

"the forgotten man" has been the cause of all wars throughout the ages and even today. And our Nation has largely offended by "forgetting man." In the olden days, it was the downtrodden man who, forgotten by his dictator or his kind, finally arose and smote the ruler hip and thigh. England's famous Magna Carta only came when the "forgotten man" rose in his might and forced from an unwilling upper class, concessions that today still form the basis for the freedom of Englishmen. In our own land the negro emerged free after a bloody war in which our State was invaded. Gettysburg and Appomattox with its blood soaked land, today stands in my eyes as a symbol of a struggle for the forgotten man.

Today we are drawing a distinction between men and women in our own land. The rich are getting richer and the poor are getting poorer, despite the vast millions that have been poured out under a politically conceived relief plan. There must be a program dictated by heart and conscience if the class struggle fomented by those in high places is not to reach a climax, where guns will be fired and blood will flow.

In this preparation for the defense of our liberties and our nation there is offered an admirable time and place for the cementing of our peoples into one solid group.

A scanning of the war now raging across the seas discloses that the absence of the application of the "golden rule" is basically the cause of the trouble. When the victorious group surrounded the Versailles (Var'si) conference table to give to a defeated enemy its peace terms, there were men forgotten. This afforded the Austrian paper hanger the opportunity he sought and with strident tones he harangued the German people until they followed him. He became the leader of the masses and today is drunk with power overrunning the world like a scourge.

In our preparations for defending our land, we must have no forgotten men or class. There must be carefully planned efforts put forth that there will not be created any cancerous sore that will infiltrate into the blood stream of our land and kill our efforts. And thank God there is in our country, a freedom of speech which allows all to give expression to their views. There will be those who disagree with the views held by the leaders of the government. But when sincere they should be given every opportunity to speak them. I cannot help but feel that the slurring remarks made in high government circles relative to Charles Lindbergh have been mistakes and were better not uttered. While I cannot see eye to eye with Lindbergh, nevertheless, I feel that he is entitled to his views as much as I am to mine.

And in this connection, I want to pay to the fraternal orders of our land a tribute. They have done and are still doing, a great work in their teachings of patriotism in our Nation. The spirit of fraternalism of which they speak is one that must pervade our land if we are to stand brother to brother in the strife which we are facing. The fraternal orders have done a great work and have learned that liberty is a priceless heritage, that our country safeguards this spiritual treasure and that all the world looks to our leadership to uphold faith in its ideals.

With conditions abroad such as they are now, we must recognize that the application of the Golden Rule in our daily lives must be given attention. In this Senate Chamber and in every legislative hall in the nation, this shin-

ing concept of a better and fuller life must be carried at all times. And when this principle is recognized our nation will make better time in production of essential materials, will make greater strides in handling its labor disputes and will erase friction that breeds trials and tribulations.

We cannot pause too often to scan the horizon for signs or storm; we cannot pause too often for a brief prayer that our Flag may forever stand for the things that make life worth living and keep our place of abode forever "the land of the free and the home of the brave."

#### PERMISSION TO ADDRESS THE SENATE

Mr. GELTZ. Mr. President, I ask permission to address the Senate.

The PRESIDENT. The gentleman from Allegheny will proceed.

Mr. GELTZ. Mr. President, I just want to call the attention of the few Senators who are still here to the fact that there are about twenty-six days remaining in this biennium, and to the fact that the House still has the tax and appropriation bills tied up, which means that if those tax and appropriation bills do not come over here so the Senate can consider and pass them by the first of June, which starts the new biennium, those on relief will be left without relief, and the doors of the state government will have to close.

#### ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Tuesday, May 6, 1941, at 1:00 o'clock p. m., Eastern Standard Time.

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

The motion was agreed to.

The Senate adjourned at 5:48 o'clock p. m., Eastern Standard Time, until Tuesday, May 6, 1941, at 1:00 o'clock p. m., Eastern Standard Time.

### HOUSE OF REPRESENTATIVES

MONDAY, May 5, 1941.

The House met at 8 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

#### PRAYER

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

Almighty God, we beseech Thee to help each of us to dare to refuse the treasures of the world, to recognize the danger in the flattery of our companions, but appreciate the candor in the compliments of a friend. Help us to rejoice in the consciousness of having done our duty and to be glad when our efforts receive the reward of praise; but help us to seek Thy commendation, O God, rather than the world's, and to examine ourselves lest, when our standing is highest with our fellowmen, it be lowest with Thee.

In these troubled days may we look to Thee for leadership, for guidance, for understanding. Bless we pray Thee all men to whom authority has been given. May that trust not be betrayed. As citizens of a great State and Nation

may we come to Thee, for Thou alone can give the grace and courage that we need. Hear our prayer, O Lord. Amen.

### JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, May 1, 1941.

The Clerk proceeded to read the Journal of Thursday, May 1, 1941, when, on motion of Mr. McLANAHAN, unanimously agreed to, the further reading was dispensed with and the Journal approved.

### BILL INTRODUCED AND REFERRED

By Mr. FINNERTY. HOUSE BILL No. 1480.

An Act authorizing the Commonwealth, political subdivisions and certain institutions to purchase services from organizations for the blind without contracts or advertisements; providing for the fixing of fair market prices for such services by a committee composed of heads of certain departments and representatives of institutions for the blind; imposing certain duties upon the Department of Property and Supplies, and the State Council for the Blind.

Referred to the Committee on Judiciary General.

### SENATE MESSAGE

#### SENATE BILL FOR CONCURRENCE

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

SENATE BILL No. 236. (HOUSE BILL No. 1481).

An Act to amend section six hundred fifty-four of article six of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law; providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," providing for appeals from any classification, rule, rate, or schedule of the Insurance Commissioner affecting insurance of employes and employers under the Workmen's Compensation Act of one thousand nine hundred and fifteen and the supplements and amendments thereto.

Referred to the Committee on Workmen's Compensation.

### RESOLUTION INTRODUCED AND REFERRED

By Messrs. RUSH and CULLEN (Concurrent)  
RESOLUTION No. 90.

In the House of Representatives, April 30, 1941.

Whereas, There are a great many veterans who require hospitalization in the southeastern portion of Pennsylvania; and

Whereas, The present existing hospital facilities are inadequate to take care of the number of veterans which require hospital treatment; and

Whereas, At the present time there is a great waiting list of veterans endeavoring to get into the hospitals now available in Philadelphia and its vicinity; and

Whereas, Southeastern Pennsylvania is ideally situated from a view-point of climate, transportation and industrial and urban development, and the City of Philadelphia

is one of the largest and best medical centres of the United States of America; therefore be it

Resolved (if the Senate concur), That the General Assembly hereby memorialize the Veterans Administration of the United States and the Federal Board of Hospitalization to locate as quickly as possible a hospital in southeastern Pennsylvania within a reasonable distance of Philadelphia to take care of sick or disabled war veterans; and be it further

Resolved, That copies of this resolution be sent to Veterans Administration, Federal Board of Hospitalization and representatives in Congress.

Referred to the Committee on Rules.

### COMMUNICATION FROM THE GOVERNOR

The Secretary of the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

#### APPROVAL OF RESOLUTION

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, May 2, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate directing the Governor to issue publish and declare an appropriate proclamation to the people of Pennsylvania designating for observance this year the third day of May as Polish Day.

ARTHUR H. JAMES.

IN THE NAME AND BY AUTHORITY OF THE  
COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE, HARRISBURG

#### PROCLAMATION

May 3, 1941, has been designated as Polish Independence Day in Pennsylvania by the General Assembly of Pennsylvania through concurrent resolution of the House and Senate under date of April 30, 1941.

Pennsylvania, deeply aware of the contribution which citizens of Polish descent have given to this Commonwealth, has also marked the death of General Casimir Pulaski as General Pulaski Memorial Day on October 11th of each year. General Pulaski, Polish patriot, fought gallantly for the cause of American independence and was killed during the siege of Savannah in 1779.

I call upon all citizens to commemorate Polish Independence Day and by appropriate observance.

Given under my hand and the Great Seal of the State, at the City of Harrisburg, this second day of May, in the year of our Lord, one thousand nine hundred and forty-one, and of the Commonwealth the one hundred and sixty-fifth. (Seal of the State).

By the Governor: (Signed) ARTHUR H. JAMES.  
Secretary of the Commonwealth.

### COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

#### APPROVAL OF HOUSE BILL No. 145

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, May 5, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 145, Printer's No. 153, entitled, "An Act validating county treasurers' deeds where the acknowledgment of such deed or deeds was defective in any respect if in fact such acknowledgement was taken before a judge of the county."

ARTHUR H. JAMES.

### COMMUNICATIONS AND PETITIONS

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

#### FOOD STAMP PLAN

A communication from Pennsylvania Grocers Association, addressed to the Speaker, favoring passage of House Bill No. 1078, administering federal surplus commodities on the Food Stamp Plan.

Referred to the Committee on Appropriations.

#### TAXES

A communication from G. H. Hubbard, Lock Haven, addressed to the Speaker, protesting increased taxation for the purpose of paying increased salaries to municipal employes and teachers.

Referred to the Committee on Appropriations.

#### FIREMEN

A communication from Pennsylvania Federation of Labor, Harrisburg, addressed to the Speaker, favoring passage of House Bill No. 1058, increasing salaries of firemen.

Referred to the Committee on Boroughs.

#### RECORDER'S CONVENTIONS

A communication from the Recorder of Deed's Office, of Lehigh County, addressed to the Speaker, favoring passage of House Bill No. 961, providing for the payment of certain expenses incurred by recorders and deputies in attending annual meetings.

Referred to the Committee on Counties.

#### TEACHER'S COLLEGES

A telegram from Chestnut Hill College and communications from Lehigh University and Villanova College, addressed to the Speaker, protesting passage of Senate Bill No. 598.

