

amended, to all lands, easements and right of ways purchased, condemned, or otherwise acquired by the Commonwealth; waiving vertical and lateral support therefor under certain conditions; reserving the right to acquire absolute vertical and lateral support; reserving the power to establish detours for the removal of coal underlying State highways; renaming the Highway Mining Commission and making certain changes in its membership and procedure; providing for appeals to the courts of common pleas from orders assessing damages for coal required to be left in place; and further clarifying the provisions of the act.

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

HOUSE MESSAGE

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 349

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 349, entitled:

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

BILL SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 349, entitled:

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

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

BILL INTRODUCED

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

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

Mr. MILLER read in place and presented to the Chair Senate Bill No. 699 entitled:

An Act making an appropriation to the Wilkes-Barre General Hospital, Wilkes-Barre, Pennsylvania.

Which was committed to the Committee on Appropriations.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate

do now adjourn until Monday, April 23, 1941, at 3:30 o'clock, p. m., Eastern Standard Time.

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

The motion was agreed to.

The Senate adjourned at 1:40 o'clock, p. m., until Monday, April 23, 1941, at 3:30 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, April 23, 1941.

The House met at 1 p.m.

The SPEAKER (Elmer Kilroy) in the Chair.

The SPEAKER. The Chaplain has asked permission of the Speaker to be absent to attend the Annual Conference of his Church now in session at Sunbury. In the absence of the Chaplain and at his invitation, prayer will be offered by the Chaplain's father, the gentleman from Northampton, Mr. McFall.

PRAYER

Mr. Charles McFall, a member of the House offered the following prayer:

Almighty God, Thou who hast given us this good land for our heritage, we humbly beseech Thee that we may prove worthy of Thy great gift, and be ever mindful of Thy favor, and glad to do Thy will.

We need Thy everlasting arms to strengthen us in the defense of our liberties, and to fashion and mould us into a united people. Suffer not our trust in Thee to fall.

Endue with the spirit of wisdom those to whom, in Thy name, we entrust the authority of government, that there may be justice and peace at home, and that through obedience to Thy law, we may show forth Thy praise among the nations of the earth. Fill our hearts, O Lord, with thankfulness and praise for the peace and blessing which we all enjoy.

As Representatives of this great State of ours, unite us in the bonds of fellowship and love, and may the spirit of brotherly kindness prevail in all our deliberations. May our labor be fruitful and beneficial not only to our Commonwealth but to the entire Nation. 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. YEAKEL, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. REGAN.

HOUSE BILL No. 1362.

An Act regulating the mining of anthracite coal; prescribing duties for certain municipal officers; and imposing penalties.

Referred to the Committee on Mines and Mining.

By Mr. HIRSCH.

HOUSE BILL No. 1363.

An Act to further amend clause (i) of section nineteen

of the act, approved the third day of May, one thousand nine hundred and thirty-nine (P. L. 252), entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts district attorneys the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," by further regulating the payment of prescribed license fees.

Referred to the Committee on Liquor Control.

By Mr. HIRSCH. HOUSE BILL No. 1364.

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

Referred to the Committee on Liquor Control.

By Messrs. CORRIGAN and LICHTENWALTER.
HOUSE BILL No. 1365.

An Act to 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 clerks thereof; owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as variously amended; amplifying and changing provisions of said act relating to lighting and signal

devices; redefining the term dealer; further regulating dealers in junked vehicles permits for oversize and overweight vehicles, use of school buses, registration plates and cards, maximum size of vehicles, and medical examinations by physicians; providing for payment of certain fees by counties; limiting and providing new exemptions from the various provisions of said act; giving additional authority to peace officers and department employes in the matter of investigations; further regulating prosecutions; giving certain powers to cities for the regulation of traffic and the establishment of traffic courts; fixing additional fees, changing and imposing new penalties, and giving the secretary additional powers and duties.

Referred to the Committee on Motor Vehicles.

By Mr. ROYER. HOUSE BILL No. 1366.

An Act to amend the title and act, approved the twenty-fifth day of May, one thousand nine hundred thirty-three (P. L. 1001), entitled "An act providing for the regulation of aeronautics within this Commonwealth; conferring powers and imposing duties upon the Department of Revenue in respect thereto; providing for the licensing and registration of airman and aircraft; establishing the legal status of air navigation; providing for sovereignty in, and ownership of, space; providing for lawfulness of flights; regulating civil causes of action arising out of operation of aircraft; fixing the status of contracts, crimes, and torts in, by, or by means of operation of aircraft; imposing duties upon officers, burgesses, magistrates, aldermen, justices of the peace, the courts and clerks thereof; providing for denial or revocation of licenses; providing for certain penalties and their disposition; and repealing certain existing laws" as amended, by transferring from the Department of Revenue to the Department of Military Affairs powers and duties with respect to aeronautics.

Referred to the Committee on State Government.

By Mr. ROYER. HOUSE BILL No. 1367.

An Act to amend the title and the act, approved the seventh day of May, one thousand nine hundred thirty-five (P. L. 130), entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners, or a resident who becomes a nonresident and conceals his whereabouts, of aircraft operated within or above the Commonwealth of Pennsylvania; and making the operation of such aircraft within or above the Commonwealth of Pennsylvania, the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served; and providing for further notice to the defendant in any such suit," by making the Adjutant General in lieu of the Secretary of Revenue the agent for the service of process in certain civil suits involving aircraft.

Referred to the Committee on State Government.

By Mr. ROYER. HOUSE BILL No. 1368.

An Act to further amend the act approved the first day of May, one thousand nine hundred twenty-nine (P. L. 1046), entitled "An act appropriating the moneys in the Motor License Fund," as reenacted and amended, by making the moneys in the Motor License Fund available to the Department of Military Affairs, instead of the Department of Revenue, with respect to aeronautical matters.

Referred to the Committee on State Government.

By Mr. ROYER. HOUSE BILL No. 1369.

An Act to amend the title and the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-three (P. L. 1016), entitled "An act relating to

aeronautics; providing for the maintenance and operation of intermediate landing fields and air navigation facilities by the Commonwealth alone or in cooperation with the United States Government or political subdivisions of the Commonwealth; providing for the execution of leases or the issuance of licenses to the United States Government or to political subdivisions of the Commonwealth for the maintenance of navigation facilities on intermediate landing fields of the Commonwealth, conferring powers and duties on the Department of Revenue with respect thereto; and repealing certain acts and parts of acts," by transferring from the Department of Revenue to the Department of Military Affairs certain powers and duties with respect to aeronautics.

Referred to the Committee on State Government.

By Messrs. SAMUEL ROSE and FINNERTY.

HOUSE BILL No. 1370.

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," further regulating the removal, discharge or reduction in pay or position of officers, clerks and employes in the classified civil service.

Referred to the Committee on Cities—First Class.

By Mr. ELLWOOD B. WELSH. HOUSE BILL No. 1371.

An Act to further amend clause two of section one thousand two hundred 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 further prescribing salary increments of elementary school teachers in first class school districts.

Referred to the Committee on Education.

By Mr. HALL.

HOUSE BILL No. 1373.

An Act to amend part of section two of the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and 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 making an appropriation to the Department of Military Affairs for the use of the Pennsylvania National Guard also available for the use of the Pennsylvania Reserve Defense Corps.

Referred to the Committee on Appropriations.

By Mr. McMILLEN.

HOUSE BILL No. 1374.

An Act making an appropriation to the Board of Finance and Revenue for certain refunds from the Game Fund.

Referred to the Committee on Appropriations.

By Messrs. POLEN and WILLIAMS.

HOUSE BILL No. 1375.

An Act providing for the payment of moneys to school districts of the fourth class, the taxes of which have been

reduced by the acquisition of certain lands and property by the Commonwealth.

Referred to the Committee on Education.

By Messrs. WOODRING and EARLY.

HOUSE BILL No. 1376.

An Act validating and confirming any lease, sale or conveyance of certain real property by third class cities when such sale, lease or conveyance has been made in accordance with a proper resolution or ordinance adopted by such council.

Referred to the Committee on Cities—Third Class.

By Messrs. WOODRING and LONGO.

HOUSE BILL No. 1377.

An Act to amend the title and the act, approved the twenty-eighth day of June, one thousand nine hundred and seventeen (P. L. 645), entitled "An act making it unlawful for any individual or individuals to carry on or conduct any business under an assumed or fictitious name, style or designation, unless upon the filing of a certificate to that effect in the office of the Secretary of the Commonwealth and of the prothonotary; requiring county commissioners, at the expense of the county, to provide books for the entry of such certificates; fixing the fees of the Secretary of the Commonwealth and prothonotary; and providing penalties," by extending the provisions thereof to include corporations and unincorporated associations.

Referred to the Committee on Corporations and Industry.

By Messrs. WOODRING and EARLY.

HOUSE BILL No. 1378.

An Act to add clause fifty-five to section two thousand four hundred two 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 further prescribing and regulating the power of such cities to sell, lease or dispose of certain real estate and setting up a procedure whereby such property may be disposed of, leased or sold; and imposing additional duties and powers on common pleas courts.

Referred to the Committee on Cities—Third Class.

By Mr. HAMILTON.

HOUSE BILL No. 1379.

An Act to further amend the third paragraph of section two of the act, approved the thirteenth day of June, one thousand eight hundred and eighty-three (P. L. 119), entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies," by making further provision for the expenses of burial of certain deceased indigent persons.

Referred to the Committee on Public Health and Sanitation.

By Mr. HERING.

HOUSE BILL No. 1380.

An Act to further amend the Act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights

from taxation and judicial process and providing penalties" by permitting certain contributors to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two or on the basis of salary earnable in the payroll period for which the deductions are made and permitting certain contributors who have heretofore elected to contribute either on the basis of salary earnable during the year one thousand nine hundred thirty-two or on the basis of salary earnable in the payroll period for which the deductions are made to change their elections and requiring the Commonwealth to contribute on the same basis as the contributor.

Referred to the Committee on Education.

By Mr. GRYSKEWICZ. HOUSE BILL No. 1381.

An Act providing that the compensation of all officers elected by the electors of any political subdivision, shall be fixed at least ninety days prior to their election.

Referred to the Committee on Counties.

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. 448. HOUSE BILL No. 1382.

An Act to amend sections three hundred and eight and four hundred and one of the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566) entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder imposing duties on the Department of Labor and Industry the Workmen's Compensation Board Workmen's Compensation Referees and deans of medical schools creating a medical board to determine controverted medical issues establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases making an appropriation and prescribing penalties" by changing the method of handling the funds made available from time to time to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases clarifying the procedure for establishing such liability of the Commonwealth and providing for the transfer and lapsing of certain moneys into the General Fund.

Referred to the Committee on Ways and Means.

SENATE BILL No. 449. HOUSE BIL No. 1383.

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

propriations 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" by requiring cash payment or refunds due from the Commonwealth.

Referred to the Committee on Ways and Means.

SENATE BILL No. 480. HOUSE BILL No. 1384.

An Act requiring the Department of Health to furnish free of charge all State and State-aided hospitals certain vaccines or serum used in the Pasteur treatment and requiring such hospitals to furnish and inoculate all persons bitten by dogs in this Commonwealth with such vaccine or serum free of charge.

Referred to the Committee on Public Health and Sanitation.

SENATE BILL No. 507. HOUSE BILL No. 1385.

An Act to apportion the State into congressional districts.

Referred to the Committee on Congressional and Judicial Apportionment.

SENATE BILL No. 295. HOUSE BILL No. 1386.

An Act to amend sections seven and eight of the act approved the twelfth day of June one thousand eight hundred and seventy-eight (P. L. 201) entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter" requiring the publication of advance sheets of such reports requiring printing and publication in this Commonwealth by a responsible person having a plant and facilities and place of business therein and further regulating the basis upon which bids shall be submitted and provisions of the contract for publication of such reports and advance sheets.

Referred to the Committee on Judiciary General.

SENATE BILL No. 310. HOUSE BILL No. 1387.

An Act to amend article 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 it unlawful to take for the purpose of sale, sell or expose for sale any bittersweet growing in the wild; and providing a penalty.

Referred to the Committee on Forestry.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. CORDIER. (Concurrent) RESOLUTION No. 82.

In the House of Representatives, April 22, 1941.

Whereas, State and National Work Progress Administration officials contemplate extensive dismissals of employees in the education-recreation division, which would likely cause loss of employment for some 15,000 workers on W.P.A. projects of this type within the Commonwealth of Pennsylvania; and

Whereas, The fundamental objective of the W.P.A. program has been to create jobs and thus combat or overcome the ill effects of forced general unemployment; and

Whereas, The proposed W.P.A. dismissals involve chiefly those types of work which are only indirectly affected by the industrial upswing resulting from the defense pro-

gram, and therefore there is no likely prospect for W.P.A. workers of this type to secure private employment for some time to come; and

Whereas, The gains so far achieved through this program will be in large part nullified if W.P.A. dismissals are to increase the ranks of the unemployed as fast or faster than jobs are made available by the increasing activity in private industry; and

Whereas, W.P.A. projects in the field of education constitute an important and vital, although indirect, defense measure in that such educational projects better equip the newer nationalities and other elements of our population to recognize and properly discount foreign and subversive propaganda; and

Whereas, The morale and welfare of the American citizen is, in reality, our basic line of defense and one which has undoubtedly been greatly strengthened and improved by W.P.A. projects in educational and related fields; and

Whereas, Since the Congress of the United States has appropriated billions of dollars for direct defense measures, a sound and well considered public policy would seem to dictate that sufficient funds be made available to retain W.P.A. educational projects which not only materially further the defense program, but also reduce unemployment considerably; now therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania hereby memorialize the Congress of the United States to appropriate or otherwise make available sufficient funds to insure the continued employment and activity of those persons engaged in education-recreation work for the Works Progress Administration both in Pennsylvania and throughout the Nation; and be it further

Resolved, That a copy of this resolution be forwarded to each of the following:

The President of the United States, Franklin Delano Roosevelt.

The Vice President of the United States, Henry A. Wallace, President of the United States Senate.

Speaker of the United States House of Representatives.

The National and Pennsylvania heads respectively of the Works Progress Administration.

Referred to the Committee on Rules.

By Mr. DOLON.

RESOLUTION No. 83.

In the House of Representatives, April 22, 1941.

Whereas, We have passed in the House of Representatives various bills making appropriations to treat cattle diseases; and

Whereas, Nothing has been said or done that would be a help to the mother whose baby dies from lack of adequate attention; not one word to the man whose wife dies in childbirth from a preventable cause; to the families whose loved ones are cut off from lack of care or to the youngsters who are crippled or otherwise are in an unhealthy condition; and

Whereas, We are spending vast sums of money for education which we all agree is necessary to properly educate our youth; and

Whereas, The health picture existing in our public schools today is a most horrible one and should bring the red blush of shame to every statesman in this Commonwealth; and

Whereas, Official figures on file in the Department of Public Instruction show that out of a total of 1,909,747 pupils enrolled in our public schools in 1940 a probable total of 1,223,907 were found defective in health in one or more respects; and

Whereas, In this total is an amazing and serious matter if we are at all concerned with our school youth who are the moulding or testing ground of future generations who will some day assume the reins of government; and

Whereas, In this total of our youth found with health defects, 250,000 were found suffering from seriously defective vision; 23,000 were found to have seriously defective hearing; 960,000 had seriously defective teeth; 324,000 had seriously defective tonsils; 69,000 were suffering from obstructed nasal breathing and 19,000 were suffering from serious heart ailments; and

Whereas, 1,444,891 serious health defects found in 961,432 pupils calls for immediate, definite action; and

Whereas, Of 818,745 serious defects found in certain districts, 269,429 were treated and 549,316 or more than two-thirds received no treatment; and

Whereas, The Department of Public Instruction has publicly announced that unless they can find some means of developing an adequate program of follow-up treatment for the health defects discovered, it is doubtful whether they can justify the sizeable sum which they are now expending for medical inspection; and

Whereas, It being an accepted fact that health should precede education, the Department of Public Instruction is not only wasting a sizeable sum for medical inspection in our schools but it wasting a tremendous amount in education itself attempting to impart knowledge to students who are physically unable to learn; and

Whereas, Nothing else being so essential to the security and progress of this Commonwealth as public health; therefore be it

Resolved, That a commission be appointed by the Speaker of the House of Representatives to study the problem and that the said commission should not end their investigation until they have found the answer of providing adequate follow-up treatment for these youngsters; and be it further

Resolved, That the commission also study the problem of providing adequate treatment and suitable education for the many thousands of crippled children within the Commonwealth of whom only a fraction are now receiving adequate care.

Referred to the Committee on Rules.

By Messrs. CHUDOFF and HEATHERINGTON,

RESOLUTION No. 84.

In the House of Representatives, April 22, 1941.

Whereas, The United States Army is suffering from an acute shortage of cavalry mounts; and

Whereas, Newspapers in this Commonwealth have reported that the Army officials are ready and willing to pay as high as \$165.00 for each horse; and

Whereas, At the present time the Pennsylvania Motor Police have in their possession a considerable number of horses which are no longer being used by the Pennsylvania Motor Police; and

Whereas, The Commonwealth is now put to a large expense in order to maintain and take care of such horses; and

Whereas, It would be both to the benefit of the Commonwealth of Pennsylvania and the United States Army if these horses were sold to the United States Army; therefore be it

Resolved, That the House of Representatives hereby request the Pennsylvania Motor Police to turn over as quickly as possible, and in accordance with existing law, the horses they no longer use to the United States Army.

Referred to the Committee on Rules.

By Messrs. McLANE and GALLAGHER,

(Concurrent) RESOLUTION No. 85.

In the House of Representatives, April 22, 1941.

Whereas, On May 1, 1941, the present Works Progress Administration program in Pennsylvania calls for the dismissal of approximately 14,000 white collar project workers; and

Whereas, Such a program, if carried out, would result in great harm to the families of the workers as well as an increase in the expenditures necessary for unemployment relief in the Commonwealth of Pennsylvania; and

Whereas, The Legislature has previously demonstrated by its efforts in the case of workers employed in sewing machine projects, it is desirous that the good work carried on by the Works Progress Administration be continued; therefore be it

Resolved, (if the Senate concur), that the Congress of the United States be memorialized to adopt immediately

enabling legislation to prevent the wholesale dismissal of W. P. A. workers in Pennsylvania; and be it further

Resolved, That a copy of this resolution be sent to all the Members of Congress in Pennsylvania, Senators, and to the officials of the Works Progress Administration in Washington urging them to abandon the program calling for the dismissal of these workers.

Referred to the Committee on Rules.

By Mr. McKINNEY, (Concurrent) RESOLUTION No. 8C

In the House of Representatives, April 22, 1941.

The American negro has been a resident of the United States since its independence was attained and members of that race have valiantly served in the armed forces thereof in all of its wars, particularly during the last World War when almost four hundred thousand negroes offered themselves for the supreme sacrifice for their country.

The negro population of the United States, totaling over twelve million, is patriotic and is desirous of serving the nation at all times, but would be better able to render such service if permitted to train in the National Guard of the Commonwealth, but this service is denied them by reason of Federal rules affecting qualifications for enlistment therein.

The American Legion, Department of Pennsylvania, in its twenty-second annual convention on the 17th day of August, 1940, passed a resolution calling for the correction of this injustice to the colored race.

