That in determining the indebtedness that may be created without the consent of the electors only such bonds as were originally authorized without a vote of the electors and held in all sinking funds may be deducted such outstanding property taxes for school purposes for years prior to the year in which the computation is being made and which are certainly and promptly collectible as quick assets and applicable to the payment of the gross indebtedness any other debts due from solvent debtors and any other revenue that may be applicable within the current fiscal year to the payment of such indebtedness

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 203

Table listing names of members in support of the bill, including Achterman, Allmond, Auker, Baker, Balthaser, Baugher, Bentley, Bentzel, Boles, Boney, Boorse, Bower, Bradley, B'eth, Bretherick, Brown, Brunner C H, Brunner P A, Burns, Burris, Cadwalader, Chervenak, Fletcher, Flynn, Floor, French, Gallagher, Gates, Gerard, Gillan, Gillette, Goodwin, Greenwood, Gross, Gryskewicz, Gyger, Habbysaw, Haberlen, Haines, Hall, Hamilton, Hare, Harkins, Harris, Lyons, Malloy, Marks, Maxwell, McClanaghan, McClester, McDermott, McDowell, McFall, McGrath, McIntosh, McKinney, McLanahan, McLane, McMillen, McSurdy, Melchiorre, Mihm, Modell, Monks, Mooney, Moran, Rosenfeld, Royer, Rush, Sarge, Sarraf, Scanlon, Schwab, Serrill, Shaffer, Shaw, Shepard, Simons, Skale, Snyder, Sollenberger, Sorg, Starbaugh, Stine, Stockham, Tarr, Tate, Thompson, E.

Table listing names of members in opposition to the bill, including Chudoff, Cochran, Cohen, M. M., Cohen, R. E., Cook, Cooper, Cordier, Corrigan, Croop, C'illen, Dalrymple, Dennison, DiGenova, Dix, Doion, D'Ortona, Duffy, Early, Eckels, Elder, Elliott, Ely, Falkenstein, Finestone, Finnerty, Fisher, Fliss, Fleming, Heatherington, Helm, Herman, Hersch, Hewitt, Hirsch, Holland, Huntley, Imbrie, James, Jefferson, Jones, G. E., Jones, P. N., Keenan, Kane, Knobie, Kolankiewicz, Komorowski, K'rise, Lee, E. A., Lee, T. H., Lelsey, Lesko, Levy, Leydic, Lichtenwalter, Longo, Lovett, Muir, Munley, Nagel, Nunemacher, O'Brien, O'Connor, O'Dare, O'Mullen, O'Neill, Owens, Petrosky, Pettit, Polaski, Polen, Powers, Prosen, Rank, Rausch, Readinger, Reese, D. P., Reese, R. E., Regan, Reynolds, Rhea, Riley, Rooney, Rose, S., Rose, W. E., Thompson, R., Trout, Turner, Van Allsburg, Vincent, Vogt, Voldow, Voorhees, Wagner, Watkins, Weingartner, Weiss, Welsh, E. B., Welsh, M. J., Wilkinson, Williams, Winner, Wolf, Wood, L. H., Wood, N., Woodring, Woodside, Wright, Yeakei, Yester, Young, Kilroy, Speaker.

NAYS 0

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

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

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 598, as follows:

An Act requiring the council of cities of the Second class A to fix the salaries of the officers and members of the police department and establishing minimum salaries The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The annual salaries of the Superintendent and of day and traffic captains and all other members of the police department of cities of the second class A of this Commonwealth shall be fixed by the council of such cities at a sum not lower than contained in the following schedule

Table listing salaries for various police positions: Superintendent \$2800, Traffic Captain 2400, Day Captain 2400, Night Captain 2400, Captain of detectives 2400, Lieutenant of detectives 2300, Lieutenants of Police 2300, Detectives 2240, Sergeants 2240, Patrolmen 1st year 1800, Patrolmen 2nd year 1920, Patrolmen 3rd year 2040, Patrolmen 4th year 2160

The minimum salaries of traffic patrolmen classed as patrolmen motorcycle and patrol drivers and radio car drivers shall be the same for the first second third and fourth years as above fixed for patrolmen

Section 2 All acts and parts of acts inconsistent with this act are hereby repealed

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

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

On th 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—201

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

NAYS—2

Dix.	McKinney.
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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. 1093, as follows:

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

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

Section 1 Whenever in case of any accident suit has been wrongfully brought in a court of record in any of the counties of this Commonwealth and proceedings should have been commenced before the Workmen's Compensation Board it shall be lawful and upon request of either of the parties to the suit or upon order of the court the prothonotary or clerk of the said court shall certify the same including all the proceedings had before said court to the said Workmen's Compensation Board the said

board to proceed and hear the case in the same manner as it had been originally commenced before the Workmen's Compensation Board

Section 2 No case brought before any court shall be certified as set forth in section one of this act unless the said proceeding had been commenced in the said court within the time allowed by the Workmen's Compensation Act for the filing of claim petitions

The commencing of any such proceeding in a court of record during the time allowed by the Workmen's Compensation Board for the filing of such claims before such board shall be of the same legal effect and validity as if such actions had been commenced before the Workmen's Compensation Board originally

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—203

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

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.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair advises the Members that House Bills 408 and 124 have been placed on their desks. The members will please place them securely in their files so that they can be filed by the Sergeant-at-Arms.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

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

HOUSE BILL No. 450.