Referred to the Committee on Education.

#### HIGHWAY PROTECTION AREA

Communications from Mrs. James H. Childs, Sewickley, and Mary Wilson, Philadelphia, favoring passage of House Bill No. 711, providing for a highway protection area.

Referred to the Committee on Highways.

#### HIGHWAYS

A communication from Mrs. A. Boyd, addressed to the Speaker, requesting extension of Henry Avenue, Philadelphia.

Referred to the Committee on Highways.

#### FIRE DEPARTMENTS

A telegram from Taxpayers League addressed to the Speaker, requesting postponement of final action in Sen-

ate Bill No. 253, providing for three platoon system in fire departments in cities of the second class.

Referred to the Committee on Municipal Corporations.

#### STRIP MINING

Communications from: Harry M. Rimer, President Judge, Eighteenth Judicial District, Clarion; County Commissioners Clarion County; Local No. 7511, UMW of A, Sligo; Local No. 658, UMW of A., Huey; Local No. 923, UMW of A., Adrian; Local No. 1859, UMW of A., Rimersburg; Local No. 2730, UMW of A., Kittanning, addressed to the Speaker, favoring passage of House Bill No. 788.

Referred to the Committee on Mines and Mining.

#### EMBALMERS

A communication from Michael R. Kerwick, addressed to the Speaker, favoring passage of House Bill No. 227, providing for the licensing of embalmers.

Referred to the Committee on Professional Licensure.

#### OPTOMETRY

A communication from Pennsylvania Federation of Labor, opposing passage of House Bill No. 684, providing amendments to the "Optometrists Licensure Law."

Referred to the Committee on Professional Licensure.

#### REAL ESTATE BROKERS

A communication from Walter H. Hutzel, Philadelphia, addressed to the Speaker, opposing passage of House Bill No. 649, providing for amendments to Real Estate License Law.

Referred to the Committee on Professional Licensure.

#### CHIROPODY

Communications from Chiropractors, Philadelphia, addressed to the Speaker, favoring passage of House Bill No. 1048.

Referred to the Committee on Professional Licensure.

#### NURSES

Communications from Corry Hospital Association, and The Christian H. Buhl Hospital, Sharon, favoring passage of House Bill Nos. 674 and 675.

Referred to the Committee on Professional Licensure.

#### COMMODORE BARRY DAY

A communication from American Association for the Recognition of the Irish Republic, addressed to the Speaker, favoring passage of Senate Bill No. 418, authorizing the setting aside of September 13th, as Commodore John Barry Day.

Referred to the Committee on State Government.

#### HIGHWAYS

A communication from State Association Township Supervisors, addressed to the Speaker, favoring passage of House Bill No. 828, providing for sidewalks.

Referred to the Committee on Townships.

#### COUNTIES

A communication from H. A. Cook, and Sons, Vicksburg, addressed to the Speaker, protesting inclusion of inmates in institutions in county population.

Referred to the Committee on Welfare.

## COMMUNICATION

The SPEAKER laid before the House the following communication which was read by the Clerk.

THE AMERICAN LEGION  
Sponsored by LaFayette Post No. 51  
P. O. Box 790, Uniontown, Pa.

May 1, 1941.

Hon. Elmer Kilroy,  
Speaker, House of Representatives,  
Harrisburg, Pa.

My Dear Comrade Kilroy:

In behalf of our Comrades of Fayette County, who were the guests of the House of Representatives yesterday, we express to you and the members of the House our deep appreciation not only for yesterday's program, but for the Joint Resolution, which made May 1st, "Americanism Day."

If at any time "Americanism" was needed it is today for, we do not know, where, and what will be the final result, from the present strife now going on in all parts of the World including our great Republic.

Our delegation was particularly interested how the legislature was operating we are very grateful for it, and having an opportunity to see it in action.

We want you to know that today, not only Uniontown and Fayette County is celebrating "Americanism Day," but it is being celebrated in Pennsylvania and in many parts of the United States.

The Legislature may be well proud that it was thru their efforts that some day "Americanism Day" will be on the Statute Books of the Congress of the United States, and that it was in Pennsylvania that gave it birth and it was thru the Legislature that recognized it as a GREAT DAY.

Sincerely yours,

JAMES H. SMITH  
General Chairman.

## SENATE MESSAGES

## TIME OF NEXT MEETING

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

In the Senate, May 5, 1941.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, May 12, 1941, at 3:30 o'clock p. m., Eastern Standard Time, and when the House of Representatives adjourns this week, it reconvene on Monday, May 12, 1941, at 8 o'clock p. m., Eastern Standard Time.

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

On the question,

Will the House concur in the resolution of the Senate? It was unanimously concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## HOUSE BILL CONCURRED IN BY SENATE

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

HOUSE BILL No. 666.

An Act to amend section one of the act approved the twenty-sixth day of August, A. D., one thousand nine hundred thirty-two (P. L. 101), entitled "An act author-

izing collectors of delinquent taxes except in cities of the first class to accept payments of delinquent taxes or water rents or rates in installments," by including counties.

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

## 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. 666.

An Act to amend section one of the act approved the twenty-sixth day of August, A. D., one thousand nine hundred thirty-two (P. L. 101), entitled "An act authorizing collectors of delinquent taxes except in cities of the first class to accept payments of delinquent taxes or water rents or rates in installments," by including counties.

Whereupon,

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

## LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. FLYNN for himself for tomorrow's session to attend the funeral of a very close friend.

Mr. Huntley for Mr. SORG for tonight's session on account of illness.

Mr. James for Mr. BRETHERICK for tonight's session.

Mr. Gillette for Mr. GREENWOOD for tonight and tomorrow.

Mr. Woodside for Mr. WILKINSON for the week.

Mr. Brown for Mr. HARKINS for tonight's session.

## FORMER MEMBERS WELCOMED

The SPEAKER. The Chair welcomes to the House this evening former members, Mr. Joseph F. Piole from Allegheny County; Mr. Ralph E. Diefenderfer, from Lehigh County, who served in the session of 1915, and Mr. Lowell Alexander of Mifflin County, who is the guest of Mr. French.

## ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair again reminds the members that all copies of bills and resolutions when introduced must be signed.

In a number of instances within the past two weeks where there have been co-sponsors to bills, two names have appeared on the first copy, one name on the second, and in one case none on the third.

If your name does not appear on the printed bill or calendar do not hold the Chief Clerk's Office responsible.

Please remember after a bill or resolution is presented, the copies as introduced are distributed to the committee, the printer and the press, they have been assigned a number, it is next to impossible to make corrections, and what is more important delay all bills which follow the incorrect one, trying to locate a sponsor who has failed to endorse his bill.

The Chair requests your careful co-operation.

Mr. O'NEILL IN THE CHAIR.

## BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1442, entitled:

An Act making an appropriation to the Department of Commerce out of the Motor License Fund for the proper conduct of a specific portion of its work.

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. 174, entitled:

An Act to act subsection (c) to section four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2045), entitled "An act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure," prohibiting any public body or public agency from demanding or accepting a bond or judgment note from an indigent person for expenses of his support, maintenance, assistance or burial, before such expenses are incurred.

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. 1097, entitled:

An Act to amend section three of the act, approved the first day of June, one thousand nine hundred and thirty-seven (P. L. 1168), entitled "An act to protect the right of employes to organize and bargain collectively; creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State Government, and courts; providing for the right of employes to organize and bargain collectively; declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes be the exclusive representatives of all the employes; authorizing the board to conduct hearings and elections, and certify as to representatives of employes for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice; and providing a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court; providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the board; prescribing certain penalties," extending the provisions of said act to include employers who operate for charitable purposes to those who operate not for profit, and to those who secure aid from the Commonwealth or any agency or political subdivision 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. 1318, (Senate Bill No. 528), entitled:

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

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. 599, (Senate Bill No. 159), entitled:

An Act making an appropriation to the Department of Military Affairs for the purpose of erecting, constructing and equipping an auditorium at Indiantown Gap Military Reservation.

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. 1355, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," changing the conditions of eligibility for election or appointment as county, district, assistant county or district superintendent and associate superintendent, and the term of county superintendents.

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 Lackawanna, Mr. O'Neill, for presiding.

## BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 636, entitled:

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

mission and its employees; revising the provisions regulating the filing of removal notices and the cancellation of registrations; changing the provisions and times for registration, change of party enrollment and the cancellation of registrations; imposing duties on certain city officers; revising the procedure on appeals to the courts; providing for the manner of reckoning time; and imposing additional penalties.

The first section was read.

On the question,

Will the House agree to the section?

#### BILL RECOMMITTED

Mr. ROSENFELD. Mr. Speaker, I move that this bill be recommitted to the Committee on Elections for the purpose of a public hearing.

The motion was agreed to.

#### BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1338, entitled:

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

The first section was read.

On the question,

Will the House agree to the section?

#### BILL RECOMMITTED

Mr. SHAW. Mr. Speaker, I move that this bill be recommitted to the Committee on Welfare 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. 504, entitled:

An Act to amend section three and clause (88) of section one hundred one of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1019), entitled "An act relating to statutory laws; prescribing an enacting clause for statutes; fixing the effective date and time of statutes hereafter enacted; providing for notice of application for local and special legislation, for the correction of errors in statutes, and for the printing and publication of statutes; prescribing rules for the interpretation of statutes; defining certain words and phrases when used in statutes; and prescribing rules for the construction and operation of amendments, re-enactments and repeals of statutes," further providing for the position of the enacting clause; and further defining the phrase "political subdivision."