The Legislature of this Commonwealth has had available for years the necessary law for the creation of a separate unit in the National Guard for the enlistment and training of negroes, but Federal legislation is necessary to make possible the use of such power; therefore be it

Resolved, (if the Senate concur), That the General Assembly memorialize the Congress of the United States to enact as quickly as possible such legislation as is necessary to permit members of the colored race to enlist and receive training in the National Guard of the Commonwealth so that the opportunity to demonstrate their patriotism and love of country shall no longer be denied to them; and be it further

Resolved, That one copy of this resolution be forwarded to each of the following:

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

The Vice-President, Henry A. Wallace, President of the United States Senate;

Speaker Rayburn, House of Representatives;

Senator Joseph Guffey;

Senator James P. Davis; and

All members of the House delegation from Pennsylvania.

Referred to the Committee on Rules.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

The SPEAKER for Mr. MARSHALL M. COHEN for the remainder of the week on account of illness.

REPORTS FROM COMMITTEES

Mr. PAUL A. BRUNNER, from the Committee on Highways, reported as committed, House Bill No. 727, entitled:

A supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures

located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Northumberland.

Mr. PAUL A. BRUNNER, from the Committee on Highways, reported as committed, House Bill No. 728, entitled:

A supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain townships roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Union.

Mr. YESTER, from the Committee on State Government, reported as committed, House Bill No. 918, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by establishing a Dog Control Commission and defining its powers and duties; and repealing inconsistent acts or parts of acts.

Mr. POWERS, from the Committee on Liquor Control, reported as committed House Bill No. 870, entitled:

An Act to further amend sections twenty and twenty-one of the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," by further regulating manufacturers and distributors and importing distributors of malt and brewed beverages.

Mr. DUFFY, from the committee on Motor Vehicles, reported as committed, House Bill No. 523, entitled:

An Act to protect the public against fraud and deception to prevent unfair competition and unfair trade practices; regulating the business of selling gasoline by requiring persons engaged therein to post the price thereof to public view and requiring sale at the price posted; and prescribing certain penalties.

Mr. BRADLEY, from the Committee on Mines and Mining, reported as committed, House Bill No. 1190, entitled:

An Act relating to coal stripping operations; providing for the health and safety of persons employed therein; and for the inspection and regulation of such operations by the Department of Mines; requiring certain information and reports; and prescribing penalties.

Mr. BURNS, from the Committee on Mines and Mining, reported as committed, House Bill No. 507, entitled:

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

Mr. STANK, from the Committee on Liquor Control, reported as committed, House Bill No. 811, entitled:

An Act to further amend section three of the act, approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16) entitled, as amended "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery, reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act," further providing for the rights of manufacturerers of wine.

Mr. STANK, from the Committee on Liquor Control, reported as committed, House Bill No. 830, entitled:

An Act to further amend the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (1933-34 P. L. 15), entitled, as last 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," changing the provisions of said act with respect to natural wines as herein defined; discontinuing the sale thereof by State stores; and changing the quantities of malt or brewed beverages that may be sold by licensees, other than clubs, for consumption off the premises where sold.

Mr. STANK, from the Committee on Liquor Control, reported as committed, House Bill No. 831, entitled:

An Act to re-enact and further amend the title and the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled as last amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," including natural wines, as herein defined, within the provisions of said act; providing special licenses for the sale thereof, authorizing retail dispersers to sell natural wines without further license; and changing the quantities of malt or brewed beverages that may be sold by distributors and importing distributors, and by retail dispersers for consumption off the premises where sold.

Mr. WRIGHT, from the Committee on Mines and Mining, reported as committed, House Bill No. 1080, entitled:

An Act to further amend section one of article four of the act, approved the ninth day of June, one thousand nine hundred and eleven (P. L. 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania, and for the protection and preservation of property connected therewith," by providing for the issuance of limited mine foremen's certificates for mines wherein less than ten persons are employed during the period of twenty-four hours, and prescribing the powers and duties of the holders of such limited certificates.

Mr. MARKS, from the Committee on Highways, reported as committed, House Bill No. 640, entitled:

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

Mr. FINESTONE, from the Committee on Judiciary General, reported as committed, House Bill No. 1095, entitled:

An Act to further amend section six of the act, approved the fifth day of May, one thousand nine hundred and eleven (F. L. 198), entitled "An act to establish a county court for the county of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof," conferring upon said county court jurisdiction in certain civil actions transferred to it by the Court of Common Pleas of Allegheny County.

Mr. DiGENCVA, from the Committee on Cities—First Class, reported as committed, House Bill No. 1240, entitled:

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

Mr. GALLAGHER, from the Committee on Mines and Mining, reported as committed, House Bill No. 194, entitled:

An Act to amend section two of article five of the act, approved the ninth day of June, one thousand nine hundred eleven (P. L. 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania, and for the protection and preservation of property connected therewith," by requiring fire bosses to report any dangerous conditions in bituminous mines to the mine inspector.

Mr. ROSENFELD, from the Committee on Cities—First Class, reported as committed, House Bill No. 1255, entitled:

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

Mr. CHUDOFF, from the Committee on Cities—First Class, reported as committed, House Bill No. 1253, entitled:

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

Mr. MODELL, from the Committee on Banking, reported as committed, House Bill No. 1245, entitled:

An Act to further amend section one of the act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188), entitled "An act designating the days and half days to be observed as legal holidays, and for the payment, acceptance and protesting of bills, notes, drafts, checks and other negotiable paper on such days," providing for the observance of Labor Day on the second Monday of September in the year one thousand nine hundred and forty-one.

Mr. O'DARE, from the Committee on Cities—First Class, reported as committed, House Bill No. 1254, entitled:

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

Mr. HEWITT, from the Committee on Mines and Mining, reported as committed, House Bill No. 101, entitled:

An Act to add to rule ten A article eleven, section one of the act, approved the ninth day of June, one thousand nine hundred and eleven (P. L. 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania, and for the protection and preservation of property connected therewith," requiring that cars or wagons used for transporting persons in or about mines and hauled by electric locomotives operated from trolley wires shall have bodies constructed of wood or other non-conducting material.

Mr. EDWIN A. LEE, from the Committee on Cities—First Class, reported as committed, House Bill No. 1050, entitled:

An Act requiring cities of the first class to furnish all police officers employed by such cities, all firearms, cartridges and all other firearm accessories free of charge.

Mr. FRENCH, from the Committee on Highways, reported as committed, House Bill No. 1071, entitled:

An Act to further amend section sixteen of the act, approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing

for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draftsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioners and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State highways of the Commonwealth; providing for the improvement, maintenance and repair of said State highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State highway, and procedure therein; providing for work of improvement of State highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of townships or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of township, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," providing for the payment of costs by the Commonwealth in certain cases.

Mr. SOLLENBERGER, from the Committee on State Government, reported as committed, House Bill No. 1135, entitled:

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth certain land upon which the historic Fort Roberdeau once stood in Blair County, as a memorial; providing for the control, management, supervision, restoration and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof, and making an appropriation.

Mr. KLINE, from the Committee on State Government, reported as committed, House Bill No. 739, entitled:

An Act to further amend paragraph six of section one of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and du-

ties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits and rights from taxation and judicial process; and providing penalties," by further defining State employe.

Mr. HARMUTH, from the Committee on Railroads and Railways, reported as amended, House Bill No. 292, entitled:

An Act to promote the safety of employes and travelers upon railroads by compelling common carriers by railroad to furnish employes with certain signal devices.

Mr. FINESTONE, from the Committee on Judiciary General, reported as amended, House Bill No. 1091, entitled:

An Act to amend section sixteen of the act approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by providing that the tax on personal property imposed by counties, and by cities coextensive with counties, shall be a lien after recordation upon the franchise and real property of the person taxed; and providing for the extending and continuing of said liens.

Mr. VOLDOW, from the Committee on Banking, reported as amended, House Bill No. 567, entitled:

An Act to reenact and amend the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 748), entitled "An act for the registration and regulation of certain individuals and entities selling, contracting to sell or dispose of, attempting or offering to dispose of, soliciting offers to buy, or inducing holders thereof to exchange, securities defined herein, including securities issued by them, or engaging in the business of inducing holders of securities to effect, the sale thereof in order to produce funds to pay for other investments sold by them, or in the business of buying securities directly from individuals who are not registered thereunder; providing for the revocation and suspension of registrations; conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act; providing for appeals to the Court of Common Pleas of Dauphin County, and to the Supreme Court of Pennsylvania; conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act; and prescribing fees and penalties," by providing for the registration and regulation of investment advisers and their solicitors; further defining "dealers" and further regulating dealers and salesmen; providing for service on registrants under provisions of this act; and imposing penalties.

Mr. HEATHERINGTON, from the Committee on Highways, reported as amended, House Bill No. 398, entitled:

An Act authorizing the Department of Highways to take over bridges, viaducts and other structures on State highways for the purpose of construction, reconstruction, maintenance and repair thereof when such highways are designated as essential National Defense Highways.

Mr. CORDIER, from the Committee on Banking, reported as amended, House Bill No. 211, entitled:

An Act to further amend section one of the act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188), entitled "An act designating the days and half days to be observed as legal holidays

and for the payment, acceptance and protesting of bills, notes, drafts, checks and other negotiable paper on such days," by prescribing certain additional bank holidays.

Mr. MUNLEY, from the Committee on Municipal Corporations, reported as amended, House Bill No. 319, entitled:

An Act to further amend section one of the act, approved the eleventh day of May, one thousand nine hundred eleven (P. L. 275), entitled "An act to provide for the appointment of county and city inspectors of weights and measures providing for their compensation and expenses; prescribing their duties; prohibiting vendors from giving false or insufficient weights and fixing the penalties for the violation of the provisions hereof," allowing inspectors their expenses in attending State conventions of sealers of weights and measures.

Mr. PROSEN, from the Committee on State Government, reported as amended, House Bill No. 1320 (Senate Bill No. 326), entitled:

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

Mr. LESKO, from the Committee on Mines and Mining reported as committed, House Resolution No. 18.

SENATE MESSAGE TAKEN FROM TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 349 together with the Senate message which was laid upon the table be taken from the table.

The motion was agreed to.

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. 349.

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

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 1, line 2, by inserting after the word "district" the words "has heretofore filed in the office of the prothonotary of the proper county any tax or municipal claim and the city borough incorporated town township or school district; also on page 2, line 1, by inserting after the word "default" the words "or filed an amicable scire facias"; also in line 27, by inserting after the word "tax" the words "or municipal"; also on page 3, line 12, by inserting after the word "collected" the following: "whenever any city borough incorporated

town township or school district has heretofore filed in the office of the prothonotary of the proper county or amicable writ of scire facias or a suggestion of nonpayment and an averment of default to revive any municipal claim or has reduced such claim to judgment in the manner provided by law and such writ of scire facias or suggestion of nonpayment and an averment of default shall not have been filed within the period of five years from the time the original claim was filed or within five years after any prior revival of such claim and such judgment shall not have been entered within a period of five years after the filing of the writ of scire facias to reduce such claim to judgment then in any such case such action in filing such amicable writ of scire facias or suggestion of non-payment and an averment of default or entering such judgment is hereby ratified confirmed and made valid notwithstanding that the same was not filed or entered within the time required by law and that the lien of such municipal claim was lost and the lien of any such municipal claim shall be deemed revived from the date such amicable writ of scire facias or suggestion of nonpayment and averment of default was filed or such judgment entered in the office of the prothonotary and such lien may have been or may be proceeded upon further revived and collected as provided by law."

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

Speaker.

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.

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. 349.

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

Whereupon,

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

QUESTION OF PERSONAL PRIVILEGE

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

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

Mr. WRIGHT. Mr. Speaker, in the Journal of March 31, on page 1006, I am recorded as voting "aye" on the Sunday Bowling Bill. I voted under a misapprehension; I intended to vote "nay," and at a later date, April 15, I voted "nay" on the same bill.

FALLS TOWNSHIP HIGH SCHOOL WELCOMED

The SPEAKER. In Bucks County, the second oldest in the Commonwealth, there is a Township unique in the annals of the State.

This Township contains the Manor House of the Proprietary Governor, William Penn, and known as Pennsburg.

From "Crewscorn," a village at the head of tide water in the Delaware River and four miles above Pennsburg, Penn established the first letter post to Frankford in Philadelphia.

At Fallsington, just north of Pennsburg, William Penn, established a Friends Meeting and there had built a Quaker Meeting House in which the Friends still meet each "First Day."

In this Township are the two greatest truck farms in the State, one 1600 acres and the other 3000 acres.

There is present today in the Hall of the House the High School Senior Class of Falls Township, the township of Penn, named for the Falls of the Delaware, where the tide ceases to flow, in the Delaware River.

These boys and girls are visiting the Capitol today under the guidance of their principal, Andrew Jackson Chamberlain, and are the guests of the gentlemen from Bucks, Messrs. Stockham and Yeakel.

Parenthetically, "Crewscorn" is now the Boro of Morrisville, carved from Falls Township, named for Robert Morris, the financier of the Revolutionary War and the home of Mr. Stockham.

MR. STOCKHAM IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of 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 thereof and the recording and custody thereof.

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

Agreeably to order,

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

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

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 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, limesulphur 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.

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

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 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 Com-

monwealth, 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.

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

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 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 clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by 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.

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

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 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 personal service of the subpoena in divorce.

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

Agreeably to order,

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

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

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 179, entitled:

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

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

Agreeably to order,

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

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

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 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 now taxed and collected in all matters and proceedings" by changing the definition of daily newspaper.

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

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 814, entitled:

An Act regulating the payment of wages or compensation for labor or service in private employments; establishing regular pay days; imposing 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 violations of the act, and providing for their collection and disposition; and repealing inconsistent legislation.

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

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 960, entitled:

An Act to further 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.

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

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 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, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined," as amended, providing that State employes may accumulate their authorized leaves of absence and take such accumulated leaves at one time.

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

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 797, entitled:

An Act providing for 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.

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

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 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 jurisdiction and powers of courts," by further defining the power of courts to punish summarily for contempt, and setting up a period of limitations.

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

Agreeably to order,

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

17), entitled as amended "An act relating to the administration and distribution of the estate 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 charged on land; the discharge of residuary estate and of real estate from the lien of legacies and other charges; the appraisement 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; 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.

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

Agreeably to order,

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

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

Agreeably to order,

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

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

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 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 thereto," by requiring all contracts of county commissioners, in counties of the second class, over five hundred dollars to be made with the lowest and best bidder, after due notice published.

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

The SPEAKER (Elmer Kilroy) IN THE CHAIR.

The SPEAKER. The Chair thanks the gentleman from Bucks, Mr. Stockham, for presiding.

BILL ON SECOND READING

Agreeably to order,

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

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

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. WEISS. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1372. (Senate Bill No. 125), entitled:

An Act abating certain tax penalties and interest on county, city (except cities of the first and second class), borough, town, township, school district (except school districts of the first class), and county institution district 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 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. 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. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" prohibiting the selling giving away or permitting or employing minors under fifteen years of age to sing dance act or exhibit in dance houses concert saloons theaters places of entertainment prohibiting the selling giving away or permitting or employing minors under eighteen years of age to sing dance act or exhibit in tap rooms clubs cafes restaurants and 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

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

Ordered, To be transcribed for a third reading.

BILLS ON THIRD READING

Agreeably to order,

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

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

And said bill having been read at length the 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 202

- | | | | |
|-----------------|----------------|--------------|------------------|
| Achterman, | Foor, | Malloy, | Rose, W. E., |
| Almond, | French, | Marks, | Rosenfeld, |
| Auker, | Gallagher, | Maxwell, | Royer, |
| Baker, | Gates, | McClanaghan, | Rush, |
| Balthaser, | Gerard, | McClester, | Sarge, |
| Baugher, | Gillan, | McDermott, | Sarraf, |
| Bentley, | Gillette, | McDowell, | Scanlon, |
| Bentzel, | Goodwin, | McFall, | Schwab, |
| Boles, | Greenwood, | McGrath, | Serrill, |
| Boney, | Gross, | McIntosh, | Shaffer, |
| Boorse, | Gryskewicz, | McKinney, | Shaw, |
| Bower, | Gyger, | McLanahan, | Shepard, |
| Bradley, | Habbyshaw, | McLane, | Simons, |
| Breth, | Laberlen, | McMillen, | Skale, |
| Bretherick, | Haines, | McSurdy, | Snyder, |
| Brown, | Hall, | Melchiorre, | Sollenberger, |
| Brunner, C. H., | Hamilton, | Mihm, | Sorg, |
| Brunner, P. A., | Hare, | Modell, | Stambaugh, |
| Burns, | Harkins, | Monks, | Stank, |
| Burris, | Harmuth, | Mooney, | Stine, |
| Cadwalader, | Harris, | Moran, | Stockham, |
| Chervenak, | Heatherington, | Moul, | Tarr, |
| Cladoff, | Helm, | Muir, | Tate, |
| Cochran, | Hering, | Munley, | Thompson, F. F., |
| Cohen, R. E., | Herman, | Nagel, | Thompson, R. L., |
| Cook, | Hersch, | Nunemacher, | Trout, |
| Cooper, | Hewitt, | O'Brien, | Turner, |
| Cordier, | Hirsch, | O'Connor, | Van Allsburg, |
| Corrigan, | Holland, | O'Dare, | Vincent, |
| Croop, | Huntley, | O'Mullen, | Vogt, |
| Cullen, | Imbrie, | O'Neill, | Voldow, |
| Dairyple, | James, | Owens, | Voorhees, |
| Dennison, | Jefferson, | Perceky, | Wagner, |
| Digenova, | Jones, G. E., | Pettit, | Watkins, |
| Dix, | Jones, P. N., | Polaski, | Weingartner, |
| Dolan, | Keenan, | Polen, | Weiss, |
| D'Ortona, | Kilne, | Powers, | Welsh, E. B., |

- | | | | |
|--------------|----------------|---------------|-----------------|
| Duffy, | Knoble, | Prosen, | Welsh, M. J., |
| Early, | Kolankiewicz, | Rank, | Williams, |
| Eckels, | Komorofski, | Rausch, | Winner, |
| Elder, | Krise, | Readinger, | Wolf, |
| Elliott, | Lee, E. A., | Reagan, | Wood, L. H., |
| Ely, | Lec, T. H., | Reese, D. P., | Wood, N., |
| Falkenstein, | Lelsey, | Reese, E. E., | Woodring, |
| Finestone, | Lesko, | Regan, | Woodside, |
| Finnerty, | Levy, | Reynolds, | Wright, |
| Fisher, | Leydic, | Rhea, | Yeakel, |
| Fiss, | Lichtenwalter, | Riley, | Yester, |
| Fleming, | Longo, | Rooney, | Young, |
| Fletcher, | Lovett, | Rose, S., | Kilroy, Speaker |
| Flynn, | 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 return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1174, as follows:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" changing certain requirements with respect to contracts of school districts involving more than certain amounts

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

Section 1 Section four hundred three 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" is hereby amended to read as follows

Section 403 The affirmative vote of a majority of all the members of the board of school directors in every school district in this Commonwealth duly recorded showing how each member voted shall be required in order to take action on the following subjects

Fixing length of school term

Adopting textbooks

Appointing or dismissing district superintendents assistant district superintendents associate superintendents principals and teachers

Appointing tax collectors and other appointees

Levying and assessing taxes

Purchasing selling or condemning land

Locating new buildings or changing the locations of old ones

Dismissing a teacher after a hearing

Creating or increasing any indebtedness

Adopting courses of study

Establishing additional schools or departments

Designating depositories for school funds

Entering into contracts of any kind including the purchase of fuel or any supplies where in districts of the first or second class the amount involved exceeds three hundred dollars and in districts of the third or fourth class the amount involved exceeds one hundred dollars

Fixing salaries or compensation of officers teachers or other appointees of the board of school directors

Section 2 Subsection (a) of section six hundred seven-

teen of said act as last amended by section sixteen of the act approved the twenty-ninth day of May one thousand nine hundred thirty-one (P. L. 243) is hereby further amended to read as follows

Section 617 (a) All construction reconstruction repairs or work of any nature including the introduction of heating ventilating or lighting systems upon any school building or upon any school property made by any school district in this Commonwealth where the entire cost value or amount of such construction reconstruction repairs or work including labor and material shall exceed three hundred dollars (\$300) in school districts other than school districts of the first and second class and in school districts of the first and second class where such entire cost value shall exceed six hundred dollars (\$600) shall be done under contract or contracts to be entered into by such school district with the lowest responsible bidder upon proper terms after due public notice has been given asking for competitive bids. Provided That if due to an emergency a school plant or any part of the same becomes unusable during the school term competitive bids for repairs or replacements may be solicited from at least three responsible bidders and upon arrival of any of these bids by the State Superintendent of Public Instruction the board of school directors may proceed at once to make the necessary repairs or replacements in accordance with the terms of said approved bid or bids

Section 3 Section seven hundred six of said act as amended by the act approved the fourth day of May one thousand nine hundred twenty-seven (P. L. 689) is hereby further amended to read as follows

Section 706 School supplies shall be divided into two classes The first class shall include school desks chairs typewriters and school apparatus The second class shall include map globes and all other supplies except text books necessary for school use not included in the first class The board of school directors in any district may authorize or appoint the secretary of the board or other executive or purchasing agent for the district with the authority to purchase supplies of either class costing in districts of the first and second class less than three hundred dollars (\$300) and in districts of the third and fourth class less than one hundred dollars (\$100) without sealed bids or advertising for bids

Section 4 Subsection (a) of section seven hundred seven of said act as amended by section eighteen of the act approved the twenty-ninth day of May one thousand nine hundred thirty-one (P. L. 243) is hereby further amended to read as follows

Section 707 (a) When it is deemed necessary to purchase desks or other supplies of the first class costing in districts of the first and second class three hundred dollars (\$300) or more and in districts of the third and fourth class one hundred dollars (\$100) or more the board of school directors shall solicit sealed quotations from two or more firms manufacturers or dealers in such supplies Such quotations shall be opened at a regular or special meeting of the board of school directors and said board shall accept the bid of the lowest responsible bidder when the kinds and quality of supplies and equipment offered are the same or are equal but shall have the right to reject any and all bids or select a single item from any bid Provided That any school district may purchase school furniture and other equipment from another school district without asking for competitive bids

Section 5 This act shall become effective immediately upon final enactment

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

On the question,

Shall the bill pass finally?