An Act to further amend section 1902 of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" exempting certain contracts for public utility service from the provisions of said act regulating advertising and bidding for contracts

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

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend section 1, page 2, line 17, by inserting after the word "service" the words "is available only from one public utility and"; also in same line, by striking out after the word "by" the words "a public" and inserting in lieu thereof the word "such."

On the question,

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

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

YEAS—203

Achterman.	Flynn.	Lyons.	Rosenfeld.
Allmond.	Foor.	Malloy.	Royer.
Auker.	French.	Marks.	Rush.
Baker.	Gallagher.	Maxwell.	Sarge.
Balthaser.	Gates.	McClanaghan.	Sarraf.
Baughner.	Gerard.	McClester.	Scanlon.
Bentley.	Gillan.	McDermott.	Schwab.
Bentzel.	Gillette.	McDowell.	Serrill.
Boles.	Goodwin.	McFall.	Shaffer.
Boney.	Greenwood.	McGrath.	Shaw.
Boorse.	Gross.	McIntosh.	Shepard.
Bower.	Gryskewicz.	McKinney.	Simons.
Bradley.	Gyger.	McLanahan.	Skale.
Breth.	Habbyshaw.	McLane.	Snyder.
Bretherrick.	Haberlen.	McMillen.	Sollenberger.
Brown.	Haines.	McSurdy.	Sorg.
Brunner C. H.	Hall.	Melchiorre.	Stambaugh.
Brunner P. A.	Hamilton.	Mihm.	Stank.
Burns.	Hare.	Modell.	Stine.
Burris.	Harkins.	Monks.	Stockham.
Cadwalader.	Harmuth.	Mooney.	Tarr.
Chervenak.	Harris.	Moran.	Tate.
Chudoff.	Heatherington.	Moul.	Thompson, E. F.
Cochran.	Helm.	Muir.	Thompson, R. L.
Cohen M. M.	Hering.	Munley.	Trout.
Cohen R. E.	Herman.	Nagel.	Turner.
Cook.	Hersch.	Nunemacher.	Van Allsburg.
Cooper.	Hewitt.	O'Brien.	Vincent.
Cordier.	Hirsch.	O'Connor.	Vogt.
Corrigan.	Holland.	O'Dare.	Voldow.
Croop.	Huntley.	O'Mullen.	Voorhees.
Cullen.	Imbrie.	O'Neill.	Wagner.
Dalrymple.	James.	Owens.	Walkins.
	Jefferson.	Petrosky.	Weingartner.

Dennison.	Jones, G. E.	Pettit.	Wels.
DiGenova.	Jones, P. N.	Polaski.	Weish, E. B.
Dix.	Keenan.	Polen.	Weish, M. J.
Dolon.	Kilne.	Powers.	Wilkinson.
D'Ortona.	Knoble.	Prosen.	Williams.
Duffy.	Kolankiewicz.	Rank.	Winner.
Early.	Komorowski.	Rausch.	Wolf.
Eckels.	Krise.	Readinger.	Wood, L. H.
Elder.	Lee, E. A.	Reese, D. P.	Wood, N.
Elliott.	Lee, T. H.	Reese, R. E.	Woodring.
Ely.	Leisey.	Regan.	Woodside.
Falkenstein.	Lesko.	Reynolds.	Wright.
Finestone.	Levy.	Rhea.	Yeakel.
Finnerty.	Leydic.	Riley.	Yester.
Fisher.	Lichtenwatter.	Rooney.	Young.
Fiss.	Longo.	Rose, S.	Kilroy.
Fleming.	Lovett.	Rose, W. E.	Speaker.
Fletcher.			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 22, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed concurrent resolution directing the Governor to issue a proclamation designating the seventeenth day of May, one thousand nine hundred forty-one, as Connie Mack Day.

ARTHUR H. JAMES.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 450.

An Act to further amend section 1902 of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" exempting certain contracts for public utility service from the provisions of said act regulating advertising and bidding for contracts

Whereupon,
The SPEAKER, in the presence of the House, signed the same.