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. 1172, entitled:

An Act to further amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by empowering counties to acquire real estate by lease purchase gift or eminent domain for use as fair-ground authorizing the acquisition of property by eminent domain for certain other public purposes and authorizing county commissioners to do all things necessary for the establishment and maintenance of county agricultural fairs and fairgrounds including the appropriation of funds joint action with other political subdivisions the levy and collection of taxes the creation of county fair boards and the acceptance of State contributions

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. 1435, entitled:

An Act to authorize housing authorities to undertake the development or administration of projects to provide safe and sanitary dwellings for persons engaged in national defense activities who would not otherwise be able to secure such dwellings within the vicinity thereof; to limit the initiation of the development of such projects until December 31, 1943; to authorize housing authorities to cooperate with or act as agent of the Federal Government in the development and administration of such projects of the Federal Government, to acquire or lease such projects and to sell or lease certain projects to the Federal Government; to authorize public bodies to assist such projects of housing authorities and of the Federal Government; and to declare valid all bonds, notes and obligations of housing authorities issued for projects heretofore undertaken to provide safe and sanitary dwellings for persons engaged in national-defense activities.

The first and second sections were separately read and agreed to.

The third section was read.

On the question,

Will the House agree to the section?

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

The amendments were read by the Clerk as follows:

Amend Sec. 3, page 5, lines 24 to 29, by striking out the following: "and provided further that the field of op" in line 24, and all of lines 25 to 29, both inclusive.

The amendments were agreed to.

The section was agreed to as amended.

The fourth, fifth, sixth, seventh, eighth, ninth, tenth and eleventh sections and title were separately read and agreed to.

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 884, entitled:

An Act to amend section one of the act approved the twenty-fourth day of April one thousand nine hundred thirteen (P. L. 114) entitled "An act regulating the time of payment of wages and earnings and providing a penalty for violation hereof" by requiring employers to fur-

nish statements to employes of all deductions made from their wages

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. 1275, entitled:

An Act declaring and adopting the song "The Rolling Hills of Pennsylvania" as the State song of Pennsylvania

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

Ordered, To be transcribed for a third reading.

#### BILL RECOMMITTED

Mr. HABERLEN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study and possible amendment.

On the question,

Will the House agree to the motion?

Mr. MORAN. Mr. Speaker, as House Bill 1275 is an act declaring the song "The Rolling Hills of Pennsylvania" as the State song of Pennsylvania, why not have the sponsor sing this song to see whether we approve of it or not?

The SPEAKER. That is what the gentleman intends doing at the public hearing.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

#### BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1439, entitled:

An Act to declare valid and legal the establishment and organization of housing authorities, all bonds, notes, contracts, agreements, obligations and undertakings of such housing authorities and all proceedings, acts and things heretofore undertaken, performed or done with reference thereto.

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 129, entitled:

An Act to add sections three hundred fourteen and three hundred fifteen to article three of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administer-

ing the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" prohibiting certain public utilities from imposing penalties by reason of the late payment of service charges by consumers and prohibiting certain public utilities from imposing minimum or meter charges

The first section was read.

On the question,

Will the House agree to the section?

#### BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Utilities 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. 1222, entitled:

An Act to further amend clause (j) of section two hundred and eight of the act approved the fifth day of December one thousand nine hundred and thirty-six (P. L. 2897 1937) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" by imposing new duties on the Secretary of Labor and Industry relative to appointments in order to prevent discrimination in such appointments because of race color or creed of eligibles

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. 1438, entitled:

An Act to provide that bonds and other obligations issued by any public housing authority or agency in the United States shall be security for all public deposits and negotiable, and legal investments for the State and public officers, municipal corporations; political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, all executors, administrators, guardians, trustees and other fiduciaries.

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. 847, entitled:

An Act to further amend section three hundred one and to amend section four hundred one of the act approved the twenty-eighth day of May one thousand nine hundred thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the

procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by further limiting the control and regulation of the commission in respect to rates services and extensions by municipal corporations

The first section was read.

On the question,

Will the House agree to the section?

#### BILL RECOMMITTED

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

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. 1038, entitled:

An Act making it unlawful for any individual partnership or association to carry on or conduct any business in this Commonwealth unless there is displayed on the exterior of such establishment the identity of the owner or authorized representative and providing penalties

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 891, entitled:

An Act to amend the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by requiring the Department of Revenue to establish a system for the permanent registration of hunters revising the provisions of said act relating to the issuance of licenses and eliminating the powers of justices of the peace magistrates and notaries public to receive applications therefore

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

The sixth section was read:

On the question,

Will the House agree to the section?

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

The amendments were read by the Clerk as follows:

Amend section 6, (section 312) page 11, line 18 by underscoring the words "or tag" in said line.

Amend section 6, (section 312) page 12, line 7, by striking out the word "to" where it first appears in said line.

Amend section 6, (section 312) page 11, line 11, by inserting the word "of" after the word "or".

The amendments were agreed to.

The section was agreed to as amended.

The title was read and agreed to.

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The bill having been called up from the postponed calendar, by Mr. REUBEN E. COHEN



The House resumed the consideration on second reading of 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.

The first section was read.

On the question,

Will the House agree to the section?

#### BILL RECOMMENDED

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

The motion was agreed to.

#### BILL ON SECOND READING

Mr. D'ORTONA. Mr. Speaker, I desire to call up House Bill No. 1401, Printer's No. 437, on page 6 of today's calendar, bills on second reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1401, entitled:

An Act to amend section six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," further regulating the establishment of standards and qualifications for assistance.

The first section was read and agreed to.

Mr. D'ORTONA. Mr. Speaker, I desire to offer the following amendment, a new section.

The amendment was read by the Clerk as follows:

Amend Bill, page 3, by adding after line 15 the following:

Section 2 Section thirteen of said act as amended by section three of the act, approved the twenty-sixth day of June, one thousand nine hundred and thirty-nine (P. L. 1091), is hereby further amended to read as follows:

Section 13. Penalties. (a) Any person who, either prior to, or at the time of, or subsequent to the application for assistance, by means of a willfully false statement or misrepresentation, or by impersonation or other fraudulent means, secures, or attempts to secure, or aids or abets any person in securing assistance under this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500.00), or to undergo imprisonment not exceeding six months, or both, at the discretion of the court, and also shall be sentenced to make restitution of any moneys he

has received by reason of any such false statement, misrepresentation impersonation, or fraudulent means.

(b) Any person in the employ of any county board who, either directly or indirectly, influences or endeavors to influence the vote of any person receiving or applying for any form of assistance or pension under the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred (\$100) dollars, or undergo imprisonment not exceeding six months (6) or both, at the discretion of the court.

(c) Any person receiving assistance, who secures employment, and fails to notify the county board with regard thereto and the consideration, salary or wages to be received therefore, within forty-eight hours, shall be guilty of a misdemeanor, and upon summary conviction thereof, shall be sentenced to pay a fine not exceeding twenty-five dollars (\$25), or to undergo five (5) days imprisonment, or both, at the discretion of the court, and also shall be sentenced to make restitution of any moneys received during the term of such employment.

On the question,

Will the House agree to the amendment?

Mr. BROWN. Mr. Speaker, It was very hard to catch the amendment, and I would like to interrogate the gentleman from Philadelphia, Mr. D'Ortona.

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

Mr. D'ORTONA. I shall, Mr. Speaker.

Mr. BROWN. Mr. Speaker, I am not certain that I caught all of the amendments, but as I understood section C it provides that the guilty party shall be sentenced to make restitution of any moneys received during the term of such employment, is that correct?

Mr. D'ORTONA. That is right, Mr. Speaker.

Mr. BROWN. Mr. Speaker, suppose the person has no money to make restitution, how long would that person be committed to jail or to the workhouse?

Mr. D'ORTONA. Mr. Speaker, the five days that are called for, for a man to be sentenced to jail and upon his release from jail, and upon receiving employment the men is supposed to make restitution.

Mr. BROWN. Mr. Speaker, in section 13, which I take it is a new section, it is provided that upon conviction thereof he shall be sentenced to pay a fine not exceeding \$500 or to undergo imprisonment not exceeding six months or both at the discretion of the court. Now, so far the court has discretion as to whether to impose a fine or to impose a sentence or to do both, is that correct?

Mr. D'ORTONA. Mr. Speaker, that is in the act at the present time.

Mr. BROWN. The act provides that he shall be sentenced to make restitution, is that in the present act?

Mr. D'ORTONA. Mr. Speaker, that is in the present act, that he must make restitution.

Mr. BROWN. In the very words that are stated here in this act, "And shall be sentenced to make restitution"?

Mr. D'ORTONA. No, Mr. Speaker, the man will be sentenced to five days in jail or twenty-five dollars fine, and upon his release from jail he would be compelled to make restitution upon the time of his employment.

Mr. BROWN. Does not the gentleman from Philadelphia think he had better make that clear in the act? As I understand him now, the act makes it mandatory upon the court to impose restitution. When the court imposes restitution and the person has no money, I am asking how long would he have to be committed.

Mr. D'ORTONA. Mr. Speaker, if the man committed a

violation, and the man was employed at the time he was receiving public assistance, he would then have sufficient funds to make the restitution.

Mr. BROWN. Mr. Speaker, supposing he does not have the funds to make restitution, how long will he be committed?

Mr. D'ORTONA. Mr. Speaker, that is at the discretion of the court.

Mr. BROWN. Mr. Speaker, does the gentleman not aim to give the court discretion, and does he not have the act backwards? Should not the discretion of the court follow the last part of the sentence and not in the part giving the court discretion as to the payment of the fine and as to the imprisonment, and should not the court also have discretion so far as making restitution is concerned?

Mr. D'ORTONA. Mr. Speaker, that is part of the present assistance law, making restitution.

Mr. BROWN. Mr. Speaker, I thank the gentleman from Philadelphia. I yield to the gentleman from Allegheny, Mr. Shaw, who perhaps can explain the interrogation which I asked of Mr. D'Ortona.