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

YEAS 203

Auker,	Foor,	Malloy,	Rose, W. E.,
Achterman,	French,	Marks,	Rosenfeld,
Allmond,	Gallagher,	Maxwell,	Royer,

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

NAYS 0

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

BILL PASSED OVER

There being no objection House Bill No. 1156, Printer's No. 308, 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. 404, as follows:

An Act relating to marriage and amending revising consolidating and changing the law relating thereto

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

Section 1 License Necessary to Marry No person shall be joined in marriage within this Commonwealth until a license shall have been first obtained for that purpose from the clerk of the orphans' court of the county where the marriage ceremony is to be performed or where either of the contracting parties resides A license so issued in the county wherein either of the contracting parties resides shall authorize the marriage ceremony to be performed in any county of this Commonwealth

Section 2 Application for License to Marry No license to marry shall be issued by any clerk of the orphans' court except upon written and verified application made by both of the parties intending to marry Such application

shall contain a statement of (a) the full Christian name and surname of the applicants (b) the color age occupation birth place and residence of the applicants (c) the full Christian name and surname residence color occupation and birthplace of their parents including the maiden name of the mothers (d) whether the marriage is the first second or other marriage (e) that neither of the applicants is affected with a transmittible disease (f) that each of the parties has submitted to an examination within thirty days of the application for the license as to the existence or nonexistence of syphilis and has presented a proper statement entitling him or her to a license to marry signed by a duly licensed physician and (g) such other facts as the Department of Health may deem necessary to determine whether any legal impediment to the proposed marriage exists:

Section 3 Waiting Period After Application for License No license to marry shall be issued until after three days from the day of making application therefor except in cases of emergency or extraordinary circumstances when a judge of the orphans' court may authorize the license to be issued at any time before the expiration of said three days

Section 4 Restrictions on the Issue of Marriage License No license to marry shall be issued by any clerk of the orphans' court

(a) Until there shall be in the possession of the clerk of the orphans' court a statement or statements signed by a duly licensed physician of the Commonwealth of Pennsylvania that each applicant within thirty days of the application for the marriage license has submitted to an examination to determine the existence or non-existence of syphilis which examination has included a standard serological test or tests for syphilis and that in the opinion of the examining physician the applicant is not infected with syphilis or if so infected is not in a stage of that disease which is likely to become communicable The physician's statement shall be accompanied by a statement from the person in charge of the laboratory making the test or from some other person authorized to make such statement setting forth the name of the test the date it was made the name and address of the physician to whom a report was sent and the exact name and address of the person whose blood was tested but not setting for the result of the test

(b) Unless at least one of the applicants is identified to the satisfaction of the clerk of the orphans' court applied to for such license or unless at least one of the applications has attached thereto a certificate from the alderman magistrate notary public or justice of the peace before whom it was taken stating that the applicant was identified to the satisfaction of such officer

(c) If either of the applicants for a license is under the age of eighteen years except in special cases where a judge of the orphans' court shall have discretion to authorize a license to be issued by the clerk of the orphans' court where one or both applicants are under the age of eighteen years

(d) If either of the applicants is under the age of twenty-one years unless the consent of a parent or guardian shall be personally given before the clerk or be certified under the hand of a parent or guardian attested by two adult witnesses and in the latter case the signature of the parent or guardian shall be acknowledged before an officer authorized by law to take acknowledgments When such a minor has no guardian and the judge of the orphans' court is absent or not accessible for any reason the clerk of the orphans' court or a duly appointed assistant clerk of said court may appoint a guardian pro hoc vice for such minor

(e) If either of the applicants for license is an imbecile epileptic of unsound mind or under guardianship as a person of unsound mind or as a feeble minded person

(f) If either applicant is or has been within five years preceding the time of the application an inmate of any institution for the insane or home for indigent persons unless it satisfactorily appears that the cause for such condition has been removed and that the male applicant is able to support a family

(g) If at the time of making application either of the

applicants is under the influence of intoxicating liquor or narcotic drug

(h) To a person (divorced by his or her former spouse on the grounds of adultery) for the marriage of such person to the person with whom the crime of adultery was committed during the lifetime of the former husband or wife

(i) To applicants who are of kin of the degree of first cousins

(j) To applicants within the prohibited degrees of consanguinity and affinity which are as follows

Degrees of Consanguinity

A man may not marry his mother
 Do do father's sister
 Do do mother's sister
 Do do sister
 Do do daughter
 Do do the daughter of his son or daughter

A woman may not marry her father
 Do do father's brother
 Do do mother's brother
 Do do brother
 Do do son
 Do do the son of her son or daughter

Degrees of Affinity

A man may not marry his father's wife
 Do do son's wife
 Do do wife's daughter
 Do do the daughter of his wife's son or daughter

A woman may not marry her mother's husband
 Do do daughter's husband
 Do do husband's son
 Do do the son of her husband's son or daughter

Section 5 Tests for Syphilis Physician's Statement Appeals Filing (a) For the purpose of this act a standard serological test for syphilis shall be a test approved by the State Department of Health and shall be made at a laboratory approved to make such tests by the State Department of Health Such laboratory tests as are required to be made by this act shall on request of the physician submitting the sample and on his certificate that the applicant is unable to pay be made without charge by the State Department of Health

(b) Any applicant for a marriage license having been denied a physician's statement as required by this act shall have the right of appeal to the Department of Health of the Commonwealth of Pennsylvania for a review of the case and the said department shall after appropriate investigation issue or refuse to issue a statement in lieu of the physician's statement required by section one of this act

(c) The statements of the physician who examined the applicant and the laboratory which made the serological test shall be uniform throughout the state and shall be upon forms provided therefor by the State Department of Health These forms shall be filed by the clerk of the orphans' court separately from the applications for marriage licenses and shall be regarded as absolutely confidential by any and every person whose duty it may be to obtain make transmit or receive such information or report

Section 6 Examination of Applicants Each of the applicants for a marriage license shall appear in person before the clerk of the orphans' court of the county in which the license is to be issued or before an alderman magistrate notary public or justice of the peace of that county or of the county wherein the applicant resides

At the time of such appearance the applicant or both of them if they appear together shall be examined under oath or affirmation as to

(a) The legality of the contemplated marriage
 (b) Any prior marriage or marriages and its or their dissolution
 (c) All the information required to be furnished on the application for license as prepared by the Department of Health and

(d) The restrictions set forth in section four of this act The application or applications shall thereupon be completed in accordance with such examination and duly sworn or subscribed to by the applicant or applicants

Upon the completion of any application or applications taken before an alderman magistrate notary public or justice of the peace such application or applications shall be promptly transmitted to the clerk of the orphans court of the county in which the license is to be issued There shall be attached to each application so forwarded a certificate of the officer before whom it was taken stating whether or not the applicant was identified to the satisfaction of such officer

The clerk of the orphans' court wherein the license is sought when properly completed applications on behalf of each of the parties to the proposed marriage have been taken before him or duly forwarded to him by an alderman magistrate notary public or justice of the peace shall if there is no legal objection to the marriage grant a license Such license shall not be granted until after three days from the date of the most recent of the two applications therefor

The clerk of the orphans' court shall provide application blanks upon request to aldermen magistrates notaries public and justices of the peace and also blanks for certifying the identification of applicants

Section 7 Orphans' Court to Pass Upon Refusal of Clerk to Issue License In those cases where the right to a license is not made to appear the clerk of the orphans' court shall refuse to issue the same At once upon such refusal he shall certify the proceedings to the orphans' court of the county without formality or expense to the applicants for license who shall be notified by the clerk of such action

Such application for a license to marry shall thereupon at the earliest possible time be heard by a judge of said court without a jury in court or in chambers during the term or in vacation as the case may be The finding of the court that a license ought to issue or ought not to issue shall be final and the clerk of the orphans' court shall act in accordance therewith

The true intent of this section is to secure for applicants a hearing before the orphans' court without affirmative action by said applicants and to give notice to them of such hearing its time and place without delay or expense

Section 8 Recording Application and Consent Certificate The applications for license and all consent certificates shall be immediately recorded by the clerk of the orphans' court in a book provided for that purpose at the cost of the county which shall be called the marriage license docket and which shall be a public record open to inspection or examination by the public at all times during business hours Any person may make a copy or abstract of the entries contained in the said marriage license docket for the purpose of publication in any regularly published daily or weekly newspaper and it shall be lawful to publish said copy or abstract in any regularly published daily or weekly newspaper printed within the Commonwealth

Section 9 Form of Marriage Licenses Marriage Certificates (a) The marriage license as issued by the clerk of the orphans' court shall not be valid for a longer period than sixty days from the date of issue and shall be in form substantially as follows to wit

Commonwealth of Pennsylvania } ss No
County of

To any person authorized by law to solemnize marriage You are hereby authorized to join together in holy state of matrimony according to the laws of the Commonwealth of Pennsylvania A B of full age and never heretofore married and C D likewise of full age and never heretofore married

Given under my hand and seal of the orphans' court of said county of at this day of one thousand

If either of said parties is not of full age of twenty-one years then in lieu of the words "of full age" his or

her age shall be stated and the fact of consent of parent or guardian shall likewise be stated and if either of said parties shall have been married previously to the issuing of such license then in lieu of the words "never previously married" the number of times he or she shall have been previously married and the mode by which said prior marriage or marriages was or were dissolved shall be stated and if by divorce the cause for which such divorce shall have been granted If either of said parties is under the age of eighteen years and a judge of the orphans' court shall have authorized the license to be issued then in lieu of the words "of full age" his or her age shall be stated and the fact that a judge authorized the license to issue shall likewise be stated in addition to the consent of a parent or guardian

(b) The license shall have appended to it two certificates numbered to correspond with said license (one marked original and one marked duplicate) which shall be in form substantially as follows

I hereby certify that on the day of one thousand at and were by me united in marriage in accordance with license issued by clerk of the orphans' court of county Pennsylvania numbered

(Signed) (Title of person solemnizing marriage)

Section 10 Forms Where Marriage Ceremony Performed by Parties to Marriage In all cases in which the parties intend solemnizing their marriage themselves no such marriage shall take place until the clerk of the orphans' court shall certify their right so to do in a declaration in substantially the following form

To A B and C No

Legal evidence having been furnished to me in accordance with law this certifies that I am satisfied that there is no legal impediment to you joining yourselves together in marriage

A B Clerk In lieu of the certificate before set forth there shall be appended to such declaration two certificates numbered to correspond to the declaration of the clerk of the orphans' court in the following form

We hereby certify that on the day of one thousand nine hundred and we united ourselves in marriage at in the county of having first obtained from the clerk of the orphans' court of said county a declaration numbered that he was satisfied that there was no existing legal impediment to our so doing

A B C D

We the undersigned were present at the solemnization of the marriage of A B and C D as set forth in the foregoing certificate

D E E F

Section 11 Persons Qualified to Solemnize Marriages The chief justice of each justice of the Supreme Court the president judge and each judge of the Superior Court each judge of the court of common pleas judge of the orphans' court judge of a county court judge of a municipal court magistrate alderman justice of the peace mayor of any city and burgess of any borough of this Commonwealth and every minister priest or rabbi of any regularly established church or congregation is hereby authorized to solemnize marriages between such persons as produce a proper marriage license Every religious society religious institution or religious organization in this Commonwealth may join together in marriage such persons as are members of the said society institution or organization or when one of such persons is a member of such society institution or organization according to the

rules and customs of the society institution or organization to which they or either of them belong

Section 12 Returns of Marriages The certificate marked "original" shall be by the person solemnizing the marriage be duly signed and be given to the parties contracting the marriage and the certificate marked "duplicate" shall be by the person or by a member of the religious society institution or organization solemnizing the marriage be duly signed and returned to the clerk of the orphans' court who issued the license within thirty days after the solemnizing of said marriage If the marriage was solemnized by the parties themselves the certificate marked "original" shall be signed by the parties to the marriage and be attested by two witnesses and be retained by the parties contracting the marriage and the certificate marked "duplicate" shall be signed by the parties to the marriage and be attested by the same two witnesses and be returned to the clerk of the orphans' court issuing the same within thirty days

The clerk of the orphans' court upon the reception of the duplicate certificate shall enter the same upon the marriage license docket with the marriage license application

Section 13 Common Law Marriages Abolished No common law marriage may hereafter be legally entered into in this Commonwealth and all such marriages hereafter entered into shall be null and void

Section 14 Marriages Within Degrees of Consanguinity and Affinity All marriages within the prohibited degrees of consanguinity or affinity as set forth in this act are hereby declared voidable to all intents and purposes but when any of said marriages shall not have been dissolved during the life time of the parties the unlawfulness of the same shall not be inquired into after the death of either of the parties thereto

Section 15 Marriages During Existence of Former Marriage If a person during the life-time of a husband or wife with whom a marriage is in force enters into a subsequent marriage pursuant to the requirements of this act and the parties thereto live together thereafter as husband and wife and such subsequent marriage was entered into by one or both of the parties in good faith in the full belief that the former husband or wife was dead or that the former marriage had been annulled or terminated by a divorce or without knowledge of such former marriage they shall after the impediment to their marriage has been removed by death of the other party to the former marriage or by annulment or divorce if they continue to live together as husband and wife in good faith on the part of one of them be held to have been legally married from and after the removal of such impediment

Section 16 Marriage of Persons Less than Eighteen Void Except by Special License A person less than eighteen years of age shall not have capacity to contract marriage except under authority of a license duly issued by a judge of the orphans' court pursuant to the provisions of section four clause (c) of this act Where either or both parties to a marriage are less than eighteen years of age and a license for such marriage was not secured under section four clause (c) of this act such marriage shall be null and void

Section 17 Preparation of Forms Applications for licenses to marry consent certificates statements of physicians and laboratories relative to examination for syphilis and marriage licenses shall be supplied to the clerk of the orphans' court by the county commissioners at the expense of the county and shall be uniform throughout the Commonwealth and forms thereof as prepared by the Department of Health shall from time to time be furnished to the several clerks of the orphans' courts of this Commonwealth

Section 18 Fees The fee to be charged by the clerk of the orphans' court in various counties for issuing a marriage license or declaration and for returns thereof to the Department of Health shall be two dollars and fifty cents two dollars of which shall be for the use of the clerk of the orphans' court of the county wherein such

license is issued and fifty cents for the use of the Commonwealth Where either of the applicants for a license is under the age of twenty-one years and the consent of a parent or guardian is necessary as herein provided the clerk of the orphans' court shall receive for his own use an additional fee of fifty cents for recording the certificate of consent

All moneys collected by the said clerk for the use of the Commonwealth shall at the end of each month be transmitted to the State Treasurer to be placed in the general fund for the use of the Commonwealth

Section 19 Certified Copies of Records Evidence A certified copy of the record of a marriage license under the hand of the clerk of the orphans' court and the seal of said court or under the hand of the Secretary of Health and the seal of the Department of Health shall be received in all courts of this Commonwealth as prima facie evidence of said marriage between the parties therein named

Section 20 Penalties (a) Any clerk of the orphans' court who shall wilfully issue a marriage license in any manner except as provided for in this act or who shall refuse or neglect to enter upon the marriage license docket any marriage license application or any marriage license issued from his office immediately after it is issued or to enter any consent certificate or authorization of a judge of the orphans' court or shall fail to keep the marriage license docket open for inspection or examination by the public or shall prohibit or prevent any person from making a copy or abstract of the entries in the marriage license docket for the purpose of publishing the same in any regularly published daily or weekly newspaper shall upon conviction in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars (\$50.00) and costs for each offense

(b) Any applicant for a marriage license physician or representative of a laboratory who shall misrepresent any of the facts described by paragraph (a) of section four of this act or any licensing officer failing to receive the statements prescribed by said paragraph or who shall have reason to believe that any of the facts thereon have been misrepresented and shall nevertheless issue a marriage license or any person who shall disregard the confidential character of the information or reports required by said paragraph or any other person who shall otherwise fail to comply with the provisions of said paragraph shall upon conviction thereof in a summary proceeding in the county wherein such offense was committed be sentenced to pay a fine of not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00) and the costs of prosecution and upon failure to pay such fine and costs shall be imprisoned not less than ten (10) nor more than thirty (30) days

(c) Any person solemnizing a marriage who shall neglect or refuse to return the "duplicate" certificate of marriage to the clerk of the orphans' court within thirty (30) days after the marriage was solemnized shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of fifty dollars (\$50.00) and costs

(d) If any person shall solemnize any marriage ceremony or shall be a party or an attesting witness to the same without the parties to the marriage having first obtained the proper license as provided for in this act he she or they so officiating contracting or attesting shall upon conviction in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars (\$50.00)

(e) Any person who shall knowingly perform a marriage ceremony between parties when either of said parties is intoxicated shall be guilty of a misdemeanor and upon conviction thereof shall pay a fine of fifty dollars (\$50.00) or be imprisoned not exceeding sixty (60) days or both