REPORTS FROM COMMITTEES

Mr. WILLIAMS, from the Committee on Labor, reported as committed, House Bill No. 814, entitled:

An Act regulating the payment of wages or compensation for labor or service in private employments; establishing regular pay days; imposing certain duties upon employes; conferring powers and duties upon the Department of Labor and Industry and district attorneys; imposing additional powers and duties on the Secretary of the Department of Labor and Industry and district attorneys for the civil collection of wages; imposing civil

and criminal penalties for the violation of the act, and providing for their collection and disposition; and repealing inconsistent legislation.

Mr. WEISS, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1372 (Senate Bill No. 125) entitled:

An act abating certain tax penalties and interest on unpaid county (except counties of the second class) city (except cities of the first and second class) borough town township school district (except 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.

BILL ON FIRST READING

Mr. WEISS. Mr Speaker, I ask unanimous consent for House Bill No. 1372 (Senate Bill No. 125) be read for the first time.

The SPEAKER. Will the House give its unanimous consent for the reading of this bill the first time? Is there objection?

Mr. WOODSIDE. Mr Speaker, I have no objection to the reading of this bill for the first time, but I want to call the attention of the gentlemen on the other side to the fact that in case there is insufficient time to study it, we hope that they will cooperate, and give us opportunity to study it and make amendments.

The SPEAKER. The Chair hears no objection and consent is granted.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1372 (Senate Bill No. 125), entitled:

An Act abating certain tax penalties and interest on unpaid county (except counties of the second class) city (except cities of the first and second class) borough town township school district (except 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.

CONDOLENCE RESOLUTION

Messrs. RONALD L. THOMPSON and COOPER offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, April 22, 1941.

In keeping with the custom of this House to note the passing of its former members, it is proper for us now to take appropriate action on the death of Ho. Harry A. Little, a member during the legislative sessions of 1923, 1925 and 1926, which occurred on April 19th, at the Shadyside Hospital, Pittsburgh.

Mr. Little's ancestors for the past five generations were Pittsburghers, he received his education in the public schools, the old Pittsburgh Academy and Western University of Pennsylvania, now the University of Pittsburgh.

A leader in Republican politics in Allegheny County during the past twenty years, he served, in addition to his two terms as assemblyman, as a member of the Pitts-

burgh City Council, and as its chairman, during his last year of service. Later Mr. Little served as mercantile appraiser in the county and as right-of-way investigator in the County Department of Investigations and Claims, which position he held at the time of his death; be it therefore

Resolved, That the House of Representatives hereby give voice to its sorrow over the passing of another man who once sat in this hall and exercised the powers that we now exercise; and that it send its condolence to Mrs. Consuelo Lewis Little of 1001 Ridge Ave., Pittsburgh, the widow of the deceased, and to Samuel J. Little, his son; and be it

Resolved, That a certified copy of this resolution be transmitted to Mrs. Little by the Chief Clerk of this House.

COMMITTEE MEETINGS

Agriculture, Wednesday, April 23 at 11 a. m. in Room 329.

Banking, Wednesday, April 23 at 11:30 a. m. in Room 330.

Cities, First Class, Wednesday, April 23, at 12 noon in Room 521.

Education, Wednesday, April 23, at 10:30 a. m. in Room 326, Old House Caucus Room.

Highways, Wednesday, April 23 at 11 a. m. in Room 324.

Judiciary General, Wednesday, April 23 at 10 a. m. in Room 246.

Liquor Control, Wednesday, April 23 at 12:30 p. m. in Room 325.

Mines and Mining, Wednesday, April 23 at 12 noon in Room 522.

Motor Vehicles, Wednesday, April 23 at 12 noon in Room 324.

Municipal Corporations, Wednesday, April 23 at 12:15 p. m. in Room 323.

Railroads and Railways, Wednesday, April 23 at 11 a. m. in Room 522.

State Government, Wednesday, April 23 at 11:15 a. m. in Room 325.

There will be a Public Hearing before the Committee on Professional Licensure on House Bill No. 1048 on Wednesday, April 23 1941 at 7 p. m. in the New House Caucus Room.

There will be a Public Hearing before the Committee on Workmen's Compensation on House Bills Nos. 990 and 1002 on Tuesday, April 29, 1941 at 6 o'clock E. S. T. in the New House Caucus Room.

There will be a meeting of the Joint State Government Commission on Wednesday, April 23, 1941, in the New House Caucus Room, promptly at 10 a. m.

BULLETIN No. 1

Americanism Day, April 30, 1941—12 Noon

Speakers—HON. FRANCIS J. MYERS, Philadelphia, Pa.
HON. JAMES VAN ZANDT, Altoona, Pa.

Will all veterans in the House and Senate please prepare to bring Post Hats to be worn during the ceremonies?

ADJOURNMENT

Mr. SOLLENBERGER. Mr. Speaker, I move that this House do now adjourn until Wednesday, April 23, 1941, at 1 p. m.

The motion was agreed to, and (at 6:06 p. m.) the House adjourned.