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

Mr. SHAW. Mr. Speaker, ever since the Public Assistance Law was placed on the statute books of the Commonwealth, people who wrongfully received public moneys have had to make restitution. The amendment placed in House Bill 1401 by Mr. D'Ortona and Mr. Rosenfeld should really begin with Subsection C, which calls for a man to notify the County Board within forty-eight hours after securing employment. That was taken up with the Legislative Reference Bureau and they approved the amendment.

Mr. Speaker, we of the Welfare Committee feel that House Bill 1401 is a bill of a great deal of importance. We all know that the Commonwealth never has been able to give to the recipients of relief what is considered to be a decent living grant. This bill merely asks the State Board of Assistance to set up in each county, in accordance with the living costs of that county, what they consider to be a minimum decent living standard, and then permit the person on relief, who if, as is the case of Philadelphia, he is a single person receiving \$4.80 a week, to earn the difference between what the state is able to give him and what the State Board has decided upon as the minimum decent living standard. That is all this bill attempts to do, and we of the Welfare Committee who have worked with the sponsors of the bill feel eventually this bill if enacted into law that the recipients of relief will prove what most of us believe them to be, basically honest, and that in addition once they start working under this proposed addition to the law, they will have an incentive to go out and look for a job themselves off the public rolls.

On the question recurring,

Will the House agree to the amendment?

It was agreed to.

The section was agreed to as amended.

The title was read:

On the question,

Will the House agree to the title?

Mr. D'ORTONA. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Title, page 1, line 1 of title, by inserting after

the word "six" the following; "and to further amend section thirteen."

Amend Title, page 2, last line of title, by inserting after the word "assistance" the following "and imposing additional penalties."

The amendments were agreed to.

The title was agreed to as amended.

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

Ordered, to be transcribed for a third reading.

#### BILL PASSED OVER

There being no objection House Bill No. 211, Printer's No. 444, was passed over at the request of Mr. ROSENFELD.

#### BILL ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 1156 entitled:

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

On the question.

Shall the bill pass finally?

#### BILL POSTPONED

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

The motion was agreed to.

#### BILL PASSED OVER

There being no objection House Bill No. 1185, Printer's No. 359, was passed over at the request of Mr. GERARD.

#### BILL ON THIRD READING

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 292, as follows:

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

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

Section 1 All common carriers by railroad in this Commonwealth shall furnish all employes now using other signal devices electric white and red handlamps and all necessary batteries to replace other signal devices in order that the purpose of such other devices be fully carried out.

Any common carrier by railroad which shall violate the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300).

Each and every day's continuance in the violation of this act shall be a separate and distinct offense.

It shall be the duty of the Pennsylvania Public Utility Commission to supervise the enforcement of the provisions of this act.

Section 2 This act shall become effective six months after 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. SHEPARD. Mr. Speaker, I want to ask the sponsor of this bill Mr. Casey Jones,—I mean Mr. Presley Jones, the gentleman has had so many bills on railroads and railroading, that I naturally made that mistake,—I would like the gentleman from Lawrence Mr. Presley N. Jones, to explain this bill to the Members of the House.

Mr. PRESLEY N. JONES. Mr. Speaker, I will be very delighted to explain this bill for the gentleman from Philadelphia the Reverend Mr. Shepard. As to his remarks, as to my being Casey Jones, I would like to correct him. I come from a long line of Presley Jones'. I am not Casey Jones, and for the information of the Reverend Shepard, I have never struck out with the bases full.

This bill, Reverend Shepard and Members of the House, I might say primarily basically, fundamentally and otherwise is meant in the light of safety.

May I interrogate, Mr. Speaker, the gentleman from Philadelphia, Mr. Shepard?

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

Mr. SHEPARD. I shall Mr. Speaker.

Mr. PRESLEY N. JONES. Mr. Speaker, is the gentleman from Philadelphia following me in my elucidation?

Mr. SHEPARD. Not yet, Mr. Speaker.

The SPEAKER. The Chair would suggest that the gentleman from Lawrence blow his whistle going around the curve.

Mr. PRESLEY N. JONES. Mr. Speaker, I am noted as a whistler. As to this bill, as I said in the beginning and in a manner of reiteration, are you with me, Mr. Shepard?—it is primarily, basically and fundamentally a safety measure for the employes of railroads in the preservation of life, limb, and property. We hope that the pursuit of happiness will soon follow.

I realize full well, seriously, gentlemen, that it is not the intention of the sponsors of this bill or any of the Members of this House to bring any hardship upon the railroads in any manner whatsoever. They are a part of the finest carrying system in the Commonwealth and the nation today. We realize full well that the United States government is shipping out munitions by railroad today. If by the use of these open-flame lanterns some of these men who are rather heavy on their feet should stumble at night in any manner, heavens knows what will happen to that cargo of munitions and to the property of the railroad, and to the gentleman who was carrying the lantern.

I say to the gentleman from Philadelphia and to the Members of the House that this is a very excellent bill. It is realized full well by the railroads, because just recently in a conference of the Western Carriers, eighty western railroads adopted the electric lantern as being

the proper thing to have. This has been brought to the attention of the carriers of this state and to those who have traversed this state time and again in the past, but up to this time this state has never adopted it. Therefore, it is necessary that legislation be enacted to call it to their attention concretely. I say to all of you that this is a splendid bill, not because I am the sponsor of it, but from a safety standpoint which is deserved by the traveling public and the railroads themselves. Have I answered the gentleman from Philadelphia?

Mr. GEORGE E. JONES. Mr. Speaker, I don't care if they call me Casey Jones. I would like to ask the gentleman from Lawrence, Mr. Presley N. Jones, if he is an authority on electrical lanterns.

The SPEAKER. Will the gentleman from Lawrence, representing the Jones boys, permit himself to be interrogated?

Mr. PRESLEY N. JONES. I deem it a privilege and pleasure to be interrogated by the gentleman from Blair.

The SPEAKER. The gentleman will proceed.

Mr. GEORGE E. JONES. Mr. Speaker, I desire to ask the gentleman if he is an authority on electric lanterns.

Mr. PRESLEY N. JONES. Cousin George, I mean Mr. Jones, I am sorry I will have to admit I am not an authority on electric lanterns, but I think that I know a little about oil lanterns.

Mr. GEORGE E. JONES. All right, Mr. Speaker, we have another one of those railroad bills here. We come along and the gentleman asks us to vote for a bill as a safety measure. In my experience I find that half the time the electric light does not light, it lights sometimes, and sometimes it does not; it might be a little brighter while it burns, but the old oil railroad lantern is always secure, it is always lit, it is always there. These big trucks on the highways most of them carry three or four oil lanterns on the rear. I am wondering whether we are voting intelligently on this bill. I would not want to vote against anything that might possibly provide safety to anybody, but I was wondering whether we can vote intelligently on it or not. I would like to have somebody who has had some real experience with electric lanterns explain the bill to us.

Mr. PRESLEY N. JONES. Mr. Speaker, I appreciate most sincerely the remarks of my cousin George Jones of Blair County. The reason I say "cousin" is because there are so many Jones' that we most all are related in some manner.

With the permission of the Chair I would like to produce, if it were at all possible samples of oil lanterns and electric lanterns, if it were permissible, on the floor of this House. However, for the benefit of the gentleman from Blair, Mr. Jones, may I say this, if the railroads do not object to this bill why does he?

Might I again call to the attention of this House the fact that not so long ago the railroads used gas flame headlights on their engines, they have now realized that is not advantageous in any manner, so they have substituted electric headlights. Why? For the same reason that electric headlamps should be supplied to the workers and under the provisions and stipulations, regulations and rules as applied by the eighty western railroads, who are cognizant of the necessity of preserving life, limb and property. I see no reason why this bill should not pass for the eastern railroads. It is a splendid bill, and for the

information of the gentleman from Blair and for the information of the Members of the House, the battery that is used in these electric hand lamps will last for a period of five weeks, whereas every night you have to fill the oil lanterns.

I yield to the gentleman from Blair, Mr. George E. Jones.

Mr. GEORGE E. JONES. Mr. Speaker, I would like to ask the gentleman from Lawrence, how many batteries these railroad gentlemen will have to carry in their pockets in order to make these electric lanterns safe?

Mr. PRESLEY N. JONES. Mr. Speaker, under the new approved type of lantern, there would not be any necessity to carry any spare batteries, because under the provisions and stipulations which would be issued by the Public Utility Commission, I am sure the lanterns will be tested in a fitting manner before they go out. Further, for the benefit of the gentleman from Blair, Mr. George E. Jones, I might state that there are two spare bulbs carried in the handle of each lantern.

Mr. GEORGE E. JONES. Mr. Speaker, I think we are going into this thing a little bit too fast. The Interstate Commerce Commission has decided to hold a hearing on this lantern question and make a decision whether it is practical or not, after May 6th. This is an interstate affair, it is not a Pennsylvania affair. I think we should hesitate a little bit before we jump into this. I might say for myself, I am not a railroad man, I am not a railroad employe, I am not opposed to anything that is a safety measure, but I am wondering whether the electric lantern would be as safe as the good old railroad oil lamp is. That is up to the House to decide. I do not think it is.

Mr. PRESLEY N. JONES. Mr. Speaker, this is positively a safety measure, and the bill is so simply drawn I cannot see why it is not easily understood by every member of the House.

The interrogation as to the extent of how many spare batteries the workmen or the flagman or the brakeman will have to carry in his hip pocket to be on the safe side might be explained by asking how much oil these gentlemen carry in their hip pocket for the old oil lantern. Now and then, in high winds, when the flagmen and brakemen give the highball sign for the train to roll, those lanterns have gone out. Just recently, and by recently I mean just the last week, if it had not been for the fact that a very wide awake young gentleman in the middle of the train had observed that the gentleman who was flagging on the front end of the train, that his lantern had gone out, there would have been a very, very serious accident, and the cost of rehabilitation to the railroad would have been considerably more than all of the batteries that would have been needed. That happened just outside of Lawrence county.