(f) Any alderman magistrate notary public or justice of the peace who shall knowingly insert or permit to be inserted any false statement in any application for marriage license or who shall make any false certification that the applicant named in such application was satisfactorily identified to him shall upon conviction in a sum-

mary proceeding be sentenced to pay a fine not exceeding fifty dollars (\$50.00) and costs

(g) All fines and penalties collected pursuant to this act shall be for the use of the county in which the marriage license was issued

Section 21 Statistics Each clerk of the orphans' court shall furnish the Department of Health not later than the tenth day of each month with a transcript or record of each marriage license issued and each return of the celebration of a marriage received or filed in his office during the preceding calendar month

The transcripts or records required to be furnished shall be made by the clerk of the orphans' court on forms prepared from time to time by the Department of Health and shall contain such information as the Department may require The forms so prepared shall be furnished to the clerk of the orphans' court by the county commissioners at the expense of the county

The records so furnished to the Department of Health shall be public records open to inspection during business hours The Department of Health shall from time to time compile and publish statistics from such records for public information

Section 22 Short Title This act shall be known and may be cited as the "Marriage Law"

Section 23 The following acts and parts of acts are hereby repealed as specifically indicated

Sections five six and nine of the act approved the thirteenth day of March one thousand eight hundred and fifteen (P. L. 150) entitled "An act concerning divorces" so far as supplied by this act

Section two of the act approved the tenth day of April one thousand eight hundred and forty-nine (P. L. 549) entitled "An act to prevent the killing of deer at certain season in Union county and relative to marriage certificates" absolutely

Section four of the act approved the eighth day of May one thousand eight hundred and fifty-four (P. L. 663) entitled "An act to protect certain domestic and private rights and prevent abuses in the sale and use of intoxicating drinks absolutely

The act approved the twenty-third day of June one thousand eight hundred and eighty-five (P. L. 146) entitled "An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to Marry" absolutely

The act approved the twenty-third day of May one thousand eight hundred and eighty-seven (P. L. 170) entitled "An act to amend section three of an act entitled "An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry approved the twenty-third day of June one thousand eight hundred and eighty-five" absolutely

The act approved the first day of May one thousand eight hundred and ninety-three (P. L. 27) entitled "An act to amend an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June Anno Domini one thousand eight hundred and eighty-five relating to the county wherein to secure the license" absolutely

The act approved the twenty-second day of May one thousand eight hundred and ninety-five (P. L. 99) entitled "An act requiring clerks of orphans' courts to keep marriage license dockets open for inspection by the public and allow copies or abstracts of the same to be made for publication and providing a penalty for non-compliance" absolutely

The act approved the eighteenth day of June one thousand eight hundred and ninety-five (P. L. 202) entitled "An act to amend the first section of an act entitled 'An act to amend an act entitled "An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry"' approved the first day of May Anno Domini one thousand eight hundred and ninety-three relating to the county wherein to secure the license" absolutely

The act approved the twenty-fourth day of June one

thousand nine hundred and one (P. L. 597) entitled "An act making it unlawful for first cousins to be joined in marriage and declaring all marriages contracted after the first day of January Anno Domini one thousand nine hundred and two in violation of this act void" absolutely

The act approved the twenty-seventh day of March one thousand nine hundred and three (P. L. 80) entitled "An act to further amend an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June one thousand eight hundred and eighty-five" absolutely

The act approved the twenty-fourth day of March one thousand nine hundred and five (P. L. 58) entitled "An act to further amend an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June one thousand eight hundred and eighty-five empowering notaries public to inquire of parties intending to marry touching the legality of their contemplated marriage and administer oaths to them" absolutely

The act approved the sixth day of May one thousand nine hundred and nine (P. L. 446) entitled "An act to amend the first section of an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June Anno Domini eighteen hundred and eighty-five by increasing license fees" absolutely

The act approved the twenty-fourth day of July one thousand nine hundred and thirteen (P. L. 1013) entitled "An act regulating the issuance of licenses to marry prohibiting the issuance of such licenses to certain persons regulating the time during which licenses shall be valid and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court and prescribing the duties of the clerk of the orphans' court" absolutely

The act approved the twenty-eighth day of May one thousand nine hundred and fifteen (P. L. 636) entitled "An act to amend section three of an act approved the twenty-third day of June one thousand eight hundred eighty-five entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' as amended" absolutely

The act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 494) entitled "A supplement to the act approved the twenty-third day of June one thousand eight hundred and eighty-five (P. L. 146) entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' imposing an additional license fee for the use of the Commonwealth" absolutely

The act approved the second day of May one thousand nine hundred and twenty-five (P. L. 494) entitled "An act fixing the fee to be charged for the issuing of marriage licenses" absolutely

The act approved the twenty-fourth day of March one thousand nine hundred and twenty-seven (P. L. 64) entitled "An act establishing the minimum marriageable age at sixteen years and providing for certain exceptions thereto" absolutely

The act approved the seventh day of May one thousand nine hundred and thirty-five (P. L. 152) entitled "An act to amend section one of the act approved the twenty-fourth day of July one thousand nine hundred and thirteen (P. L. 1013) entitled 'An act regulating the issuance of licenses to marry prohibiting the issuance of such licenses to certain persons regulating the time during which licenses shall be valid and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court and prescribing the duties of the clerk of the orphans' court' by requiring three days to elapse between the application for and the issuance of the license" absolutely

The act approved the seventeenth day of May one thousand nine hundred and thirty-nine (P. L. 148) entitled "An act regulating the issuance of marriage licenses prohibiting the issuance thereof to persons infected with

syphilis in certain stages requiring each applicant to produce certain evidence of freedom from such disease imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties and imposing penalties" absolutely

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

Section 24 The provisions of this act shall become effective the first day of January one thousand nine hundred 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. READINGER. Mr. Speaker, House Bill 404 introduced by myself and Mr. Eckels seeks to codify and revise the marriage laws of the Commonwealth of Pennsylvania. Inasmuch as it makes some important revisions, I believe it to be my duty to call the attention of the membership to those changes in order that they may know exactly what they are voting for in this bill. In the preface of my remarks on this bill, I would like to state that many long hours of work have been put into the bill by Members of this House and others in the classification of the marriage laws of Pennsylvania.

The bill was introduced in February and each week some work has been done on the bill. The sub-committee of the committee on Judiciary General has consulted leading scholars and professors relative to it; clergymen have been consulted concerning the provisions of the bill, and I believe every type of person who might be interested in the marriage laws of Pennsylvania has been consulted. There was an attempt made in 1939 to codify the marriage laws of this state. This bill, as I recall, passed the House unanimously, and I believe also passed the Senate, but due to certain defects in the draftsmanship, certain things being overlooked, the Governor was compelled to veto the bill.

There has been no revision or codification of the marriage laws of Pennsylvania since the time we began passing them. You have read this bill, you have it before you and can read it now; you will find in it laws passed back as far as 1815. It was the intention of the sponsors of the bill and of the sub-committee to keep the works of the marriage laws as similar as possible to the words as they now stand on our statute books. We sought to make as few changes in the marriage laws as possible.

All of the safeguards which have been set up through the years, for example, the waiting period of three days, the restrictions on the issuance of marriage licenses and so forth have been retained in this bill. The manner of obtaining a license has been kept the same, and a license issued in the county where one of the applicants resides may be still used in any county of the Commonwealth, but I desire to point out to you two important changes made in the laws relating to marriage which are contained in this bill. The first one is section thirteen which seeks to abolish the common law marriage after the effective date of this act.

Section 13, on page 14 of the bill reads: "No common law marriage may hereafter be legally entered into in this Commonwealth and all such marriages hereafter entered into shall be null and void."

When Pennsylvania was growing into a new State there was a real solid reason for recognizing common law

marriages. It was very hard to get to the county seat; it was often difficult to find a minister to marry, but today with our ease of travel and with our increased and improved, educational facilities the sponsors of this bill believe the reason for recognizing common law marriages has virtually ceased.

In this bill we have not increased the cost of obtaining a marriage license; it is still two and one-half dollars. We believe we passed some good laws in the 1939 session, namely the pre-marital syphilis examination law and to allow people to become validly married as they now can under common law solely by taking each other as husband and wife and living together, we believe all of those laws set up to safeguard our citizens can be side-stepped at will. All of these laws relating to the issuance of marriage licenses and so forth are devised and passed partly to keep accurate records of who is married and who is not married and to allow the recognition of common law marriages defeats the purpose behind all of these laws. Marriage licenses are easy to procure; we want to set up no obstacle in the way of any person who wants to be married in Pennsylvania. We believe marriage should be encouraged, but we do not believe it is any great task for persons desiring to marry to say to them "You must obtain a marriage license before you can be married in the state." And to say, in order to safeguard the health of our citizens, "We want you to take a pre-marital syphilis examination." To allow our courts to continue to recognize common law marriages would defeat all of these things.

I might point out to the membership that the common law age of marriage is fourteen years for a boy and twelve years for a girl. Are we going to wait until we have children of that age becoming husband and wife under the common law before their eyes are opened? It is a very remote possibility, I grant you, but it can happen in Pennsylvania and we do not want to see it happen.

Mr. CORDIER. Mr. Speaker, I rise to make a short statement. I want to speak upon the difficulty under which the Member is trying to put a point across. I am certain he is speaking on one of the most important pieces of legislation that has come before this body. I believe respect is due to him in presenting this matter to us, and I am certain there are many of us, who desire to hear the debate on this important piece of legislation.

The SPEAKER. The Chair thanks the gentleman from Lackawanna.

Mr. READINGER. I also thank the gentleman from Lackawanna.

I have been informed that twenty-eight states in the union have abolished common law marriages and now, the courts provide that a person desiring to marry in those states must follow the marriage laws. I think it is time that Pennsylvania followed suit. New Jersey in 1939 abolished the common law marriage and they also made their marriage license laws a great deal stricter than we seek to do under this bill. The State of New Jersey provides that its license laws are mandatory, not directory only, and marriages performed not in accordance with their license laws are absolutely void. We do not do that under this bill; we are leaving to the courts the decision to say whether a marriage performed not in accordance with the license laws shall be valid, voidable or void.

You may notice in the bill that some extensive amend-

ments were stricken out the other night. Those amendments were placed there by the sub-committee of Judiciary General in the belief that our marriage license laws should be followed strictly if parties are to be married in the Commonwealth. Other members of that Committee were of another opinion, that we should not possibly create a lot of invalid marriages by that amendment, and I as sponsor had no objection to the amendments being taken out. We do not want to create a large number of invalid marriages and have no desire to do so, but we do desire that people follow our license laws and for that reason we want to abolish this common law marriage.

Another important change in this bill I want to call to your attention, and I shall not detain you much longer, is the provision which raises the marriageable age, the age at which a person can marry with the consent of the parents from sixteen years to eighteen years.

Our present school laws provide that a child must attend school until it is eighteen years of age, and this leaves us in the peculiar position of having at least some persons marrying at the age of sixteen and continue going to school for two more years. We do not believe that is advisable and for that reason we have inserted the provision that a person must be eighteen years and upwards in order to obtain a license to marry, except in certain extraordinary cases in which a license may be issued upon the request to an Orphans' Court judge. If the Orphans' Court judge deems it to be proper he may issue a license to that person, no matter what the age of that person is.

Those I would say are two of the important changes made in this act. Several of the penalties have been changed slightly and under this bill the party who violates the laws relating to these marriage licenses is also made to suffer a penalty of a fine not exceeding fifty dollars. At the present time the officiating officer, the clerk of the orphans' court and every other person connected with the marriage not in accordance with the license laws will be subject to a penalty, but the person who marries contrary to the law suffers no penalty whatsoever.

I would like to reiterate that much careful study has gone into the preparation of this bill. Many people have complained "You have got to be a lawyer to find out what the marriage laws of Pennsylvania are." Many clergymen are requested by mail to tell somebody outside the state what the marriage laws of Pennsylvania are, and oftentimes they cannot do it because they do not have all the law books available.

We tried in this bill to bring together all the laws relating to marriage in Pennsylvania, so that a layman may pick it up and read it and understand just how a person marries, who may marry and anything incidental to marriage.

As I said before, the marriage laws have never been codified in this state to my knowledge, and you practically have got to be a lawyer to find them. I sincerely ask your support for this bill. I do not expect everybody to agree with me that we should abolish the common law marriage or that we should raise the marriageable age, but I believe if you will sit down and consider these things carefully, you will probably agree that this is a good bill and should be supported.

Mr. CULLEN. Mr. Speaker, I would like to interrogate the gentleman from Berks, Mr. Readinger.

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

Mr. READINGER. I shall, Mr. Speaker.

Mr. CULLEN. Mr. Speaker, I would like to ask Mr. Readinger under this bill as amended, in the situation where a man takes a woman without taking out a license, they live together for a period of years, they have children. Let us assume in the interim the father of the child acquires property. Now, the father dies. What standing has the child got to acquire that property under this bill?

Mr. READINGER. Mr. Speaker, if the gentleman is assuming the case of a man and woman taking each other as husband and wife after the affective date of this act, and assuming the father dies and leaves no will, I would say the child has no claim upon his estate.

Mr. CULLEN. I thank the gentleman, Mr. Speaker.

Mr. Speaker you cannot regulate the morals in grown-up people. Here is a case where you take two people living together against the marriage laws; you cannot legislate whether they live together or whether they do not, neither this House nor any other body can, but this bill as I see it, penalizes the child of this particular relationship. This particular child has absolutely nothing to do with the faults of the parents, but we of the legislative body say this: "We are going to penalize you for the sins of your father and mother." I do not think it is fair to the child and for that reason I will have to vote against this bill.

Mr. BROWN. Mr. Speaker, I do not feel it necessary to explain the provisions of this bill, however, I ask the indulgence of the House in publicly recognizing the services of several people on this bill.

I would like to answer the gentleman from Philadelphia who just spoke in this regard. During years past the state of Pennsylvania has set up certain safeguards to marriage, the three day waiting period, the test for syphilis and other provisions designed to protect the marital status in Pennsylvania. We recognize that a common law marriage is not amenable to any of these tests, and you can see the justification for this bill. There is absolutely no necessity now in this state or any other state to recognize common law marriages and at the same time attempt to set up certain safeguards for marriages, because common law marriages do not come within the purview of these safeguards. It is high time that we in Pennsylvania codify our marriage laws and make these safeguards applicable to all marriages alike.

I should like as Chairman of the Committee on Judiciary General to make a public acknowledgment of the services of certain persons who helped on this bill. We recognized in the very beginning that we were dealing perhaps with one of the most sacred institutions in civilization, that of marriage, and we appointed a committee composed of the gentleman from Westmoreland, Mr. Weiss, the gentleman from Lawrence, Mr. Weingartner, the gentleman from Cumberland, Mr. McIntosh, and the gentleman from Philadelphia, Mr. McClanaghan, and the gentleman from Philadelphia, Mr. Modell. They worked for many hours on this bill and after a while they set out to get the most outstanding authorities on the matter of family relationship in Pennsylvania. The committee debated this matter with men who are outstanding in this field, and we make public acknowledgment of their services to this committee: Professor Reader of Dickinson, Professor Freedman of Temple Uni-

versity Law School and John H. Fertig, former Director of the Legislative Reference Bureau. They appeared before the committee and gave the benefit of their experience in this matter. These gentlemen gave us their experiences so far as codifying is concerned, and as far as the merits of the bill are concerned. I want to make public acknowledgment to those members whose names I mentioned, the professors I mentioned, and John Fertig.

I do not feel that the situation the gentleman from Philadelphia raises is one that should be paramount in our discussion of this bill. The main thing as I said before, is this, shall we set up safeguards for marriages and at the same time recognize common law marriages that do not come within the safeguards we are setting up? The purpose of this bill is to protect all marriages, and I feel that the gentleman from Philadelphia and the rest of the Members of the House, if they will approach the bill from that standpoint, will see the justification for the bill. I hope you will vote in the affirmative.

Mr. ECKELS. Mr. Speaker, I did not intend to say anything on this bill, but on the question of common law marriages there is another matter that has not been touched upon, and that is while we would like to throw every safeguard around the children, illegitimate children are not to blame, of course, for their parents' indiscretions and sins, but the marriage relationship has so many things dependent upon it that it should be safeguarded in every respect.

Common law marriage laws of this state have become a fertile field for fraud and perjury. In many States false claims have been set up by some woman or some person claiming to be a common law wife, and that claim has been established by perjury, and the marriage laws have been made a mockery. Also in cases of workmen's compensation where workmen have been killed that thing has come up many times, and the President Judge of the Superior Court of this State has recently stated that common law marriages were tolerated by the law but not encouraged, and that they offered great chances for fraud and perjury. I think that is another reason for safeguarding and protecting the rights of families through marriage laws which have teeth in them, which can be enforced and will be enforced.

Mr. McCLANAGHAN. Mr. Speaker, I just want to say a few words in relation to the line of thought raised by the gentleman from Philadelphia, Mr. Cullen. There are many people here who are concerned about their children. They feel this act will disinherit them, but if you analyze the common law marriage you will find that the law sets up certain requirements which must be established to have a valid common law marriage. I dare say that in ninety percent of the cases, those requirements are not met. We have to understand that mere cohabitation between a man and a woman does not establish a common law marriage regardless of the numbers of years during which they cohabit. Further than that we have to realize that the mere holding out of another as your husband or wife does not establish the validity of the common law marriage. The law has repeatedly told us in decisions that these things are merely evidence of a marriage. The law still requires that there be a marriage contract and that the marriage contract be in the present tense, that when people start living together they agree among themselves to be husband and wife, not at some time in the future, but when they commence living together, so that visiting the sins of the parents upon the children is not the fact.

Where do these claims of common law marriage arise? As the previous speaker told the House they usually arise in two classes of cases, estate cases and Workmen's Compensation claims.

I say to the Members of this House that when those claims are asserted in a case in court, the party asserting the validity of the marriage must prove the essential factors required, so that they must establish that a marriage contract was entered into. They cannot merely establish that their parents lived together. They cannot merely establish that one held the other out as husband or wife, so that we face the proposition that a child is not disinherited by the action of the law; it is disinherited by the action of its parents.

Further, this act does not involve property rights. If you feel that you want an illegitimate child to take property through its father, then the remedy does not lie on this floor, but it lies in amending the estate laws of this Commonwealth, and in order to protect family life, to protect the integrity of society, we must at this time acknowledge that these claims of common law marriages are in most cases fraudulent. I ask the Members to support this bill.

Mr. READINGER. Mr. Speaker, I will not detain the members much longer with what I have to say, but in order to clear up any doubts as to the effect of this bill on any existing common law marriages, I would like to point out that the effective date is January 1, 1942, and it does not affect any common law marriages now existing. In other words, if a man and woman are now living together as husband and wife, even though the proof of that does not become necessary for another twenty or twenty-five years, that marriage will not be affected by this law. It only affects the attempted creation of that status after January 1st of next year.

Mr. McINTOSH. Mr. Speaker, the objection to this bill, if there is an objection, is that it may illegitimize children in the Commonwealth of Pennsylvania. If this bill becomes a law, the result will be exactly the opposite. As the gentleman from Philadelphia, Mr. McClanaghan has stated, the mere fact that a man and woman live together in Pennsylvania is not sufficient for a valid common law marriage; there must be a contract. For instance, if the man says, "I take you, Mary Roe, to be my lawful wife," and the woman says, "I take you, John Doe, to be my lawful husband," that is a valid marriage; that is a marriage contract, but in cases involving common law marriages in Pennsylvania, the situation may well arise that two people live together in what is called meretricious relationship, that is they live together and there has been no marriage contract.

In actual cases what has happened is this, the woman comes in and tries to prove her marriage. She says as to her husband, she lived in this meretricious relationship for a number of years without a marriage contract, and that one day he said to her, "We should be married," and she said, "Yes, we should be married." She agreed. Then the husband said, "Well, it is not necessary to get a license. We will just continue to live as we are living now and we will be validly married." The courts have held in that particular case,—that is an actual case,—that that is not a valid marriage. The result in that case was that any children born of that marriage were illegitimate children.

This bill, if it becomes an act, will do away with the illegitimizing of children, and under this bill, if it becomes an act, there will be but one way to get married and that

is by applying for a license, get the license, and have a civil or religious ceremony. There isn't any vagueness or indefiniteness about it and this very hazy field of common law marriages, where the court decides in one instance that you are married and in the next case decides that you are not married, will be eliminated. For this reason, Mr. Speaker and Members of the House, because this bill will do away with illegitimizing of children, I ask for you to support this bill.

Mr. WEISS. Mr. Speaker, as Chairman of the sub-committee on this particular bill, I want to thank Mr. Brown for commending the sub-committee's work. I feel I would be amiss, however, in not giving due credit to one of the members who worked many long hours and worked hard on this bill, and that is the gentleman from Cumberland, Mr. McIntosh.

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—164

- | | | | |
|-----------------|----------------|---------------|------------------|
| Allmond, | Fiss, | Marks, | Rose, S., |
| Auker, | Fleming, | Maxwell, | Rose, W. E., |
| Baker, | Fletcher, | McClanaghan, | Rosenfeld, |
| Balthaser, | French, | McClester, | Royer, |
| Bentley, | Gallagher, | McDermott, | Rush, |
| Bentzel, | Gates, | McDowell, | Sarge, |
| Boles, | Gerard, | McFall, | Sarra, |
| Boney, | Gillette, | McGrath, | Scanlon, |
| Boorse, | Goodwin, | McIntosh, | Schwab, |
| Bower, | Gross, | McKinney, | Shaffer, |
| Bradley, | Gryskewicz, | McLanahan, | Skale, |
| Breth, | Gyger, | McLane, | Sollenberger, |
| Bretherick, | Habbyshaw, | McMillen, | Sorg, |
| Brown, | Haberlen, | McSurdy, | Stank, |
| Brunner, C. H., | Haines, | Melchiorre, | Stine, |
| Brunner, P. A., | Hall, | Mihm, | Stockham, |
| Burns, | Hamilton, | Modell, | Tarr, |
| Cadwalader, | Hare, | Monks, | Tate, |
| Chervenak, | Harmuth, | Mooney, | Thompson, E. F., |
| Chudoff, | Heatherington, | Moran, | Thompson, R. L., |
| Cochran, | Herman, | Moul, | Trout, |
| Cohen, R. E., | Hersch, | Muir, | Turner, |
| Cook, | Hewitt, | Munley, | VanAllsburg, |
| Cooper, | Hirsch, | Nagel, | Vogt, |
| Cordier, | Holland, | Numemacher, | Voldow, |
| Corrigan, | Imbrie, | O'Dare, | Wagner, |
| Croop, | Jefferson, | O'Mullen, | Watkins, |
| Dairymple, | Jones, P. N., | Owens, | Weingartner, |
| Dennison, | Keenan, | Pettit, | Wells, |
| DiGenova, | Kline, | Polaski, | Welsh, M. J., |
| Dix, | Knoble, | Polen, | Williams, |
| Dojon, | Kolankiewicz, | Powers, | Winner, |
| D'Ortona, | Komorowski, | Rank, | Wolf, |
| Duffy, | Krise, | Readinger, | Wood, L. H., |
| Early, | Lee, E. A., | Reagan, | Wood, N., |
| Eckels, | Lee, T. H., | Reese, D. P., | Woodring, |
| Elder, | Lelsey, | Reese, R. E., | Woodside, |
| Elliott, | Leonard, | Regan, | Wright, |
| Ely, | Lichtenwaller, | Reynolds, | Yeakel, |
| Finestone, | Longo, | Rhea, | Yester, |
| Finnerty, | Lyons, | Riley, | Young, |
| | | Rooney, | Kilroy, Speaker |

NAYS—13

- | | | | |
|------------|----------|-----------|---------------|
| Achterman, | Levy, | O'Connor | Prosen, |
| Cullen, | Lovett, | O'Neill, | Rausch, |
| Harkins, | O'Brien, | Petrosky, | Welsh, E. B., |
| Lesko, | | | |

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.

DERRY TOWNSHIP HIGH SCHOOL WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon the Senior class of the Derry Township High School, Mifflin County, the guests of the gentleman from Mifflin, Mr. French.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1023, as follows:

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

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

Section 1 Reason and Purpose (a) The Legislature hereby finds that the existence in the Commonwealth of Pennsylvania of the practice whereby employers sell or procure for sale to employes or other persons any merchandise not of the employer's own production or not handled in the regular course of the employer's business is detrimental to the health safety morals convenience and general well-being of the public in that such practice (1) results in the loss of taxes to the Commonwealth and the various taxing instrumentalities existent in the Commonwealth (2) unreasonably interferes with and diverts the proper and normal flow of trade and commerce (3) constitutes an unfair method of competition by such employers against others engaged in commerce

(b) It is hereby declared to be the policy of this act through the exercise by the legislature of its police powers to correct and to eliminate the conditions referred to above declaring certain sales to constitute unfair competition and prohibiting same

Section 2 No person partnership corporation or association engaged in any business or trade in this Commonwealth shall by any method or procedure directly or indirectly by itself or through a subsidiary agency sell or procure for sale or have in its possession or under its control for sale to its employes or to any other person any article material product or merchandise of whatever nature not of his or its own production or not handled in his or its regular course of trade or business Provided That this section shall not apply to the sale or distribution of (1) meals candy cigarettes cigars tobacco or (2) tools and material used by employes in such trade or business or appliances and products which are used therein and are or may be beneficial to the safety health and working conditions of such employes And provided further That the provisions of this act shall not apply to co-operative associations organized under the laws of this Commonwealth

The doing of any of the acts as prohibited above shall constitute unfair competition to any retail store operator or owner dealing in the same kind type nature or class of merchandise as that so sold as aforesaid within the same city or county in which such above prohibited sale occurs

Section 3 Remedy Wilfully and knowingly selling or procuring for sale or having in possession or under control for sale directly or indirectly by any person partnership or corporation or subsidiary agency to his or its employes any article material product or merchandise of whatever nature not of his or its own production or not handled in his or its regular course of trade or business is unfair competition and is actionable at the suit of any person damaged thereby

Section 4 Constitutionality If any clause sentence paragraph or part of this act or the application thereof

to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid such judgment shall not affect impair or invalidate the remainder of this act and the application of such provision to other persons or circumstances but such decision shall be confined in its operation to the cause sentence paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved. It is hereby declared to be the legislative intent that this act would have been adopted had such invalid provisions not been included herein.

Section 5 Repealing Clauses All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Section 6 Effective Date 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. SKALE. Mr. Speaker, I rise in opposition to this bill. I may say it grieves me very much because the sponsor of this bill is my colleague and good friend from Philadelphia, Mr. Cohen. I feel however that this bill is one that goes a little too far in its regulatory measures.

First of all, this bill is apparently intended to come under the police powers of the state, because you will notice in the first section of the bill it refers to the health, safety, morals, convenience and general well being of the public, and then goes on to cite certain reasons and purposes. I find, however, in my opinion, that there is no reasonable connection between the reasons stated in this bill and the police powers of the state.

Secondly, I feel that this bill is bad because it prohibits transactions, for example such as this: if any Member were to have a brother or any member of a family in a business, let us say, as a plumber and this particular member should desire to have him install in his house an oil burning system, he goes to this member of the family and asks him to install the system or to get somebody to install it. The plumber would not be able to go out and get the oil burning system at a reduced rate for his brother nor can he install it at a reduced rate, but he will have to charge him and have him pay the regular price.

Now, let us suppose the brother in business desires to circumvent the provisions of this act and install the oil burning system. Then under section three of this bill every plumber in the vicinity would have a right to institute some kind of action for damages, because section three provides that if any person wilfully and knowingly sells or procures for sale any article not of his own production or not handled in his regular course of trade or business, then this section declares it to be unfair competition and makes it actionable at the suit of any person damaged thereby. Therefore all persons in the same trade, all the plumbers in the city or the county could institute an action for damages against that particular plumber. You can see how far this can go and how ridiculous it can become.

Those are my objections, Members of the House, and I ask you to oppose this bill.

Mr. REUBEN E. COHEN. Mr. Speaker, I do not want to get into any protracted debate or argument with my

colleague from Philadelphia. I wish he had discussed the merits of the bill with me prior to coming on the floor. I think I could have answered him privately and I will now answer him publicly.

The term "police powers" is a term in law which is well-known to our courts and to most of our people. It is a term which indicates that there is a condition which requires and in some cases cries out for remedy.

As to the question of social legislation, we have in the past years put on our books laws which properly came within the purview of the announced policy of the law, the police power of the Commonwealth. It seems to me we have forgotten that the merchants of Pennsylvania ought also to come within the helpful protection of the Commonwealth under the broad interpretation of the term "police power." In other words, we are asking that social legislation which is enacted now under the theory of the police power move over a little bit and for a change have some merchant legislation, which might be protective under the same broad arm and theory of the law.

With respect to the specific case which was raised by my friend may I say this. There is nothing in the bill which would prevent a person's selling to any person at any price tools which he regularly sells to his own trade. So that Mr. Plumber, who is going to install an oil heater for my brother, who regularly deals in that kind of merchandise, may go to the source of supply. We all know from experience that the plumber is on the wholesale list, and he procures the oil burner from a person who regularly supplies oil burners. That is not prohibited by the act. He may then install the oil burner and if he wants to give it away that is his business, if he wants to sell it at the wholesale price that is also his business, or if he wants to get a profit more power to him.

There is no question about a suit for damages if there is a violation of the terms of this act because we have very carefully in the framing of this legislation taken into account similar legislation in the State of Wisconsin, which I believe is one of these United States. Wisconsin made it a penal offense, and lawyers will tell you that you must adhere strictly to the language of a criminal statute. We have taken out the penal provision and we have put in it instead an injunctive remedy which does not call for damages but provides that the person offended may apply to the courts to enjoin one who commercializes commerce.

Mr. Speaker, may I say that if this were to hurt commerce, I doubt whether I as sponsor of the bill would have been deluged from all parts of the State, from big cities and small cities, from first class counties down to the eighth class counties, and from every possible category of township in the State. I have letters from individuals and from associations, a few of which I hold in my hand here, all sorts of retail jewelers, Better Business Bureaus, Trade Associations, Chambers of Commerce and other organizations throughout the State who are urging that this bill be passed. If there are defects in the bill, or rather in the operation of the bill, we are attempting something in Pennsylvania which I believe will help the merchants, and if there is anything wrong with this bill in its operation, we are going to be doing business at the same old stand two years hence, and I

think we can then remedy any crying need for change in this act if it is enacted into law.

May I say to you, members of the jury, attempting to protect the merchants,—if I said “members of the jury,” I ask the House to bear in mind that there is legislation pending in committee here, which says that the verdict of the jury may be by majority vote of the jury and not by the unanimous vote of the jury. I hope that the one or two votes which the gentleman from Philadelphia seems to have conspired against me will not defeat or injure the bill.

Mr. Speaker, the merchants of Pennsylvania pay mercantile taxes, they pay all sorts of other license taxes, they pay income taxes and so on. The people against whom this particular type of legislation is directed are people who are part of that great scheme in America which is known as the “I-can-get-it-for-you-wholesale” racket. They are the people who are in business without paying a municipal tax, without paying a mercantile license, without paying an income tax, or workmen's compensation, unemployment insurance, and so forth. I could go on endlessly and enumerate the merchants' enormous burden of taxation. The people who want this bill are the people who live up to the law and the people whom we are attempting to stop from pirating on business in Pennsylvania are the people who live under the protection of the law without contributing their fair share for the maintenance of the law.

Mr. Speaker, I cannot too strongly urge that the Members give this bill their whole hearted and full support.

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Cohen.

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

Mr. REUBEN E. COHEN. I shall, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Philadelphia whether he considers this bill will meet the constitutional objections.

Mr. REUBEN E. COHEN. Mr. Speaker, I think so, because particularly we have left the interpretation of what may be an offense under the police power of the Commonwealth to the broad interpretation of the courts sitting in equity.

Mr. TURNER. Mr. Speaker, will the gentleman explain how he believes this comes under police power of the State?

Mr. REUBEN E. COHEN. Mr. Speaker, in my answer to the gentleman from Philadelphia on the question of police power I believe I explained to the Members of the House that the terminology “police power” is not to be strictly defined. It is interpreted to cover not only one person but all persons, not only individuals but also business.

Mr. TURNER. Mr. Speaker, does the gentleman believe he can stretch that protective power as far as this bill does?

Mr. REUBEN E. COHEN. Mr. Speaker, I believe it can. However, it might be that some one might think we are stretching it too far. I do not know. I am willing to leave that decision to the courts.

Mr. BROWN. Mr. Speaker, sometimes it is hard to oppose a bill strictly on the standpoint of unconstitutionality of the bill. This bill perhaps has some good in it. It is hard at times to see how we can deny a person

who feels that he has the right to certain protection that right because the bill is unconstitutional.

I have talked with Mr. Cohen and I do not want to impose my opinion on any one. I simply want to give this word of warning if this bill is to be justified by a proper exercise of the police power of the state, it is absolutely worthless in my opinion. The police power of the state is that power which resides in the sovereign state for the protection of the public good, the public welfare and public morals. It is that power which even clashes with constitutional individual rights, and where the police power is properly invoked, sometimes individual constitutional rights must fall. It seems to me we ought to be exceedingly careful in guarding this extraordinary power which is an inherent right of sovereign state. When you take the definition of police power, which is for the protection of public good, public welfare, and public morals, it must be strictly construed, and our supreme court time and time again has stated that even when the Legislature declares a thing to be within the police power that does not necessarily make it come within the police power, if it is arbitrary, if it is limited, if it is capricious. It must be for the protection of the public good, the public welfare, and the public morals.

I stated to the gentleman from Philadelphia, Mr. Cohen, when I talked with him privately, that I believe this bill cannot be justified under a proper valid exercise of the police power of the Commonwealth of Pennsylvania. The Legislature in announcing that it comes within the police power does not necessarily make it so unless it falls within the definition of police power as it has been announced not only by our Supreme Court but by the Supreme Court of the land. As I said before, if these people are escaping taxation by a method of sales which will be prohibited by this bill, then it is a question of the law of taxation and not a question of police power. If someone is being harmed, or if a competitor is underselling because somebody is doing what they attempt to prohibit in this bill, there again is a question of remedy outside of the pale of police power. If this bill can not be justified on the ground that it is enacted for the protection of public good, public morals, or public welfare, it will necessarily fall.

Mr. TURNER. Mr. Speaker, I want to thank the gentleman from Allegheny for his very able legal explanation on the question of police power and the question of the unconstitutionality of this bill. As I see it, I maintain that this bill cannot be upheld by the courts. I have the greatest sympathy for those persons who feel they are meeting unfair competition. I understand the real reason back of this bill is that some of the larger corporations, those who employ a large number of people, sometimes through their purchasing departments buy certain things that are not within the use of their employees not things which they themselves manufacture, and in that way their employees buy these goods at the wholesale price. It is a custom in some businesses today which is causing many of our merchants a great deal of difficulty and they feel that they are meeting unfair competition. I have had a great number of calls from merchants in my own community urging me to vote in favor of this bill and explaining to me their difficulties. I have said to them just what the gentleman from Allegheny has said, if they feel they are meeting unfair competition their

remedy should be through the taxing power. If they are carrying on more or less of a mercantile business in some of their operations, we ought to subject them to a mercantile tax. That would most likely eliminate most of the difficulties, because the more companies, particularly the large manufacturers, will be driven away from this practice.

I do not like to vote against this bill because of the large interests of these merchants. They pay taxes, they pay rent, they employ people, they pay mercantile tax and they should have some protection. I am in sympathy with them but that sympathy cannot extend to an act which, in the first place I think is unconstitutional, in the second place, I believe if you pass this legislation you will have in the halls of the Legislature in the future many other bills seeking to protect other groups from what they feel to be unfair competition by reason of the ability of somebody in some instances to purchase things, to have work done or to employ people on a different basis from that of the ordinary contract and the ordinary purchasing of supplies.

Therefore, it seems to me, members of the House, this is a very bad precedent for us to establish here, outside of the legal question of the unconstitutionality of the act.

Mr. AUKER. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Cohen.

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

Mr. REUBEN E. COHEN. I will, Mr. Speaker.

Mr. AUKER. Mr. Speaker, will the gentleman from Philadelphia inform me in his opinion whether or not he thinks this bill will affect the employes of cooperative associations.

Mr. REUBEN E. COHEN. Mr. Speaker, this bill specifically exempts cooperative purchasing associations, as the gentleman will notice on page three, the top three lines.

Mr. AUKER. Mr. Speaker, I did not catch it. I thank the gentleman.

Mr. REUBEN E. COHEN. Mr. Speaker, may I just briefly answer two of the points which have been raised. I said in my first speech that the words "police powers" should, in this particular instance, and possibly in more than this particular instance, be broad enough to cover the merchants of Pennsylvania.

As to the public welfare of Pennsylvania, it seems to me it is the right of the Commonwealth to properly collect taxes. I want to use the language I used in my first address to fit it into the public welfare argument in order to indicate to the Members of the House that I do seriously contend that public welfare means the proper taxing of persons who should pay taxes and who should be responsible to the Commonwealth for the payment of taxes for business done within the Commonwealth.

In answer to the gentleman from Delaware, Mr. Turner, on the point of big business corporations and big industrialists who do use their purchasing agent for the purpose of purchasing goods for employes, may I say that the bill specifically has nothing to do with tools and equipment and so forth which are used in the particular business for which the employe is working and which are used in furtherance of the work in which he is engaged but certainly we know that purchasing agents are able because of their powerful positions as purchasing agents for corporations to suddenly enlarge the scope of their

own family, down to the most distant cousin that they could possibly conceive.

It seems to me the custom has grown up in that respect that they can get it for wholesale because the people he can get it from are also looking for orders from him. It is that kind of a person who is able to suddenly enlarge his family to an extent much larger than any man can possibly conceive in order to do them a favor. It does him no good except as a matter of friendship, and it does harm to the merchants of Pennsylvania.

Mr. WOODRING. Mr. Speaker, just one word on the practical side of this bill. We have heard a learned discussion on the constitutional question and on the question of police powers. Practically I have heard no objections to the bill. I have received a great many communications from two large groups of people who are strongly in favor of the bill and who urge its passage. One of these groups, of course, is the merchants. I might add in passing the merchants to my notion are the forgotten man of the day. We in this hall of the Legislature have enacted all types of relief measures for labor, for the farmer and for industry but we have done virtually nothing for the benefit and protection of the retail merchants, who are a very large, stable and responsible part of our citizenry.