By passing this bill we can, definitely be of untold value to the people of the Commonwealth in enacting this safety measure.

Mr. LEISEY. Mr. Speaker, I desire to interrogate the gentleman from Lawrence, Mr. Jones.

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

Mr. PRESLEY N. JONES. I shall, Mr. Speaker.

Mr. LEISEY. Mr. Speaker: in reference to this question of lanterns is it not a matter of contract instead of law?

Mr. PRESLEY N. JONES. Mr. Speaker, contract between whom?

Mr. LEISEY. Between the railroads and their employees?

Mr. PRESLEY N. JONES. Mr. Speaker, I cannot see any reason why this should be a matter of contract whatsoever. I have made a study of this, the history of it and I find it has been passed over time and time again. As a safety measure, it is very, very necessary. The bill is not difficult or hard upon the railroads in any manner, in that it is stipulated in the bill there is six months time to make corrections: It is not a hardship. Inasmuch as much as this bill has been passed over time and time again, and the Eastern railroads have appealed for rehearings before the Interstate Commerce Commission, I see no further necessity for delay.

Mr. LEISEY. Mr. Speaker, who is to be supplied, what employees shall be supplied with these lanterns?

Mr. PRESLEY N. JONES. Mr. Speaker, will the gentleman please repeat his question?

Mr. LEISEY. Mr. Speaker, Section one of this bill says that all common-carriers operating railroads in this Commonwealth shall furnish all employees now using other signal devices. Does that mean that the bill is going to change the signals of maintenance of way men, car inspectors, and shop men, and at the stations where the train stops for flag stops,

Mr. PRESLEY N. JONES. Mr. Speaker, I would say that that would be applicable under the provisions of the regulations of the Interstate Commerce Commission and the provisions of the Public Utility Commission, to the extent that those who are now using oil lanterns should be supplied with electric lanterns.

#### MOTION TO RECOMMIT

Mr. LEISEY. Mr. Speaker, this bill does not cover the subject, and I move that it be recommitted to the Committee on Railroads and Railways for further consideration.

On the question,

Will the House agree to the motion,

Mr. PRESLEY N. JONES. Mr. Speaker, I have in my possession the provisions that were brought forth on the necessity to bring about electric lanterns for the eighty western railroads.

For the information of the gentleman from Chester who had the pleasure of interrogating me, I might say we have one railroad in Pennsylvania, the Lehigh Valley that uses this type of lantern. Also for the information of the gentleman from Chester, if he will go down to the present depot in the city of Harrisburg he will find that the gentlemen down there use the electric lantern, as they do not feel safe with the oil lantern. I would say that is going a little bit far . . . .

The SPEAKER. The question before the House is on the motion to re-commit. The gentleman will please confine his remarks to that question.

Mr. PRESLEY N. JONES. I will Mr. Speaker. I ask that the motion be defeated and a roll call be had.

Mr. ACHTERMAN. I rise, Mr. Speaker, for the purpose of opposing the motion, for the simple reason that we have before this House, a safety measure that deserves comment and debate by the Members of the House. There should be no attempt to drag it behind closed doors for

the purpose of killing it. If these gentlemen are so much opposed to it, let them register their vote against it, but at least let them put themselves on record out in the open as to where they stand on this question of safety. I ask the Members to defeat this motion.

Mr. GEORGE E. JONES. Mr. Speaker, I think we should send this bill back to Committee so that we can vote intelligently on it. I doubt whether the majority leader knows whether electric lanterns are safer than oil lanterns, and I ask the Members of the House to send this bill back into committee. Let us demonstrate these lanterns at any place. It doesn't have to be behind closed doors. Let us have a hearing on this matter.

Mr. HEATHERINGTON. Mr. Speaker, I am not in favor of this bill going back to Committee to be killed. When we get down to a safety measure such as lanterns, I might say I used both types of lanterns, both oil and electric, seventeen or eighteen years ago as a brakeman on the railroad. On many a cold winter night that old oil lantern would go out . . . .

The SPEAKER. The merits of the bill are not before the House. The question is on the motion to re-commit

Mr. HEATHERINGTON. Mr. Speaker, I ask the members to vote down the motion to re-commit this bill.

On the question recurring will the House agree to the motion?

The yeas and nays were required by Mr. Presley M. Jones and Mr. Heatherington and were as follows:

YEAS—57

Auker,	Habbyshaw,	McMillen,	Stockham,
Boorse,	Hare,	Muir,	Taylor,
Bower,	Helm,	Nunemacher,	Thompson, R. L.,
Brunner, C. H.,	Hewitt,	O'Dare,	Trout,
Cadwalader,	Huntley,	Rank,	Turner,
Dennison,	Imbrie,	Reese, D. P.,	Van Allsburg,
Eckels,	James,	Rhea,	Voorhees,
Elder,	Jones, G. E.,	Riley,	Wagner,
Fisher,	Lee, E. A.,	Royer,	Weingartner,
Fiss,	Lee, T. H.,	Sarge,	Winner,
Fleming,	Lelsey,	Serrill,	Wood, L. H.,
Foor,	Leydic,	Snyder,	Wood, N.,
Gillette,	McClester,	Sollenberger,	Woodside,
Gross,	McDowell,	Sorg,	Yeakel,
Gyger,	McKinney,		

NAYS—122

Achterman,	Falkenstein,	Malloy,	Reese, R. E.,
Allmond,	Finestone,	Marks,	Rooney,
Baker,	Finnerty,	Maxwell,	Rose, S.,
Balthaser,	Flynn,	McClanaghan,	Rose, W. E.,
Baugher,	French,	McDermott,	Rosenfeld,
Bentzel,	Gallagher,	McFall,	Rush,
Boles,	Gates,	McGrath,	Scanlon,
Bradley,	Gerard,	McIntosh,	Schwab,
Breth,	Gryskewicz,	McLanahan,	Shaffer,
Brown,	Haberlen,	McLane,	Shaw,
Brunner, P. A.,	Hamilton,	Melchiorre,	Shepard,
Burns,	Harmuth,	Mihm,	Skale,
Burriss,	Harris,	Modell,	Stank,
Chervenak,	Heatherington,	Monks,	Tarr,
Chudoff,	Hering,	Mooney,	Tate,
Cochran,	Herman,	Moran,	Thompson, E. F.,
Cohen, M. M.,	Hersch,	Munley,	Vincent,
Cooper,	Hirsch,	Nagel,	Vogt,
Corrigan,	Jefferson,	O'Brien,	Voidow,
Croop,	Jones, P. N.,	O'Connor,	Watkins,
Cullen,	Kenehan,	O'Mullen,	Weiss,
Dalrymple,	Kline,	O'Neill,	Welsh, E. B.,
DiGenova,	Knoble,	Owens,	Welsh, M. J.,
Dolon,	Kolankiewicz,	Petrosky,	Williams,
D'Ortona,	Komorowski,	Pettit,	Wolf,
Duffy,	Leonard,	Polaski,	Woodring,
Early,	Lesko,	Polen,	Wright,
Elliott,	Levy,	Powers,	Yester,
Ely,	Lichtenwaiter,	Prosen,	Young,
	Longo,	Rausch,	Kilroy,
	Lovett,	Readinger,	Speaker.

So the question was determined in the negative and the motion was not agreed to.

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—136

Achterman,	Finnerty,	Marks,	Reese, R. E.,
Allmond,	Fleming,	Maxwell,	Reynolds,
Auker,	Fletcher,	McClanaghan,	Rhea,
Baker,	Flynn,	McDermott,	Rooney,
Balthaser,	French,	McFall,	Rose, S.,
Baugher,	Gallagher,	McGrath,	Rose, W. E.,
Bentley,	Gates,	McIntosh,	Rosenfeld,
Bentzel,	Gerard,	McLanahan,	Rush,
Boles,	Gillan,	McLane,	Sarra,
Boney,	Goodwin,	McSurdy,	Scanlon,
Bradley,	Gross,	Melchiorre,	Schwab,
Breth,	Gryskewicz,	Mihm,	Shaffer,
Brown,	Haberlen,	Modell,	Shaw,
Brunner, P. A.,	Hamilton,	Monks,	Shepard,
Burns,	Harmuth,	Mooney,	Skale,
Burriss,	Harris,	Moran,	Stank,
Chervenak,	Heatherington,	Moul,	Tarr,
Chudoff,	Hering,	Munley,	Tate,
Cochran,	Hersch,	Nagel,	Thompson, E. F.,
Cohen, M. M.,	Hirsch,	Nunemacher,	Thompson, R. L.,
Cohen, R. E.,	Jefferson,	O'Brien,	Vincent,
Cooper,	Jones, P. N.,	O'Connor,	Vogt,
Cudier,	Kenehan,	O'Dare,	Voidow,
Croop,	Kline,	O'Mullen,	Watkins,
Cullen,	Kolankiewicz,	O'Neill,	Weiss,
Dalrymple,	Komorowski,	Owens,	Welsh, E. B.,
DiGenova,	Krise,	Petrosky,	Welsh, M. J.,
Dolon,	Leonard,	Pettit,	Wolf,
Duffy,	Lesko,	Polaski,	Woodring,
Early,	Levy,	Polen,	Wright,
Elliott,	Longo,	Powers,	Yester,
Ely,	Lovett,	Prosen,	Young,
Falkenstein,	Lyons,	Rausch,	Kilroy,
Finestone,	Malloy,	Readinger,	Speaker.