The other branch of people who have strongly urged the passage of this bill are the large manufacturing plants. They ask for the bill as a safeguard to this objectionable practice which has grown up. Industry itself or the manufacturing plants do not want a continuation of this practice, whereby they say they can get goods wholesale for you through their plants, and they want some screen behind which they can hide. Industry does not care whether this act is constitutional or not. As a practical matter it wants this act so that when somebody asks that an article be purchased through their purchasing agents they can point to this act in their own defense and say, "We are sorry, we cannot do it for you because this act of the 1941 session of the Legislature prohibits it." I think aside from the technical question involved, as a practical matter this is a good act and a large number of people are strongly urging its adoption, and in my opinion at the present time there is nobody strongly against it. I urge the members to vote for this measure.

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 146

Allmond,	Habbyshaw,	McGrath,	Sarge,
Balthaser,	Haberlen,	McKinney,	Sarraf,
Bentley,	Haines,	McLanahan,	Scanlon,
Botes,	Hall,	McLane,	Schwab,
Boney,	Hamilton,	McSurdy,	Shaffer,
Brunner, P. A.,	Harkins,	Melchiorre,	Stank,
Burriss,	Harmuth,	Mihm,	Stockham,
Cadwalader,	Hatherington,	Modell,	Tarr,
Cohen R. E.,	Herman,	Monks,	Tate,
Cooper,	Hersch,	Mooney,	Taylor,
Cordier,	Hirsch,	Moran,	Thompson, E. F.,
Corrigan,	Holland,	Muir,	Thompson, R. L.,
Croop,	Imbrle,	Munley,	Trout,
Cullen,	James,	Nagel,	Van Alisburg,
Dalrymple,	Jefferson,	Ninemacher,	Vincent,
Dennison,	Jones G. E.,	O'Brien,	Vegt,
Digenova,	Jones, P. N.,	O'Connor,	Voldow,
Dolan,	Kilne,	O'Dare,	Voorbees,
	Knoble,	O'Mullen,	Watkins,

D'Ortona,	Kolankiewicz,	O'Neill,	Weingartner
Duffy,	Komorowski,	Owens,	Weiss.
Early,	Krise,	Petrosky,	Welsh, E. E.,
Elder,	Lee, E. A.,	Pettit,	Welsh, M. J.,
Elliot,	Lelsey,	Polaski,	Wilkinson,
Finestone,	Lesko,	Polen,	Williams,
Finnerty,	Levy,	Powers,	Winner,
Flss,	Lichtenwaiter.	Prosen,	Wolf,
Fleming,	Longo,	Rausch,	Wood, L H
Fletcher,	Lovett,	Readinger,	Woodring,
Gallagher,	Lyons,	Reese, David P	Woodside,
Gates,	Malloy,	Reese, R. E.,	Wright,
Gerard,	Marks,	Rhea,	Yeakel,
Gillette,	Maxwell,	Riley,	Yester,
Goodwin,	A.Clanaghan,	Rose, W E.,	Young,
Gross,	McClester,	Rosenfeld,	Kilroy,
Gryskewicz,	McDermott,	Royer,	Speaker
Gyger,	McFall,	Rush,	

NAYS 25

Achterman,	Burns,	Foor,	Shaw,
Auker,	Chervenak,	Gillan,	Skale,
Baker,	Chudoff,	Hare,	Snyder,
Beitzel,	Cochran,	Harris,	Sorb,
Boorse,	Eckels,	Hewitt,	Stine,
Bradley,	Ely,	McMillen,	Turner,
Brown,			

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. CHARLES H. BRUNNER filed the following reasons for his vote.

I am voting "no" on House Bill 1023 because I feel that the measure as framed is unconstitutional. The objectives of the bill are to be praised and I have received many requests to vote in its favor but I cannot support any bill, no matter how praiseworthy it may be with respect to its objectives, when I sincerely and honestly believe it violates the Constitution of our state.

Mr. ECKLES filed the following reasons for his vote.

I am voting "no" on House Bill 1023 solely because I believe the same to be unconstitutional. I am in sympathy with the purposes of the bill and would vote "yea" if I did not believe it violates the Constitution.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1021, as follows:

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

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

Section 1 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 by adding immediately after section six hundred and seventeen thereof a new section to read as follows

Section 617.1 Whenever any school building or buildings have been rendered totally unfit for use by reason of fire acts of God or other unforeseen cause the board of school directors of any school district shall have power with the approval of the Department of Public Instruction to appropriate money out of the general fund of the school district to any non-profit corporation established for the purpose of constructing school buildings for the use of the school district Provided That before any such money is paid over the corporation shall have entered into a lease with the school district for the buildings proposed to be erected whereby the school district shall have the right to renew such lease at stated periods at a stipulated rental and at any time during the continuance of the lease to purchase the buildings from the corporation at a stipulated price

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. ACHTERMAN. Mr. Speaker, I merely wish to call the attention of the Members of the House to this particular bill. I do not rise for the purpose of opposing it but merely to call attention to the fact that if the Republican administration had not been responsible for the death of a series of bills known as the Thompson bills for the construction of schools, the creation of an authority, Mr. Haines would not find himself in the position where he needs this particular special legislation for the school district in his county. However, may I say, Mr. Speaker, that this side of the House certainly can feel sorry for him. He certainly can understand and appreciate the loss of his school district which was occasioned by the death of the Thompson bills, and I am urging the Democratic Members of the House to help Mr. Haines in his problem and support the bill.

Mr. TURNER. Mr. Speaker, during this session I have heard the majority leader go far afield to find all sorts of things to blame on the Republican Party. I have listened to a great many arguments which seemed to reach the depths of ridiculousness in placing some sort of blame on the James administration. In most instances we have not even answered those arguments because we thought they were so silly that no one would pay any attention to them.

The gentleman from Monroe has now advanced an argument which he as a lawyer, should not advance on the floor of this House, and that is that the gentleman from Centre, Mr. Haines, has been compelled to introduce this bill because the Republican party killed the Thompson bill, which was a program to build schools by the use of authorities.

Had the gentleman from Monroe studied the opinions of the Supreme Court of Pennsylvania he would have found that it would be utterly impossible to have made the Thompson bill operative because under their decision any authority to be constitutional, and any project to be constitutional, must be dependent solely upon revenues

which are derived by the particular political subdivision. Those revenues under the decision in the Philadelphia case within the last year, handed down by the Supreme Court in Pittsburgh, the Court there said that you could not do anything that had the semblance of taxation. A school district has no income beyond that derived from the taxes and therefore it has nothing upon which it could make itself a self liquidating project.

Therefore, the Thompson bill, a fine piece of legislation as it was,—I recall being on the committee at the time they reported it out, and while I had some doubts about the matter, as I thought there should be a definite program before an act of that kind was passed, nevertheless you could not go along with the Thompson plan because it would have been inoperative and no school district could have taken advantage of it because under the decisions of the Supreme Court of Pennsylvania its borrowing would have been unconstitutional, because it had no source of revenue outside of taxes for the purpose of amortization and paying interest on the fund. I would like to place this in the lap of the gentleman from Monroe and let him chalk that off as being one that doesn't count.

Mr. ACHTERMAN. Mr. Speaker, may I say to the gentleman from Delaware that I am familiar with the vagaries of the Supreme Court of the state of Pennsylvania. Not for one minute, nor do I think any other attorney for one minute, would endeavor to interpret one decision of the Supreme Court of Pennsylvania as having an application to any other set of facts, or different facts. One can never tell, one never knows what the Supreme Court is going to do. As a matter of fact this court on occasions has reversed itself. I have not forgotten the vagaries of the Supreme Court on the General State Authority. I say to the gentleman that his answer on this occasion is very much the same as when "they say nothing" because it carries neither weight nor authority. Mr. Speaker, I assume and I believe I am correct in assuming that the main reason the other side of this House has not been answering the arguments we have been making during this session is because they have no answer.

Mr. TURNER. Mr. Speaker, we have an answer to that one, and that is that the Supreme Court did not change its line of decisions, and there were no vagaries in the General State Authority case, because in the first General State Authority case there were certain provisions in the law and in the contract that would have violated all the decisions of the Supreme Court of Pennsylvania over a long period of years as to increase of indebtedness by a political subdivision. After the act had been amended by the Democratic majority, in 1937 I think it was, so as to meet the objections of the Supreme Court, the Supreme Court then decided it was not unconstitutional.

I am inclined to think that the gentleman from Monroe is just a little muddled again in his thinking, in that he is thinking about the Supreme Court of the United States, since the recent changes have been made under the present administration. There you have a court which three or four times recently made decisions that were in violation of all the precedents of the Supreme Court, over periods going back as far as twenty-five to fifty years. They seem to think nothing at all of changing the law at any time, but as far as the Supreme Court of Pennsylvania is concerned, it has held consistently to a very long line of decisions except, of course, the variation occasioned by the new device of the Authority.

Mr. HARKINS. Mr. Speaker, in order that none of us will be confused by the exchanges between the two gentlemen who have spoken hitherto, I would like to say that this particular bill is a good measure. All the people who have been active in Centre county are interested in this bill. I have found that not only the gentleman who introduced the bill favors the bill but also the bill is well thought of in other quarters. In fact I was personally exhorted by the treasurer of the Democratic State Committee, Mr. Henry A. Brockerhoff, to give every consideration to the measure while it was in the Committee on Education.

I, therefore, feel that all the Members of the House, knowing that both the Democrats and the Republicans in Center County are for this bill, can approve the measure, even if it is an indirect recognition, but nevertheless a very positive recognition, of the principle of Authority which was promulgated by the Democrats.

I ask everyone to vote for the bill and not to allow themselves to be confused by the legal dissertation which we listened to just a few moments ago.

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 188

Achterman,	French,	Maxwell,	Royer,
Allmond,	Gallagher,	McClanaghan,	Rush,
Auker,	Gates,	McClester,	Sarge,
Baker,	Gerard,	McDermott,	Sarra,
Balthaser,	Gillan,	McFall,	Scanlon,
Bentley,	Gillette,	McGrath,	Schwab,
Bentzel,	Goodwin,	McIntosh,	Shaffer,
Boles,	Gross,	McKinney,	Shaw,
Boney,	Gryskewicz,	McLanahan,	Sheward,
Boorse,	Gyger,	McLane,	Simons,
Bradley,	Habbyshaw	McMillen,	Skale,
Breth,	Haberlen,	McSurdy,	Snyder,
Brown,	Haines,	Melchiorre,	Sorg,
Brunner, P. A.	Hall,	Mihm,	Stambaugh,
Burns,	Hamilton,	Modell,	Stank,
Burriss,	Hare,	Monks,	Stine,
Cadwalader,	Harkins,	Mooney,	Stockham,
Chervenak,	Harmuth,	Moran,	Tarr,
Chudoff,	Harris,	Moul,	Tate,
Cochran,	Heatherington,	Muir,	Taylor,
Cohen, R. E.	Helm,	Munley,	Thompson, E. F.,
Cook,	Hering,	Nagel,	Thompson, R. L.,
Cooper,	Herman,	Nunemacher,	Trout,
Cordier,	Hersch,	O'Brien,	Turner,
Corrigan,	Hewitt,	O'Connor,	Van Allsburg,
Croop,	Hirsch,	O'Dare,	Vincent,
Cullen,	Holland,	O'Mullen,	Vogt,
Dalrymple,	Imbrie,	O'Neill,	Voldow,
Dennison,	James,	Owens,	Voorhees,
DiGenova,	Jefferson,	Petrosky,	Watkins,
Dix,	Jones, G. E.,	Pettit,	Wells,
Dolon,	Jones, P. N.,	Polaski,	Weingartner,
D'Ortona,	Keenan,	Polen,	Welsh, E. B.,
Duffy,	Kline,	Powers,	Welsh, M. J.,
Early,	Knoble,	Prosen,	Wilkinson,
Eckels,	Kolankiewicz,	Rausch,	Williams,
Elder,	Komorowski,	Readinger,	Winnor,
Elliott,	Krise,	Reagan,	Wolf,
Ely,	Lee, E. A.,	Reese, D. P.,	Wood, L. H.,
Falkenstein,	Lelsey,	Reese, R. E.,	Woodring,
Finestone,	Lesko,	Regan,	Woodside,
Finnerty,	Levy,	Reynolds,	Wright,
Fiss,	Lichtenwalter,	Rhea,	Yeake,
Fleming,	Longo,	Riley,	Yester,
Fletcher,	Lovett,	Rooney,	Young,
Flynn,	Lyons,	Rose, S.,	Kilroy,
Foot,	Malloy,	Rose, W. E.,	Speaker
	Marks,	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.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 99, as follows:

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

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

Section 1 Section two of the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 806) entitled "An act limiting the number of licenses for the retail sale of liquor malt or brewed beverages or malt and brewed beverages to be issued by the Pennsylvania Liquor Control Board defining hotels and prescribing the accommodations required of hotels in certain municipalities" is hereby amended to read as follows

Section 2 No licenses shall hereafter be granted by the Pennsylvania Liquor Control Board for the retail sale of malt or brewed beverages or the retail sale of liquor and malt or brewed beverages in excess of one of such licenses of any class for each one thousand inhabitants or fraction thereof in any municipality exclusive of licenses granted to hotels as defined in this act and clubs but at least one such license may be granted in each municipality except in municipalities where the electors have voted against the granting of any retail licenses Nothing contained in this section shall be construed as deriving the right to the Pennsylvania Liquor Control Board to renew or to transfer existing retail licenses of any class notwithstanding that the number of such licensed places in a municipality shall exceed the limitation hereinbefore prescribed but where such number exceeds the limitation prescribed by this act no new license except for hotels as defined in this act and clubs shall be granted so long as said limitation is exceeded

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. HUNTLEY. Mr. Speaker, this is another one of those special privilege bills which find their way through the Legislature through the influence of a self constituted class of liquor vendors. The legalized selling of intoxicating liquor is not a right but a privilege. We are now faced with the peculiar situation of granting a special privilege within a privilege. I can take you into towns that have more licensed clubs than licensed hotels. These hotels can not compete with the clubs in selling liquor because of the special privileges which the clubs enjoy. I can take you into sections where road houses and eating places seem to be a public necessity. Yet, they are limited by law. They are constantly watched by law enforcement officers to get something on them that will revoke their license and put them out of business. The same officials who strain a point to close the road house as well as former customers of the road house, very often are apprehended at a club bar on Sunday

having a time of revelry. Why close the bars of the road houses to give a monopoly to the clubs?

No good reason has been advanced why one liquor vendor should be preferred to another liquor vendor. Nevertheless, these so called clubs have enough political power to demand and get whatever special privileges they want and you may take it or leave it. Our democracy has been built on the principle of equal opportunity for all and special privilege for none. Whenever any group of people through arbitrary power acquire special privileges to the detriment of the rest of the people, our democracy is on the down grade and nobody can tell where it will stop. It is headed for ruin because a democracy is bound to reap whatever it sows.

I contend that all liquor selling joints should be treated alike and for that reason I oppose this bill.

Mr. TURNER. Mr. Speaker, it seems to me that this bill is merely correcting a situation that arose in the 1939 session. There was no intent to place the clubs under the quota as provided in the bill that was passed by the Legislature in 1939. You will remember in the closing hours of that session there was quite a dispute, and it was thrown into conference committee. The members of that conference committee all have said that they were very clear in their minds that the bill did not contain a provision that the clubs were included within the quota law. When the question was raised subsequently by the Liquor Control Board and a search was made, there was nothing to show that the clubs were excluded, but every member of that committee on conference with whom I came in contact, was confident that it had been excluded.

This bill, as I see it, merely corrects the situation that arose because of that confusion in the conference report of the conference committee in the 1939 session.

Mr. BROWN. Mr. Speaker, I was a member of the Conference Committee in 1939 and I recall the many hours we spent over the liquor bills that were in the Conference Committee in that session. It is not my purpose to divulge anything that went on in the Conference Committee, but I as one of the conferees was much surprised when I read last year that the Attorney General of this Commonwealth had by a mere technicality decided in an opinion that the clubs came within this limitation in the license act of 1939. I disagreed even then with the Attorney General's opinion. It creates a situation in this State where some corrective measure must be taken. As I recall, after the Attorney General's opinion was rendered the Quarter Sessions Court of Lackawanna County decided that clubs were without the limitation of the act. In other counties the courts decided clubs were within the act. Finally when the matter reached the Superior Court, the Superior Court passed, not upon the question of this limitation of the license act as applied to clubs, but upon the procedure and did not decide the question. So that we have this very unusual situation concerning this legislation: we have the members of the conference committee, of whom I was one, believing clubs and hotels were excluded from the act; we have the Quarter Sessions Court of one county declaring that clubs are out of the act and other courts declaring clubs are within the act, and the Superior Court not passing upon the question of the limitation at all. It seems to me in fairness that we ought to pass this act but we ought to caution the Liquor Control Board that no license should

be issued to any club unless that club is a bona fide club within the act and will live up to all the rules and regulations.

I agree with what the gentleman from Cameron, Mr. Huntley, said, in that it is perhaps unfair for this Legislature of 1941 to pass an act which seems to give the clubs a preference over the retail licensees, but I am certain if we deflect upon what was attempted in 1939, believing that the clubs should have been without the act and with the confusion that exists now in Pennsylvania as far as the law is concerned, this act should be passed and I ask the Members to vote for it.

Mr. HUNTLEY. Mr. Speaker, I was on the Liquor Control Committee last session, and I agree with what the gentleman from Delaware has said and what the gentleman from Allegheny, Mr. Brown, has said. It was not the intention of that act to limit the clubs, but that is not the question before the House. If you want to confuse anything, all you need to do is to get a couple lawyers in it and they can make a good job of it. Because we made a mistake two years ago is not reason why we should make that mistake again. You and I well remember that there was not a dissenting vote the last time against the clubs. I did have the nerve to get up here and speak against a special privilege license system. I have no crow to pick with the clubs. My position is this, that we ought not to grant special privileges in selling to one liquor dealer as against liquor dealer, which is to the detriment of those liquor dealers who seem to be a public necessity. Selling liquor in clubs is not a public necessity. Clubs sell liquor to raise money with which to run their clubs. They are bona fide liquor vendors. It does not matter what name you give to them or how many lawyers there are to confuse the issue. That is the actual fact. Clubs are liquor vendors. What I wish to say is this, that the question before the House today is whether we shall limit the number of licenses to liquor clubs, the same as we do to road houses and some other poor liquor vendors who are trying to make a living legally. I believe it is unfair and for that reason I am against this system of granting liquor licenses.

Mr. HEWITT. Mr. Speaker, I desire to interrogate the gentleman from Cameron, Mr. Huntley.

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

Mr. HUNTLEY. I shall, Mr. Speaker.

Mr. HEWITT. Mr. Speaker, will my good friend, the gentleman from Cameron, tell me whether or not he is a lawyer?

Mr. HUNTLEY. Mr. Speaker, well, I used to be and I could not make a decent living out of it so I quit.

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—134

Achterman,	Finnerty,	McClanaghan,	Rose, S.,
Allmond,	Flynn,	McDermott,	Rose, W. E.,
Baker,	Gallagher,	McFall,	Rosenfeld,
Balthaser,	Gerard,	McGraw,	Royer,
Bentley,	Goodwin,	McLane,	Rush,
Bentzel,	Gross,	McSurdy,	Sarraf,
Boies,	Gryskewicz,	Melchiorre,	Scanlon,
Boney,	Haberlen,	Mihm,	Schwab,
Boorse,	Haines,	Modell,	Shaffer,
Bower,	Hall,	Monks,	Shaw,
Bradley,	Hamilton,	Mooney,	Skale,

Bretherick,	Harkins,	Moran,	Sorg,
Brown,	Heatherington,	Moul,	Stank,
Brunner, C. H.,	Hering,	Muir,	Stockham,
Brunner, P. A.,	Herman,	Munley,	Tarr,
Burns,	Hersch,	Nagel,	Tate,
Cadwalader,	Hirsch,	Nunemacher,	Taylor,
Chervenak,	Holland,	O'Brien,	Thompson, E. F.,
Chudoff,	Jefferson,	O'Connor,	Thompson, R. L.,
Cochran,	Jones, P. N.,	O'Mullen,	Trout,
Cohen, R. E.,	Keenan,	O'Neill,	Turner,
Cooper,	Kline,	Owens,	Vincent,
Cordier,	Kolankiewicz,	Petrosky,	Vogt,
Corrigan,	Komorofski,	Pettit,	Voldow,
Croop,	Krise,	Polaski,	Watkins,
Cullen,	Lee, E. A.,	Polen,	Weiss,
Dalrymple,	Lee, T. H.,	Powers,	Welsh, E. B.,
DiGenova,	Lesko,	Prosen,	Welsh, M. J.,
Dolon,	Levy,	Rausch,	Williams,
D'Ortona,	Lichtenwalter,	Readinger,	Winner,
Duffy,	Longo,	Reese, R. E.,	Wolf,
Early,	Lovett,	Regan,	Woodring,
Elder,	Malloy,	Reynolds,	Yester,
Finestone,	Marks,	Rhea,	Young,
	Maxwell,	Rooney,	Kilroy,

Speaker.

NAYS—26

Auker,	Gillette,	Imbrle,	Reagan,
Burris,	Gyger,	Knoble,	Sarge,
Dennison,	Habbyshaw,	Lyons,	Sollenberger,
Dix,	Hare,	McClester,	Stambaugh,
Elliott,	Helm,	McLanahan,	Weingartner,
Foor,	Hewitt,	McMillen,	Wood, N.,
Gates,	Huntley,	O'Dare,	

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

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 752, as follows:

An Act authorizing cities of the second class A with the consent of the owners thereof to improve and beautify property adjoining or adjacent to State-owned hospitals within such cities

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

Section 1 The council of any city of the second class A may with the consent of the owner or owners of any property within the limits of such city adjoining or adjacent to any State-owned hospital may tear down buildings thereon and do such other work in connection therewith as shall increase the beauty of its appearance and its usefulness for park or other purposes Such work may be done either at the cost of the city or with funds supplied by any Federal or State agency or partly at the costs of the city and partly with such funds

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—188

Achterman,	French,	Maxwell,	Rosenfeld,
Allmond,	Gallagher,	McClanaghan,	Royer,
Auker,	Gates,	McClester,	Rush,
Baker,	Gerard,	McDermott,	Sarge,
Baughner,	Gillan,	McFall,	Sarraf,

Bentley,	Gillette,	McGrath,	Scanlon,
Bentzel,	Goodwin,	McIntosh,	Schwab,
Boles,	Gross,	McKinney,	Shaffer,
Boney,	Gryskewicz,	McLanahan,	Shaw,
Boorse,	Gyger,	McLane,	Shepard,
Bradley,	Habbyshaw,	McMillen,	Simons,
Breth,	Haberlen,	McSurdy,	Skale,
Brown,	Haines,	Melchiorre,	Snyder,
Brunner, P. A.,	Hall,	Mihm,	Sorg,
Burns,	Hamilton,	Modell,	Stambaugh,
Burris,	Hare,	Monks,	Stank,
Cadwalader,	Harkins,	Mooney,	Stine,
Chervenak,	Harmuth,	Moran,	Stockham,
Chudoff,	Harris,	Moul,	Tarr,
Cochran,	Heatherington,	Muir,	Tate,
Cohen, R. E.,	Helm,	Munley,	Taylor,
Cook,	Hering,	Nagel,	Thompson, E.,
Cooper,	Herman,	Nunemacher,	Thompson, R.,
Cordier,	Hersch,	O'Brien,	Trout,
Corrigan,	Hewitt,	O'Connor,	Turner,
Croop,	Hirsch,	O'Dare,	Van Allsburg,
Cullen,	Holland,	O'Mullen,	Vincent,
Dalrymple,	Imbrie,	O'Neill,	Vogt,
Dennison,	James,	Owens,	Voldow,
DiGenova,	Jefferson,	Petrosky,	Voorhees,
Dix,	Jones, G. E.,	Pettit,	Watkins,
Dolon,	Jones, P. N.,	Polaski,	Weingartner,
D'Ortona,	Keenan,	Polen,	Weiss,
Duffy,	Kline,	Powers,	Welsh, E. B.,
Early,	Knoble,	Prosen,	Welsh, M. J.,
Eckels,	Kolankiewicz,	Rausch,	Wilkinson,
Elder,	Komorofski,	Readinger,	Williams,
Elliott,	Krise,	Reagan,	Winner,
Ely,	Lee, E. A.,	Reese, D. P.,	Wolf,
Falkenstein,	Leisey,	Reese, R. E.,	Wood, L. H.,
Finestone,	Lesko,	Regan,	Woodring,
Finnerty,	Levy,	Reynolds,	Woodside,
Fiss,	Lichtenwalter,	Rhea,	Wright,
Fleming,	Longo,	Riley,	Yeakel,
Fletcher,	Lovett,	Rooney,	Yester,
Flynn,	Lyons,	Rose, S.,	Young,
Foor,	Malloy,	Rose, W. E.,	Kilroy.
	Marks,		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. 124, Printer's No. 337, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

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

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

Section 1 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 Common-

wealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by the act approved the twentieth day of May one thousand nine hundred and thirty-seven (P. L. 732 is hereby further amended to read as follows

Section 1607 In every elementary public and private school established and maintained in this Commonwealth the following subjects shall be taught in the English language and from English texts English including spelling reading and writing arithmetic geography the history of the United States and of Pennsylvania civics including loyalty to the State and National Government safety education which in high schools or vocational schools as each school district may designate may include the theories underlying and the practice of the proper and safe operation of motor vehicles and the humane treatment of birds and animals health including physical training and physiology music and art Other subjects shall be taught in the public elementary schools and also in the public schools as may be designated or approved by the State Board of Education All such subjects except foreign languages shall be taught in the English language and from English texts Each school district in this Commonwealth shall provide and distribute to each pupil enrolled in the eighth grade of the public schools one illustrated copy of the National Flag Code and shall from time to time make available such copies as are necessary for replacements from year to year and it shall be the duty of each teacher in the public schools to make use of the said code as may from time to time seem proper

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—188

Achtermar,	Foor,	Marks,	Rosenfeld,
Allmond,	French,	Maxwell,	Royer,
Auker,	Gallagher,	McClanaghan,	Rush,
Baker,	Gates,	McClester,	Sarge,
Baughner,	Gerard,	McDermott,	Sarraf,
Bentley,	Gillan,	McFall,	Scanlon,
Bentzel,	Gillette,	McGrath,	Schwab,
Boles,	Goodwin,	McIntosh,	Shaffer,
Boney,	Gross,	McKinney,	Shaw,
Boorse,	Gryskewicz,	McLanahan,	Shepard,
Bradley,	Gyger,	McLane,	Simons,
Breth,	Habbyshaw,	McMillen,	Skale,
Brown,	Haberlen,	McSurdy,	Snyder,
Brunner, P. A.,	Haines,	Melchiorre,	Sorg,
Burns,	Hall,	Mihm,	Stambaugh,
Burris,	Hamilton,	Modell,	Stank,
Cadwalader,	Hare,	Monks,	Stine,
Chervenak,	Harkins,	Mooney,	Stockham,
Chudoff,	Harmuth,	Moran,	Tarr,
Cochran,	Harris,	Moul,	Tate,
Cohen, R. E.,	Heatherington,	Muir,	Taylor,
Cook,	Helm,	Munley,	Thompson, E.,
Cooper,	Hering,	Nagel,	Thompson, R.,
Cordier,	Herman,	Nunemacher,	Trout,
Corrigan,	Hersch,	O'Brien,	Turner,
Croop,	Hewitt,	O'Connor,	Van Allsburg,
Cullen,	Hirsch,	O'Dare,	Vincent,
Dalrymple,	Holland,	O'Mullen,	Vogt,
Dennison,	Imbrie,	O'Neill,	Voldow,
DiGenova,	James,	Owens,	Voorhees,
Dix,	Jefferson,	Petrosky,	Watkins,
Dolon,	Jones, G. E.,	Pettit,	Weingartner,
D'Ortona,	Jones, P. N.,	Polaski,	Weiss,
Duffy,	Keenan,	Polen,	Welsh, E. B.,
Early,	Kline,	Powers,	Welsh, M. J.,
Eckels,	Knoble,	Prosen,	Wilkinson,
Elder,	Kolankiewicz,	Rausch,	Williams,
Elliott,	Komorofski,	Readinger,	Winner,
	Krise,	Reagan,	Wolf,
	Lee, E. A.,	Reese, D. P.,	Wood, L. H.,

Ely,	Lelsey,	Reese, R. E.,	Woodring,
Falkenstein,	Lesko,	Regan,	Woodside,
Finestone,	Levy,	Reynolds,	Wright,
Finnerty,	Lichtenwalter,	Rhea,	Yeakel,
Fiss,	Longo,	Riley,	Yester,
Fleming,	Lovett,	Rooney,	Young,
Fletcher,	Lyons,	Rose, S.,	Klroy,
Flynn,	Malloy,	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. 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 towns 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 expenses on boroughs incorporated towns and townships of the first class imposing penalties and repealing inconsistent laws

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

Section 1 Appointments Etc in Police Forces in Boroughs Incorporated Towns and Townships of the First Class This act shall not apply to any borough incorporated town or township of the first class having a police force of less than three members Hereafter each and every appointment to and promotion in the police force in every borough incorporated town and township of the first class (hereinafter called a municipality) shall be made only according to qualifications and fitness to be ascertained by examinations which shall be competitive as hereinafter provided

The provisions of this act and of any amendments or supplements thereto shall be in effect as to boroughs only while Sections 1125 1127 and 1128 as now contained in "The General Borough Act" are in force subject however to the method of appointment and removal hereinafter provided

No person shall hereafter be suspended removed or reduced in rank as a paid employe in any police force of any municipality except in accordance with the provisions of this act

Section 2 Civil Service Commission Created Appointments Vacancies There is hereby created in each borough incorporated town and townships of the first class where a police force of not less than three members is being maintained a civil service commission hereinafter referred to as the Commission Each commission shall consist of three commissioners who shall be qualified electors of the political subdivision for which appointed and shall be appointed initially to serve for the terms of two four and six years and as terms thereafter expire shall be appointed for terms of six years as follows

In the case of a borough the appointments shall be made by the borough council in the case of an incorporated town appointments shall be made by the town council and in the case of the townships of the first class the appointments shall be made by the township commissioners

The members of each commission first appointed under the provisions of this act shall be so appointed within thirty days after effective date of this act

Any vacancy occurring in any commission for any reason whatsoever shall be filled for the unexpired term within the period of thirty days after such vacancy occurs Such vacancies shall be filled by the appointing power which made the original appointment

Each member of the commission created by this act before entering upon the discharge of the duties of his office shall take an oath or affirmation to support the Constitution of the United States and of the Commonwealth of Pennsylvania and to perform his official duties with fidelity

Section 3 Officers Incompatible With Civil Service Commissioner Political Activities Prohibited No commissioner shall at the same time hold an elective or appointed office under the United States government the Commonwealth of Pennsylvania or any political subdivision of the Commonwealth except that one member of the commission may be a member of the council of the borough or incorporated town or board of township commissioners as the case may be

Section 4 Organization of Commission Quorum The commission of each municipality first appointed shall organize within ten days of its appointment and shall elect one of its members as the chairman and one as the secretary of the commission Each commission shall thereafter meet and organize on the first Monday of each even-numbered year Each commissioner shall be notified in writing of each and every meeting Two members of the commission shall constitute a quorum and no action of the commission shall be valid unless it shall have the concurrence of at least two members

Section 5 Clerks and Supplies Etc The municipality shall furnish to the commission on its requisition such clerical assistance as may be necessary for the work of the commission The municipality shall provide a suitable and convenient room for the use of the commission The commission shall order from the municipality the necessary stationery postage printing or supplies and the elected and appointed officials of every such municipality shall aid the commission in all proper ways in carrying out the provisions of this act

Section 6 Rules and Regulations Each commission shall have power to prescribe amend and enforce rules and regulations for carrying into effect the provisions of this act and shall be governed thereby Before any such rules and regulations are in force the same shall first be approved by the council of the borough or incorporated town or the township commissioners as the case may be When such rules and regulations have been so approved they shall not be annulled amended or added to without the approval of the said council or commissioners All rules and regulations and modifications thereof shall be printed for public distribution at the expense of the municipality

Section 7 Minutes and Records Each commission shall keep minutes of its proceedings and records of examinations and other official actions All recommendations of applicants for appointment received by the commission shall be kept and preserved for a period of five years and all such records and all written causes of removal filed with the commission shall be subject to reasonable regulation and open to public inspection

Section 8 Investigations The commission shall have power to make investigations concerning all matters touching the administration and enforcement of the provisions of this act and rules and regulations adopted thereunder The acting chairman of the commission is hereby given power to administer oaths as oaths are administered by other public officers with the same force and effect and carrying the same penalties

Section 9 Subpoenas The commission shall have power to issue subpoenas over the signature of the chairman to require the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry authorized by this act The fees of such witnesses for attendance and travel shall be the same as for witnesses appearing in the courts and shall be paid from appropriations for the incidental expenses of the commission

All officers in public service and employes shall attend and testify when required to do so by the commission

If any person shall refuse or neglect to obey any subpoena issued by the commission it may apply by petition to the court of common pleas of the county for

its subpoena requiring the attendance of such persons before the commission or the court there to testify and to produce any records and papers necessary and in default thereof shall be held in contempt of court and punished therefor

Section 10 Annual Report The commission shall make an annual report to the council or commissioners of the municipality as the case may be containing a brief summary of its work during the year which shall be available for public inspection five days after the filing thereof

Section 11 General Provisions Relating to Examinations Each commission shall make rules and regulations to be approved as provided in section 6 hereof providing for the examination of applicants for positions in the police force and for promotions therein which rules and regulations shall prescribe the minimum qualifications of all applicants to be examined and the passing the police force of any municipality shall be practical in grades. All examinations for positions or promotions in the police force of any municipality shall be practical in character and shall relate to such matters and include such inquiries as will fairly test the merit and fitness of the persons examined to discharge the duties of the employment sought by them. All examinations shall be open to all applicants who have the minimum qualifications required by the rules and regulations. Each applicant for examination shall be subject to the regulations adopted by the commission and shall be required to submit to a physical examination before being admitted to the regular examination held by the commission.

Public notice of the time and place of every examination together with the information as to the kind of position or place to be filled shall be given by publication once in a newspaper of general circulation in the municipality or in a newspaper circulating generally in the municipality at least two weeks prior to each examination and a copy of the notice shall be prominently posted in the office of the commission or other public place

The commission shall post in its office the eligible list containing the names and grades of those who have passed the examination for position under this act. Soldiers as defined by the act of June 27 1939 P. L. 1103 who have successfully passed the examination shall be given the additional credits provided for by said act.

Section 12 Application for Examination Each person desiring to apply for examination shall file with the commission a formal application in which the applicant shall state under oath or affirmation (a) his full name and residence or post office address (b) his citizenship place and date of birth (c) his condition of health and physical capacity for public service (d) his business or employment and his residence for the past five years and (e) such other information as may be required by the commission's rules and regulations showing the applicant's qualifications for the position for which he is being examined

Section 13 Rejection of Applicant Hearing The commission may refuse to examine any applicant or if examined may refuse to certify after examination as eligible anyone who is found to lack any of the minimum qualifications for examination prescribed in the rules and regulations adopted for the position or employment for which he has applied or who is physically disabled and unfit for the performance of the duties of the position to which he seeks employment or who is addicted to the habitual use of intoxicating liquors or drugs or who has been guilty of any crime involving moral turpitude or of infamous or notorious disgraceful conduct or who has been dismissed from public service for delinquency or misconduct in office or who is affiliated with any group whose policies or activities are subversive to the form of government set forth in the constitutions and laws of the United States and Pennsylvania

If any applicant or person feels himself aggrieved by the action of the commission in refusing to examine him or to certify him as eligible after examination the commission shall at the request of such person within ten (10) days appoint a time and place where he may ap-

pear personally and by counsel whereupon the commission shall then review its refusal to make such examination or certification and take such testimony as may be offered. The decision of the commission shall be final.

Section 14 Manner of Filling Appointments Every position or employment unless filled by promotion reinstatement or reduction shall be filled only in the following manner the appointing officer or body of the municipality shall notify the commission of any vacancy in the police force which is to be filled and shall request the certification of a list of eligibles. The commission shall certify for each existing vacancy from the eligible list the names of three persons thereon who have received the highest average in the last preceding examination held within a period of one year next preceding the date of the request for such eligibles. The appointing officer or body shall thereupon with sole reference to the merits and fitness of the candidates make an appointment from the three names certified unless he or they make objections to the commission as to one or more of the persons so certified for any of the reasons stated in section 13 of this act. Should such objections be sustained by the commission as provided in said section the commission shall thereupon strike the name of such person from the eligible list and certify the next highest name for each name stricken off. As each subsequent vacancy occurs in the same or another position precisely the same procedure shall be followed.

Section 15 Age Applicants Residence No person shall be eligible to apply for examination unless he is more than twenty-one years of age at the date of application and has been a resident of the municipality for at least one year preceding immediately his application unless no resident applicants are available.

Section 16 Probationary Period All original appointments to any position in the police force shall be for a probationary period of six months but during the probationary period an appointee may be dismissed only for a cause specified in section 13 of this act. If at the close of a probationary period the conduct of fitness of the probationer has not been satisfactory to the appointing officer or body the probationer shall be notified in writing that he will not receive a permanent appointment. Thereupon his appointment shall cease otherwise his retention shall be equivalent to a permanent appointment.

Section 17 Provisional Appointments Whenever there are urgent reasons for the filling of a vacancy in any position in the police force and there are no names on the eligible list for such appointment the appointing officer or body may nominate a person to the commission for non-competitive examination and if such nominee shall be certified by the commission as qualified after such non-competitive examination he may be appointed provisionally to fill such vacancy until a selection and appointment can be made after competitive examination in the manner prescribed in this act. No such provisional appointment shall continue for a longer period than three months nor shall a successive provisional appointment be made to the same position. Provided however that nothing herein contained shall prevent the appointment without examination of persons temporarily as police officers in emergency cases for the suppression of riots tumults in times of war pestilence conflagration or public celebration.

Section 18 Promotions Promotions shall be based on merits to be ascertained by examinations to be prescribed by the commission. All questions relative to promotions shall be practical in character and such as will fairly test the merit and fitness of persons seeking promotion.

The appointing officer or body shall have power to determine in each instance whether an increase in salary shall constitute a promotion.

Section 19 Physical Examination: All applicants for examination shall undergo a physical examination which shall be conducted under the supervision of a doctor of medicine appointed by the civil service commission. No person shall be eligible to take an examination until said doctor certifies that the applicant is free from any bodily or mental defects deformity or disease that might incapacitate him from the discharge of the duties of the position desired.