NAYS—43

Boorse,	Gyger,	McDowell,	Trout,
Bower,	Habbyshaw,	McKinney,	Turner,
Brunner, C. H.,	Hall,	McMillen,	Van Allsburg,
Cadwalader,	Hare,	Muir,	Voorhees,
Dennison,	Helm,	Riley,	Wagner,
Dix,	Hewitt,	Royer,	Weingartner,
Eckels,	Jones, G. E.,	Sarge,	Winner,
Elder,	Lee, E. A.,	Snyder,	Wood, L. H.,
Fies,	Lelsey,	Sollenberger,	Wood, N.,
Foor,	Leydic,	Stockham,	Woodside,
Gillette,	McClester,	Taylor,	Yeakel,

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

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

BILLS ON THIRD READING

Agreeably to order.

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

The House resumed the consideration on third reading of House Bill No. 685, as follows:

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

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

Section 1 It shall be unlawful for any person selling or

offering for sale eyeglasses or spectacles or filling prescriptions for the same to advertise fixed prices or any form of inducements and by word printed or spoken or by inference or omission to create the impression that they offer a complete service including examination of the eyes when not licensed by the state to do so or to be in collusion with or to act as cappers steerers or solicitors for any licensed practitioner concerned with the examination or treatment of the eyes.

Section 2 Any person as hereinafter defined committing any of the acts prohibited in section one of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five hundred dollars (\$500). Proof of any violation of this act shall be prima facie evidence of a violation of this act.

Section 3 In addition to the penalties provided in this act the courts of common pleas of this Commonwealth are hereby invested with jurisdiction to prevent and restrain violations of this act in any manner whatsoever in addition to the fine as prescribed in this act and it shall be the duty of the several district attorneys in their respective districts to institute proceedings in equity to prevent and restrain violations.

Section 4 Definitions The terms cappers steerers or solicitors as used in this act shall include any person advertising fixed prices for eyeglasses or spectacles who directly or indirectly for profit or any other valuable consideration endeavors by any means to obtain patronage for others. The term persons shall include every person firm, corporation or association engaged in any business or the following of any occupation in any manner relative or pertaining to the sale of eyeglasses or spectacles.

Section 5 If any section sentence or clause of this act shall for any reason be held invalid or unconstitutional such decision shall not effect the validity of the remaining parts 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—126

Allmond,	Foor,	Mihm,	Schwab,
Auker,	French,	Modell,	Shaffer,
Baker,	Gallagher,	Monks,	Shaw,
Bentley,	Gerard,	Mooney,	Shepard,
Bentzel,	Gross,	Moran,	Skale,
Boles,	Gryskewicz,	Moul,	Snyder,
Boney,	Hall,	Muir,	Stank,
Bower,	Hamilton,	Nagel,	Stockham,
Bradley,	Harmuth,	Nunemacher,	Tarr,
Breth,	Heatherington,	O'Brien,	Tate,
Burns,	Hering,	O'Connor,	Taylor,
Burris,	Herman,	O'Mullen,	Thompson, E. F.,
Chudoff,	Hirsch,	Petrosky,	Thompson, R. L.,
Cochran,	James,	Pettit,	Turner,
Cohen, R. E.	Jefferson,	Polaski,	Van Allsburg,
Cooper,	Jones, P. N.,	Polen,	Vincent,
Cordier,	Kolankiewicz,	Powers,	Vogt,
Corrigan,	Leonard,	Prosen,	Voldow,
Croop,	Levy,	Rank,	Weingartner,
Cullen,	Lichtenwalter,	Rausch,	Weiss,
Dalrymple,	Longo,	Reese, D. P.,	Welsh, E. B.,
DiGenova,	Levy,	Reese, R. E.,	Welsh, M. J.,
D'Ortona,	Malloy,	Reynolds,	Williams,
Duffy,	McClanaghan,	Rhea,	Wood, N.,
Eckels,	McDermott,	Rose, S.,	Woodring,
Falkenstein,	McDowell,	Rose, W. E.,	Wright,
Finestone,	McFall,	Rosenfeld,	Yeakel,
Finnerty,	McGrath,	Royer,	Yester,
Fiss,	McIntosh,	Rush,	Young,
Fleming,	McLanahan,	Sarge,	Kilroy,
Fletcher,	McLane,	Saraf,	Speaker.
	Meichiorre,	Scanlon,	

1 : -46

Achterman,	Fisher,	Kline,	O'Dare,
Balthaser,	Gates,	Lee, E. A.,	O'Neill,

Brunner, C. H.,	Gillette,	Lee, T. H.,	Owens,
Brunner, P. A.,	Habbyshaw,	Lelsey,	Readinger,
Cadwalader,	Haines,	Lesko,	Riley,
Cohen, M. M.,	Hare,	Leydic,	Rooney,
Dennison,	Harris,	Lyons,	Trout,
Dix,	Helm,	Marks,	Voorhees,
Dolon,	Hersch,	Maxwell,	Wagner,
Early,	Hewitt,	McClester,	Watkins,
Elder,	Jones, G. E.,	McMillen,	Winner,
Ely,	Kenehan,	Munley,	Wolf,
			Wood, L. H.,

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

The House resumed the consideration on third reading of House Bill No. 684, entitled:

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

On the question,

Will the House agree to the bill on third reading?

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

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

The Clerk read the amendments as follows:

Amend title, page 1, line 16 of title, by inserting after the word "optometrists" the following: "and providing for an appeal from the action of the State Board of Optometrical Examiners in granting, suspending or revoking such licenses."

Amend Sec. 1 (Sec. 6), page 4, line 3, by striking out the light-face bracket before the word "but".

Amend Sec. 1 (Sec. 6) page 4, line 5, by striking out the light-face bracket after the word "assistants."

Amend Sec. 1 (Sec. 9), page 4, line 26, by striking out the word "other."

Amend Sec. 1 (Sec. 9), page 4, line 26, by inserting after the word "person" the following: "other than optometrists."

Amend Sec. 1 (Sec. 9) page 5, line 8, by striking out the word "unethical" and inserting in lieu thereof: "unprofessional."

Amend Sec. 1 (Sec. 9), page 5, line 11, by inserting a light-face bracket before and after the word "crime."

Amend Sec. 1 (Sec. 9), page 5, line 11, by inserting after the word "crime" the following: "felony."

Amend Sec. 1 (Sec. 9) page 6, line 2, by inserting after the word "Commonwealth" the following: "An appeal may be taken from any action of the State Board of Optometrical Examiners in granting, refusing, revoking, cancelling or suspending any license to the Court of Common Pleas of Dauphin County. The judgment of the common pleas court may be reviewed by the Superior Court on appeal."

The SPEAKER. Will the House give unanimous con-

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

On the question,

Will the House agree to the amendments.

They were agreed to.

On the question,

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

It was agreed to.

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

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1190, as follows:

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.

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

Section 1 For the purpose of this act a coal stripping operation shall mean any operation in which the earth and rock cover over-lying a coal vein are removed by mechanical means or by hand for the purpose of recovering mining or removing coal thereunder.

Section 2 This act shall apply to every coal stripping operation in the Commonwealth of Pennsylvania where three or more persons are employed or engaged at work. The Department of Mines shall have exclusive jurisdiction over all coal stripping operations in this Commonwealth. Any mine inspector directed by the Department of Mines shall have the right to enter upon and inspect all such stripping operations for the purpose of determining the conditions of safety.

Section 3 Each operator of a coal stripping operation shall furnish the mine inspector in whose district the operation is located a map or plan on a scale of one hundred (100) feet to the inch showing the location of said operation with respect to the land lines of adjoining properties a monthly report of coal produced number of employees and days worked also reports of all fatal and non-fatal accidents. An annual report shall be furnished to the Secretary of Mines on forms provided for the purpose not later than the fifteenth day of January each year for the preceding year.

Section 4 All coal stripping operations coming within the provisions of this act shall be conducted in compliance with such reasonable rules and regulations as may be deemed necessary by the Secretary of Mines for the health and safety of those persons engaged in such work. The Secretary of Mines through the mine inspectors shall have the authority and power to enforce the provisions of this act and the rules and regulations promulgated thereunder by him.

Section 5 Any person, firm or corporation violating any of the provisions of this act shall upon conviction in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars (\$25.00) and costs not more than one hundred dollars (\$100.00) and costs and in default of the payment of such fine and costs be imprisoned in the county jail for a period of ten (10) days.

Section 6 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Section 7 The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court as to those provisions shall not affect the validity of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted by the General Assembly had such unconstitutional provision or provisions not been included herein.

Section 8 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—170

Achterman,	French,	Maxwell,	Rose, W. E.,
Allmond,	Gallagher,	McClanaghan,	Rosenfeld,
Auker,	Gates,	McDermott,	Rush,
Baker,	Gerard,	McDowell,	Sarraf,
Balthaser,	Goodwin,	McFall,	Scanlon,
Bentley,	Greenwood,	McGrath,	Schwab,
Bentzel,	Gross,	McIntosh,	Shaffer,
Boles,	Gryskewicz,	McLanahan,	Shaw,
Bradley,	Gyger,	McLane,	Shepard,
Breth,	Haberlen,	McSurdy,	Skale,
Brunner, C. H.,	Hall,	Melchiorre,	Stank,
Brunner, P. A.,	Harkins,	Milam,	Stine,
Cadwalader,	Harmuth,	Modell,	Stockham,
Chervenak,	Harris,	Monks,	Tarr,
Chudoff,	Heatherington,	Mooney,	Tate,
Cochran,	Hering,	Moran,	Taylor,
Cohen, M. M.,	Hersch,	Moul,	Thompson, E. F.,
Cohen, R. E.,	Hirsch,	Munley,	Thompson, R. L.,
Cook,	James,	Nagel,	Verona,
Cooper,	Jefferson,	Nunemacher,	Vincent,
Cordier,	Jones, G. E.,	O'Brien,	Vogt,
Corrigan,	Jones, P. N.,	O'Connor,	Voldow,
Croop,	Keenan,	O'Dare,	Voorhees,
Cullen,	Kenehan,	O'Mullen,	Wagner,
Dalrymple,	Kilne,	O'Neill,	Watkins,
Dennison,	Knoble,	Owens,	Weingartner,
DiGenova,	Kolankiewicz,	Petrosky,	Wells,
Dix,	Komorowski,	Pettit,	Welsh, E. B.,
Dolon,	Krise,	Polaski,	Welsh, M. J.,
Early,	Lee, E. A.,	Polen,	Wilkinson,
Eckels,	Lee, T. H.,	Powers,	Williams,
Elliott,	Leisey,	Prosen,	Winner,
Falkenstein,	Leonard,	Rausch,	Wolf,
Finestone,	Lesko,	Readinger,	Wood, L. H.,
Finnerty,	Levy,	Reese, R. E.,	Woodring,
Fisher,	Leydic,	Regan,	Wright,
Fiss,	Lichtenwalter,	Reynolds,	Yeakel,
Fleming,	Longo,	Riley,	Yester,
Fletcher,	Lovett,	Rooney,	Young,
Foor,	Malloy,	Rose, S.,	Kilroy,
	Marks,		Speaker.