Section 20 Removals No person employed in any police

department of any political subdivision shall be suspended removed or reduced in rank except for the following reasons (1) physical or mental disability affecting his ability to continue in service in which cases the persons shall receive an 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 neglect intemperance disobedience of orders or conduct unbecoming an officer (5) intoxication while on duty (6) engage or participate in the conducting of any political or election campaign otherwise than to exercise his own right of suffrage A person so employed shall not be removed for religious racial or political reasons A written statement of any charges made against any person so employed shall be furnished to such person within five days after the same are filed

If for reasons of economy or other reasons it shall be deemed necessary by any municipality to reduce the number of paid employes of the police department then such political subdivision shall apply the following procedure (a) if there are any employes eligible for retirement under the terms of any retirement or pension law then such reduction in numbers shall be made by retirement if the party to be retired is sixty-five years of age or over (b) if the number of paid employes in the police force eligible to retirement is sufficient to effect the necessary reduction in numbers or if there are no persons eligible for retirement or if no retirements or pension fund exist then the reduction shall be affected by furloughing the man or men including probationers last appointed to said police force Such removal shall be accomplished by furloughing in numerical order commencing with the man last appointed until such reduction shall have been accomplished In the event the said police force shall again be increased the employes furloughed shall be reinstated in the order of their seniority in the service

Section 21 Hearings on Dismissals and Reduction If the person sought to be suspended removed or reduced in rank shall demand a hearing by the commission the demand shall be made to the commission Such person may make written answers to any charges filed against him The commission shall grant him a hearing which shall be held within a period of ten days from the filing of charges in writing and written answers thereto filed within five days and may be continued by the commission for cause or at the request of the accused At any such hearing the person against whom the charges are made may be present in person and by counsel The appointing officer or body may suspend any such person without pay pending the determination of the charges against him but in the event the commission fails to uphold the charges then the person sought to be suspended removed or demoted shall be reinstated with full pay for the period during which he was suspended and no charges shall be officially recorded against his record

A written record of all testimony taken at such hearings shall be filed with and preserved by the commission which record shall be sealed and not be available for public inspection in the event the charges are dismissed

In the event the commission shall sustain the charges and order the suspension removal or reduction in rank the person suspended removed or reduced in rank shall have immediate right of appeal to the court of common pleas of the county and the case there determined as the court deems proper No order of suspension made by the commission shall be for a longer period than one year Such appeal shall be taken within sixty days from the date of entry by the commission of its final order and shall be by petition Upon such appeal being taken and docketed the court of common pleas shall fix a day for a hearing and shall proceed to hear the appeal on the original record and no additional proof or testimony shall be permitted to be introduced The decision of the court affirming or reversing the decision of the commission shall be final and the employe shall be suspended discharged demoted or reinstated in accordance with the order of the court

The appointing officer or body and the person sought to be suspended removed or demoted shall at all times have the right to employ counsel before the commission and upon appeal to the court of common pleas

Section 22 Present Employes Exempted All appointments in the police force of municipalities upon the effective date of this act shall continue to hold their positions and shall not be required to take any examination under the provisions of this act shall continue to hold their positions and shall not be required to take any examination under the provisions of this act except such as may be required for promotion Provided however that this section shall not be construed to apply to persons employed temporarily in emergency cases

Section 23 Discrimination on Account of Political or Religious Affiliations No question in any form of application for examination or in any examination shall be so framed as to elicit information concerning the political or religious opinions of any application nor shall inquiry be made concerning such opinion or affiliations and all disclosures thereof shall be discountenanced

No discrimination shall be exercised threatened or promised by any person against or in favor of any applicant or employe because of political or religious opinions or affiliations or race and no offer or promise of reward favor or benefit directly or indirectly and shall be made to or received by any person for any act done or duty omitted or to be done under this act

Section 24 Penalty Any councilman or township commissioner who by his vote causes to be appointed any person to the police force of any municipality contrary to the provisions of this act or any councilman township commissioner or member of the commission who wilfully refuses to comply with or conform to the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars (\$100) or suffer imprisonment not exceeding three months or both

Section 25 Salaries of Civil Service Commission The civil service commissioners of municipalities shall receive no compensation

Section 26 Repeal and Construction Except as provided in section 1 all acts and parts of acts inconsistent with this act are hereby repealed

It is the purpose of this act to furnish a complete and exclusive system for the appointment promotion reduction suspension or removal of members of the police force in every borough incorporated town and township of the first class within this Commonwealth which maintains a police force

Section 27 Police Force Defined Police force as used in this act shall mean a police force organized and operating as prescribed by law the members of which devote their normal working hours to police duty or duty in connection with the bureau agencies and services connected with police protection work and who are paid a stated salary or compensation for such work by the municipality

Section 28 Effective Date This act shall become effective on the first day of July one thousand nine hundred and forty-one

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

On the question,

Shall the bill pass finally?

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

YEAS—181

Achterman,	French,	Marks,	Rosenfeld,
Allmond,	Gallagher,	Maxwell,	Rush,
Auker,	Gates,	McClanaghan,	Sarge,
Baker,	Gillan,	McClester,	Sarraf,
Baughner,	Gillette,	McDermott,	Scanlon,
Bentley,	Gerard,	McFall,	Schwab,
Bentzel,	Goodwin,	McGrath,	Shaffer,
Boles,	Greenwood,	McIntosh,	Shaw,
Boney,	Gross,	McKinney,	Shepard,
Boorse,	Gryskewicz,	McLanahan,	Simons,
Bradley,	Gyger,	McLane,	Skale,
Brown,	Haberlen,	McSurdy,	Snyder,
Breth,	Haines,	Meichiorre,	Sorg,
Brunner, P. A.,	Hall,	Mihm,	Stambaugh,
Burns,	Hamilton,	Modell,	Stank,
	Hare,	Monks,	Stine,

Burris, Cadwalader, Chervenak, Chudoff, Cochran, Cohen, R. E., Cook, Cooper, Cordier, Corrigan, Croop, Cullen, Dalrymple, Dennison, DiGenova, Dolon, D'Ortona, Duffy, Early, Eckels, Elder, Elllott, Ely, Falkenstein, Flinestone, Finnerty, Fiss, Fleming, Fletcher, Flynn, Foor.	Harkins, Harmuth, Harris, Heatherington, Helm, Hering, Herman, Hersch, Hewitt, Hirsch, Holland, Imbrie, James, Jefferson, Jones, G. E., Jones, P. N., Keenan, Kline, Knoble, Kolankiewicz, Komorowski, Krise, Lee, E. A., Lelsey, Lesko, Levy, Lichtenwalter, Longo, Lovett, Lyons, Malloy,	Mooney, Moul, Muir, Munley, Nagel, Nunemacher, O'Brien, O'Connor, O'Dare, O'Mullen, O'Neill, Owens, Petrosky, Pettit, Polaski, Polen, Powers, Prosen, Rausch, Readinger, Reagan, Reese, D. P., Reese, R. E., Regan, Reynolds, Rhea, Riley, Rooney, Rose, S., Rose, W. E.,	Stockham, Tarr, Tate, Taylor, Thompson, E. F., Thompson, R. L., Turner, Van Allsburg, Vincent, Vogt, Voldow, Voorhees, Watkins, Wells, Weingartner, Welsh, E. B., Welsh, M. J., Wilkinson, Williams, Winner, Wolf, Wood, L. H., Woodring, Woodside, Wright, Yeakel, Yester, Young, Kilroy, Speaker.
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NAYS—7

Dix, Habbyshaw,	McMillen, Moran,	Royer, Trout,	Wood, N.,
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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.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

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

REPORTS FROM COMMITTEES

Mr. ELLWOOD B. WELSH, from the Committee on Municipal Corporations, reported as Committed, House Bill No. 1233, entitled:

An Act to amend section three hundred seventy 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," authorizing the county commissioners, from time to time, to make supplemental appropriations.

Mr. ELLWOOD B. WELSH, from the Committee on Municipal Corporations, reported as Committed, House Bill No. 1251, entitled:

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

Mr. BENTZEL, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1232, entitled:

An Act to further amend section one thousand eight hundred and four 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," authorizing the council in such cities from time to time to make supplemental appropriations.

Mr. STINE, from the Committee on Agriculture, reported as committed, House Bill No. 522, entitled:

An Act making an appropriation to the Department of Agriculture to advance the tobacco interest of this Commonwealth.

Mr. GOODWIN, from the Committee on Municipal Corporations, reported as committed, House Bill No. 654, entitled:

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

Mr. GOODWIN, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1352, entitled:

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), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," 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.

Mr. LONGO, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1194, entitled:

An Act to amend sections two and three of the act approved the eleventh day of May, one thousand nine hundred and eleven, (P. L. 275), entitled "An act to provide for the appointment of county and city inspectors of weights and measures; providing for their compensation and expenses; prescribing their duties; prohibiting vendors from giving false or insufficient weights; and fixing the penalties for the violation of the provisions hereof," as amended, by providing for the issuance of certificates of approval for weights and measures of county, city, and borough sealers.

Mr. LONGO, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1282, entitled:

An Act providing that taxes on unseated lands shall be collected and returned in the same manner and at the same time as taxes on seated lands.

Mr. WILKINSON, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1234, entitled:

An Act to further amend section one thousand seven

hundred and one 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 law relating thereto," authorizing the township commissioners from time to time, to make supplemental appropriations.

Mr. MORAN, from the Committee on Municipal Corporations, reported as committed, House Bill No. 652, entitled:

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

Mr. PRESLEY N. JONES, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1236, entitled:

An Act to further amend section nine hundred two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," authorizing the township supervisors, from time to time, to make supplemental appropriations.

Mr. O'BRIEN, from the Committee on Appropriations, reported as committed, House Bill No. 1373, entitled:

An Act to amend part of section two of the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," by making the appropriation to the Department of Military Affairs for the use of the Pennsylvania National Guard also available for the use of the Pennsylvania Reserve Defense Corps.

Mr. TARR, from the Committee on Education, reported as amended, House Bill No. 277, entitled:

An Act to further amend subsection seven of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by increasing the minimum salaries of teachers in fourth class school districts, and requiring the Commonwealth to make certain payments on account of such salaries.

Mr. CHERVENAK, from the Committee on Education, reported as amended, House Bill No. 931, entitled:

An Act to further amend section six of the act, approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2603), entitled "An act relating to vocational education; creating vocational school districts for the purpose of conducting systems of vocational schools, departments or classes; providing for their government; prescribing their powers and duties; conferring powers and duties; conferring powers and imposing duties on school

districts and on the State Board for Vocational Education; and providing for referendum in certain cases." fixing the rate of the annual tax levy; requiring county commissioners or boards for the assessment and revision of taxes to furnish, at the expense of the county, certified duplicates of last adjusted valuations of real estate; making the same taxable for vocational school purposes; and making further provision with reference to the bond of tax collectors.

Mr. WILKINSON, from the Committee on Municipal Corporations, reported as amended, House Bill No. 451, entitled:

An Act to further amend section 15 of the act approved May sixteenth, one thousand nine hundred and twenty-three (Pamphlet Laws 207) entitled, "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," providing for the lien of taxes and municipal claims and for the revival of such liens and of judgments obtained thereon.

Mr. COOPER, from the Committee on Judiciary General, reported as amended, House Bill No. 698, entitled:

An Act allowing costs and counsel fees to stakeholder in interpleader proceeding out of fund paid into court.

Mr. AUKER, from the Committee on Municipal Corporations, reported as amended, House Bill No. 540, entitled:

An Act to further amend clause A of section four of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 463), entitled as amended "An act providing for the incorporation, as bodies corporate and politic, of 'Authorities' for municipalities, counties, and townships; defining the same; prescribing the rights, powers and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes," by providing for the termination and dissolution of inactive municipal authorities.

BILL ON FIRST READING

Mr. O'BRIEN asked and obtained unanimous consent for House Bill No. 1373 to be read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1373, entitled:

An Act to amend part of section two of the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts of 1939, page 60), 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 making the appropriation to the Department of Military Affairs for the use of the Pennsylvania National Guard also available for the use of the Pennsylvania Reserve Defense Corps.

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

HOUSE RESOLUTION No. 79

Mr. O'BRIEN. Mr. Speaker, I desire to call up House Resolution No. 79, Printer's No. 338.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 5, 1941.

Whereas The 11th day of October 1779 is the date in American history of the heroic death of Brigadier General Casimir Pulaski who died from wounds received on October 9 1779 at the siege of Savannah Georgia and

Whereas The States of Arkansas California Connecticut Delaware Illinois Indiana Kentucky Louisiana Maryland Massachusetts Michigan Minnesota Missouri Nebraska New Hampshire New Jersey New York Nevada Ohio South Carolina Tennessee Texas West Virginia Wisconsin and other States of the Union through legislative enactment designated October 11th of each year as "General Pulaski's Memorial Day" and

Whereas It is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the heroic death of this great American hero of the Revolutionary War therefore be it

Resolved (if the Senate concur) That the General Assembly of the Commonwealth of Pennsylvania hereby requests the Governor of the Commonwealth of Pennsylvania by virtue of the authority vested in him to issue a proclamation designating October 11 1941 as "General Pulaski's Memorial Day" so the memory of this great man may be appropriately honored

On the question,

Will the House adopt the resolution?

Mr. POLASKI. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. O'Brien.

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

Mr. O'BRIEN. I shall, Mr. Speaker.

Mr. POLASKI. I would like the permission of the House to interrogate the sponsor of this resolution, the gentleman from Philadelphia, in his native language, Polish. Will Mr. O'Brien, please answer this question?

Ja bym chciał wiedzieć dla jakiej przyczyny Pan wstawił tę rezolucję

Mr. O'BRIEN. Mr. Speaker, I say in answer to that, "Ja nie wiem."

Mr. POLASKI. "Bardzo dobrze, dziękuje."

PARLIAMENTARY INQUIRY

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

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

Mr. WOODSIDE. Mr. Speaker, I would like to know whether the Parliamentarian or the Chief Clerk is checking all these days off, and if so, how many are left?

The SPEAKER. We have a few more left.

On the question recurring.

Will the House adopt the resolution?

It was adopted.

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

PERMISSION TO ADDRESS HOUSE

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

Mr. Speaker, I kind of feel that I have this body of men, the Members of this Legislature, pretty well convinced that Beaver County is one of the greatest counties in this State. Tomorrow, April 24th, is going to be a red letter day in the history of Beaver County. There will be a day of ground breaking for a five million dollar plant, which I think will add enough to Beaver County to make it the Keystone County of this Keystone State.

Now, Mr. Speaker, in order that this function may be properly carried out I ask leave of absence for myself and for my two colleagues from Beaver County in order that we may assist in building this county up to the high pinnacle to which I hope it will finally arrive.

The SPEAKER. The Chair hears no objection and leave is granted.

PERMISSION TO ADDRESS HOUSE

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

Mr. Speaker, I was much interested in the statement made by the statesman from Beaver, about the breaking of ground in Beaver County for a plant that is going to make Beaver County a great place. I regret that the gentleman from Monroe, Mr. Achterman, is not in the House because this indicates that some of the James prosperity is going to Beaver County. Mr. Nagel, however, has said it is going to make Beaver a Keystone County. I would just like to say to the gentleman from Beaver and to the members of the House that down in Delaware County tomorrow the Baldwin Locomotive Works is going to deliver to the United States Army the first of the huge tanks they have been constructing. You say this is a preparedness program. We have advanced quite a long way in Delaware County in this preparedness program and if you people up there in Beaver County need any help I suggest that you come down to Delaware and we will show you a progressive county where we are not just starting to break ground but we have been manufacturing different articles for the government for some time.

The SPEAKER. Do the Republicans get credit for these tanks?

Mr. TURNER. Mr. Speaker, it depends upon which tanks you are talking about.

Mr. NAGEL. Mr. Speaker, we are very glad they are making tanks down in Delaware County. Out in Beaver County we are going to make something faster than tanks, we are going to make aeroplane propellers and aeroplanes so that we will go down to Delaware County and get our tanks when we need them.

Mr. BRETHERICK. Mr. Speaker, the personal appearance of the gentleman from Delaware, Mr. Turner, indicates that we know and have known for some time something about large tanks.

The SPEAKER. The gentleman from Delaware, Mr. Turner, "tanks" the gentleman from Delaware, Mr. Bretherick.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair has noticed the absence of Members from Thursday sessions without the consent of the House. After this week Members who absent themselves without leave will do so at their own risk. Members will please take note that there will be no consent calendars after this week.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

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

HOUSE BILL No. 524.

An Act to further amend section two hundred and ten of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" prohibiting the sale of striped bass or rock fish under eighteen inches in length.

HOUSE BILL No. 616.

An Act to amend section seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to Consolidate Revise and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings" providing for admission to bail by committing magistrates and coroners in cases involving manslaughter by automobile.

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

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 524.

An Act to further amend section two hundred and ten of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" prohibiting the sale of striped bass or rock fish under eighteen inches in length.

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Whereupon,

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

RESOLUTION

ADJOURNMENT IN RESPECT OF MEMORY OF
JAMES BUCHANAN

Messrs. NORMAN WOOD and TROUT offered the fol-

lowing resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted:

In the House of Representatives, April 23, 1941.

Today marks the one hundred and fiftieth anniversary of the birth of the only native son of Pennsylvania elected to the Presidency of the United States from this Commonwealth.

Born near Mercersburg, Franklin County, on April 23rd, 1791, James Buchanan entered Dickinson College at Carlisle in 1805 and graduated in 1819 with high honors.

He studied law with John Hopkins, Esq. in Lancaster, was admitted to the Lancaster County Bar in 1812 and during the same year enlisted in the war of 1812 as a member of Captain Henry Shippen's company.

His career in politics began with his election to this House in 1815. In 1820 he was elected to the Lower House of Congress from the Lancaster district and was reelected every two years until 1830.

In 1831 he was appointed United States Minister to Russia but disliking the formal etiquette of the Court, he resigned.

In 1834 he was elected United States Senator from Pennsylvania to fill a vacancy and was reelected in 1837 and 1843, but resigned in 1845 to accept appointment as Secretary of State under President Polk.

In 1849 he retired to private life until his appointment as United States Minister to England by President Pierce.

In 1856 he was elected President of the United States over Colonel John Charles Fremont and ex-President Millard Fillmore.

After the election of Lincoln in 1860 he returned to his home "Wheatland" near Lancaster, where he announced his support of President Lincoln's administration and where he spent his last years.

His twenty years' record as Congressman and Senator was one of useful service. He was quiet and well mannered; a conservative gentleman of the old school whose only ambition was to serve the State.

He died at "Wheatland" on June 1st, 1868 and is buried in Woodward Hill Cemetery, Lancaster; therefore be it

Resolved, That we, the Members of this House of Representatives in full recognition and appreciation of the services rendered to the State and Nation by our illustrious former member hereby direct that this resolution be printed in the Legislative Journal and that when this House adjourns today it adjourns of respect to the memory of that outstanding Pennsylvanian, James Buchanan, the fifteenth President of the United States.

COMMITTEE MEETINGS

Constitutional Amendments, Wednesday, April 23, immediately after the session in Room 327.

Welfare, Thursday, April 24, at 9:30 a. m. in Room 246.

There will be a Public Hearing before the Committee on Professional Licensure on House Bill No. 1048 on Wednesday, April 23, 1941 at 7:00 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 6:00 p. m., E. S. T., in the New House Caucus Room.

ANNOUNCEMENT

The Chair has noted the absence of Members from Thursday sessions without the consent of the House. After this week Members who absent themselves without leave will do so at their own risk. There will be no consent calendars after this week.

ADJOURNMENT

Mr. NORMAN WOOD. Mr. Speaker, in accordance with the provisions of the resolution just adopted, I move that this House do now adjourn until Thursday, April

24th, at 10 a. m., out of respect for the memory of James Buchanan a former Member of this body and former President of the United States.

The motion was agreed to, and (at 4:05 p. m.) the House adjourned.