#### NAYS—1

Lyons,

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

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

#### BILLS PASSED OVER

There being no objection House Bill No. 1270, Printer's No. 413, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 182, Printer's No. 76, 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. 1326, as follows:

An Act to amend sections three and four of the act approved the thirtieth day of March one thousand nine hundred three (P. L. 110) entitled "A supplement to an act entitled 'An act regulating the construction maintenance alteration and inspection of buildings and party walls in cities of the second class' approved the seventh day of June Anno Domini one thousand eight hundred and ninety-five regulating the construction alteration and



ventilation of tenement-houses and providing for the safety of the inhabitants thereof and providing penalties for the violation of the same" further regulating the erection alteration and ventilation of certain tenement houses

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

Section 1 Sections three and four of the act approved the thirtieth day of March one thousand nine hundred three (P. L. 110) entitled "A supplement to an act entitled 'An act regulating the construction maintenance alteration and inspection of buildings and party walls in cities of the second class' approved the seventh day of June Anno Domini one thousand eight hundred and ninety-five regulating the construction alteration and ventilation of tenement-houses and providing for the safety of the inhabitants thereof and providing penalties for the violation of the same" are hereby amended to read as follows:

Section 3 In any city of the second class which has enacted or may hereafter enact a zoning ordinance the provisions of the said ordinance affecting the required yards or courts for tenement houses shall be the only effective provisions for such open spaces In any city of the second class in which the open spaces about a tenement house are not regulated by a zoning ordinance the following provisions for tenement houses shall apply

Every tenement-house hereafter erected altered or [constructed in any city of the second class] occupied shall have [attached to it in the rear or at the side] an open space at the rear or the side or sides equal in area to at least twenty per centum of the entire area of the lot upon which said tenement-house is erected which open space shall be unobstructed by any overhanging structure except cornices or fire escapes [required by law] unless [however] such tenement-house [shall be] is erected upon a corner of two streets neither of which is less than twenty feet in width in which case said tenement-house shall have an open space attached to it [in] at the rear or at the side next the adjoining lot equal in area to at least ten per centum of the entire area of the lot upon which said tenement-house is erected which open space shall be unobstructed by any overhanging structure except cornices and fire escapes [required by law] and any such tenement-house which shall be erected upon a lot bounded on three sides by streets not less than twenty feet in width in which may be erected to cover the entire area of said lot provided that every window opening from the living rooms in said tenement-house shall open upon one of said streets [Such open space attached to every such tenement-house] Any open space at the side or rear of such tenement house shall be at least eight feet in width throughout its entire length No court or open space between tenement-houses or between wings of a tenement-house shall be [of a less width] less than ten feet in width If such tenement-[houses] house shall be built upon a lot which is bounded upon two opposite sides by streets [then] at least one end of every such open space shall abut upon one of such streets Every court or shaft [which shall be built] erected for the purpose of furnishing light or air to any such tenement-house shall open [upon] on one side into a street or into the yard or other open space except such shafts as may be necessary for the ventilation of water-closets or bathrooms

Section 4 Every room in [every] any such tenement-house shall have at least one window opening upon a street or upon the open space provided for in the third section of this act [And the distance from every window in every such tenement house to the wall or party line opposite to it shall be at least eight feet The halls on each floor of every such] In any city city of the second class in which a zoning ordinance has not been enacted any window opening into a yard or court shall be at least eight feet distant from the wall or party line opposite to it Any hall in a tenement-house shall have a window or windows opening either upon a street or upon the open space provided for in the third section of this act and shall have no room or other obstruction at the end unless sufficient light and ventilation is otherwise provided for

said [halls] hall in a manner approved by the superintendent of the bureau of building inspection [But whenever] Whenever in the judgment of the superintendent of the bureau of building inspection it shall be possible to construct such tenement-house without corridors connecting the entrance of several tenements or suites of rooms the superintendent of the bureau of building inspection may require that such tenement-house be so constructed that it shall contain no such corridors

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:

## 170—YEAS

Achterman,	Flynn,	McClanaghan,	Rose, W. E.,
Allmond,	Foor,	McClester,	Rosenfeld,
Auker,	French,	McDermott,	Royer,
Baker,	Gallagher,	McDowell,	Rush,
Baithaser,	Gates,	McFall,	Sarge,
Bentley,	Gerard,	McGrath,	Sarraf,
Bentzel,	Gillan,	McIntosh,	Scanlon,
Boies,	Gillette,	McLanahan,	Schwab,
Boney,	Gross,	McLane,	Shaffer,
Bower,	Gryskewicz,	McMillen,	Shaw,
Bradley,	Habbyshaw,	McSurdy,	Shepard,
Breth,	Haines,	Melchiorre,	Skale,
Bretherick,	Hall,	Mihm,	Snyder,
Brunner, C. H.,	Hamilton,	Modell,	Stank,
Brunner, P. A.,	Hare,	Monks,	Stockham,
Cadwalader,	Harmuth,	Mooney,	Tarr,
Chervenak,	Harris,	Moran,	Tate,
Chudoff,	Heatherington,	Moul,	Taylor,
Cochran,	Helm,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Hering,	Munley,	Thompson, R. L.,
Cohen, R. E.,	Herman,	Nagel,	Trout,
Cooper,	Hersch,	Nunemacher,	Turner,
Cordier,	Hewitt,	O'Brien,	Van Allsburg,
Corrigan,	Hirsch,	O'Connor,	Vincent,
Croop,	James,	O'Dare,	Vogt,
Cullen,	Jefferson,	O'Mullen,	Voldow,
Dalrymple,	Jones, G. E.,	O'Neill,	Voorhees,
Dennison,	Jones, P. N.,	Wens,	Wagner,
DiGenova,	Kenehan,	Petrosky,	Watkins,
Dix,	Kilne,	Pettit,	Weingartner,
Dolon,	anklewicz,	Polaski,	Weiss,
D'Ortona,	Lee, E. A.,	Polen,	Welsh, E. B.,
Duffy,	Lee, T. H.,	Powers,	Welsh, M. J.,
Early,	Leisey,	Prosen,	Williams,
Eckels,	Leonard,	Rank,	Winnor,
Elder,	Lesko,	Rausch,	Wolf,
Ely,	Levy,	Readinger,	Wood, L. H.,
Falkenstein,	Leydic,	Reese, D. P.,	Wood, N.,
Finestone,	Lichtenwalter,	Reese, R. E.,	Woodring,
Finnerty,	Longo,	Reynolds,	Wright,
Fisher,	Lovett,	Rhea,	Yeakel,
Fiss,	Lyons,	Riley,	Yester,
Fleming,	Malloy,	Rooney,	Young,
Fletcher,	Marks,	Rose, S.,	Kilroy,
	Maxwell,		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. 979, Printer's No. 428, 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. 619, as follows:

An Act Imposing joint and severable liability upon cities of the first class for damages caused by arrests or imprisonments by police authorities in certain cases

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

Section 1 As used in this act "illegal arrest" shall mean any arrest or imprisonment involving innocent persons who are illegally charged with the commission of crime or committed on the pretext that they have committed a crime

Section 2 Each city of the first class employing any person in its department of public safety or any person vested with the right and duty to act as a peace officer under the direction of the Director of Public Safety or any other recognized police authority shall be jointly and severally liable with such person by reason of any illegal arrest or imprisonment which is unlawfully made

Section 3 Such cities shall be liable to the same extent as individuals are now liable for false arrest and false imprisonment

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

Section 5 This act shall become effective immediately upon final enactment

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

On the question.

Shall the bill pass finally?

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

YEAS—170

- Achterman, Allmond, Auker, Baker, Balthaser, Bentley, Bentzel, Boles, Boney, Boorse, Bower, Bradley, Breth, Brunner, C. H., Brunner, P. A., Cadwalader, Chudoff, Cochran, Cohen, M. M., Cohen, R. E., Cooper, Cordier, Corrigan, Croop, Cullen, Dalrymple, Dennison, DiGenova, Dix, Dolon, D'Ortona, Drily, Early, Eckels, Elder, Ely, Falkenstein, Finestone, Finnerty, Fisher, Fiss, Fleming, Fletcher, Flynn, Foor, French, Gallagher, Gates, Gerard, Gillan, Gillette, Gross, Gryskewicz, Habbyslaw, Haines, Hall, Hamilton, Hare, Harmuth, Harris, Heatherington, Helm, Hering, Herman, Hersch, Hewitt, Hirsch, James, Jefferson, Jones, G. E., Jones, P. N., Kenehan, Klins, Eolankiewicz, Lee E. A., Lee, T. H., Lelsey, Leonard, Lesko, Levy, Leydic, Lichtenwalter, Longo, Lovett, Lyons, Malloy, Marks, Maxwell, McClanaghan, McClester, McDermott, McDowell, McFall, McGrath, McIntosh, McLanahan, McLane, McMillen, McSurdy, Melchiorre, Mihm, Modell, Monks, Mooney, Moran, Moul, Muir, Munley, Nagel, Nunemacher, O'Brien, O'Connor, O'Dare, O'Mullen, O'Neill, Ovens, Petrosky, Pettit, Polaski, Polen, Powers, Prosen, Rank, Rausch, Readinger, Reese, D. P., Reese, R. E., Reynolds, Rhea, Riley, Rooney, Rose, S., Rose, W. E., Rosenfeld, Royer, Rush, Sarge, Sarr, Scanlon, Schwab, Shaffer, Shaw, Shepard, Skale, Snyder, Stank, Stockham, Tarr, Tate, Taylor, Thompson, E. F., Thompson, R. L., Trout, Turner, Van Allsburg, Vincent, Vogt, Voldow, Voorhees, Wagner, Watkins, Weingartner, Weiss, Welsh, E. B., Welsh, M. J., Williams, Winner, Wolf, Wood L. H., Wood, N., Woodring, Wright, Yeakel, Yestei, Young, Kilroy.

Speaker.

NAYS—0

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

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

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1327, as follows:

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

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

Section 1 Section six of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen (P. L. 596) entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions" is hereby amended to read as follows

Section 6 Should any person holding position in said cities of the second class as laborer at a per diem wage he or she shall not be compelled to pay or contribute toward the pension fund herein provided for but shall have the option or choice of so doing at any time within six months after the date of their employment and in that event only of becoming entitled to the pension provided by this act

Section 2 Section eleven of said act as amended by the act approved the fourteenth day of May one thousand nine hundred and twenty-five (P. L. 742) is hereby further amended to read as follows

Section 11 The time of service herein specified namely twenty years shall be computed from the time of the first or original employment said employment to consist of service to such city of the second class and need not be continuous Provided That in no case shall a period of more than eighteen years be credited to the service of any person who shall be employed after the passage of this act and who shall have been employed by such city prior to the passage of this act If an employe shall have enlisted or shall have been drafted to serve in the Army or Navy of the United States in time of war or shall have been drafted to serve in the Army or Navy of the United States in time of peace such service in the Army or Navy of the United States shall be credited in full to the service record of such employe as service to such city of the second class

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

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

On the question,

Shall the bill pass finally?

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

YEAS 170

- Achterman, Allmond, Auker, Baker, Balthaser, Bentley, Bentzel, Boles, Boney, Bower, Bradley, Breth, Foor, French, Gallagher, Gates, Gerard, Gillan, Gillette, Gross, Gryskewicz, Habbyslaw, Haines, Hall, McClanaghan, McClester, McDermott, McDowell, McFall, McGrath, McIntosh, McLanahan, McLane, McMillen, McSurdy, Melchiorre, Rose, W. E., Rosenfeld, Royer, Rush, Sarge, Sarraf, Scanlon, Schwab, Shaffer, Shaw, Shepard, Skale.

Brunner, C. H.,	Hamilton,	Mihm,	Snyder,
Brunner, P. A.,	Hare,	Modell,	Stank,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chudoff,	Harris,	Mooney,	Tarr,
Cochran,	Heatherington,	Moran,	Tate,
Cohen, M. M.,	Helm,	Moul,	Taylor,
Cohen, R. E.,	Hering,	Muir,	Thompson, E. F.,
Cooper,	Herman,	Munley,	Thompson, R. L.,
Cordier,	Hersch,	Nagel,	Trout,
Corrigan,	Hewitt,	Nunemacher,	Turner,
Croop,	Hirsch,	O'Brien,	Van Allsburg,
Cullen,	James,	O'Connor,	Vincent,
Dalrymple,	Jefferson,	O'Dare,	Vogt,
Dennison,	Jones, G. E.,	O'Mullen,	Voldow,
DiGenova,	Jones, P. N.,	O'Neill,	Voorhees,
Dix,	Kenehan,	Owens,	Wagner,
Dolon,	Kline,	Petrosky,	Watkins,
D'Ortona,	Kolankiewicz,	Pettit,	Weingartner,
Duffy,	Lee, E. A.,	Polaski,	Weiss,
Early,	Lee, T. H.,	Polen,	Welsh, E. B.,
Eckels,	Leisey,	Powers,	Welsh, M. J.,
Elder,	Leonard,	Prosen,	Williams,
Ely,	Lesko,	Rank,	Winner,
Falkenstein,	Levy,	Rausch,	Wolf,
Finestone,	Leydic,	Readinger,	Wood, L. H.,
Finnerty,	Lichtenwalter,	Reese, D. P.,	Wood, N.,
Fisher,	Longo,	Reese, R. E.,	Woodring,
Fiss,	Lovett,	Reynolds,	Wright,
Fleming,	Lyons,	Rhea,	Yeakel,
Fletcher,	Malloy,	Riley,	Yester,
Flynn,	Marks,	Rooney,	Young,
	Maxwell,	Rose, S.,	Kilroy,

NAYS 0

Speaker.

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. 1223, as follows:

An Act to add section 654.2 to 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" making it a crime for any officer of any labor union to discriminate because of color or creed between applicants for membership in such union or between assignments for employment of union members because of their race color or creed

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

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

Section 654.2 Discrimination by Officers of Labor Organizations (a) Whoever as an officer director agent or employe of any labor organization who shall solely by reason of the race color or creed of any person refuse to admit any person to membership in such labor organization or hinder or obstruct or attempt to hinder or obstruct the admission to membership of such person shall be guilty of a misdemeanor and upon conviction thereof shall pay a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or undergo imprisonment for not less than thirty (30) days nor more than ninety (90) days or both in the discretion of the court

(b) Any officer director agent or employe of any labor organization who shall solely by reason of the race color or creed of any member of such labor organization neglect or refuse to designate such member for employment under the procedure in force in such organization for making such designation for which he is eligible to be designated or who shall hinder or obstruct or attempt to hinder or obstruct the designation of such member for

employment is guilty of a misdemeanor and upon conviction thereof shall pay a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or undergo imprisonment for not less than thirty (30) days nor more than ninety (90) days or both in the discretion of the court

(c) The term "labor organization" as used in this section means any organization which exists and is constituted for the purpose in whole or in part of collective bargaining or of dealing with employers concerning grievances terms or conditions of employment or of other mutual aid or protection

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 170

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

NAYS 0

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

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

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1221, as follows:

An Act to add section 654.1 to the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by making it a crime to discriminate in the selection or appointment of persons for employment in the civil service of the Commonwealth or of any political subdivision thereof because of the race, creed or color of any person.

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

Section 1 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" is hereby amended by adding thereto after section 654 a new section to read as follows:

Section 654.1 Discrimination in Employment (a) Whoever having authority or control over or discretion in the selection or appointment of persons for employment in the civil service of the Commonwealth or of any of its political subdivisions shall solely by reason of the race color or creed of any person deny to such person any employment or dismiss or suspend such person from employment is guilty of a misdemeanor and upon conviction thereof shall pay a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or undergo imprisonment for not less than thirty (30) days nor more than ninety (90) days or both in the discretion of the court.

(b) Whenever it shall appear that a person has been denied appointment to a vacancy in any such service and that such vacancy has been filled by the appointment of another person less qualified to discharge the duties incident to such employment and that the person so appointed is of a race color or creed different from that of the person denied appointment there shall be a presumption that the person denied such appointment was so denied by reason of his race, creed or color.

(c) Whenever a person is dismissed from a position in such service or is suspended from such service such dismissal or suspension being stated to be due to reduction in the number of positions of the kind occupied by such person or to the lack of work in such position and some other person occupying a similar position and of a different race, creed or color from the person so dismissed or suspended is retained in employment and it shall appear that the person so dismissed or suspended from employment is by reason of superior qualifications for the duties incident to such employment or by reason of a better record of service or by reason of a longer service or for some or all of said reasons more deserving of retention in the said employment than the person so retained there shall be a presumption that the dismissal or suspension of the person so dismissed or suspended was due to the race color or creed of such person.

Section 2 This act shall become effective immediately upon final enactment.

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

On the question,

Shall the bill pass finally?

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

## YEAS—170

Achterman,	Foor,	McClanaghan,	Rose, W. E.,
Allmond,	French,	McClester,	Rosenfeld,
Auker,	Gallagher,	McDermott,	Royer,
Baker,	Gates,	McDowell,	Rush,
Balthaser,	Gerard,	McFall,	Sarge,
Bentley,	Gillan,	McGrath,	Sarraf,
Bentzel,	Gillette,	McIntosh,	Scanlon,
Boies,	Gross,	McLanahan,	Schwab,
Boney,	Gryskewicz,	McLane,	Shaffer,
Bower,	Habbyshaw,	McMillen,	Shaw,
Bradley,	Haines,	McSurdy,	Shepard,

Breth.	Hall,	Melchiorre,	Skale,
Brunner, C. H.,	Hamilton,	Mihm,	Syde,
Brunner, P. A.,	Hare,	Modell,	Stank,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chudoff,	Harris,	Mooney,	Tarr,
Cochran,	Heatherington,	Moran,	Tate,
Cohen, M. M.,	Helm,	Moul,	Taylor,
Cohen, R. E.,	Hering,	Muir,	Thompson, E. F.,
Cooper,	Herman,	Munley,	Thompson, R. L.,
Cordier,	Hersch,	Nagel,	Trout,
Corrigan,	Hewitt,	Nunemacher,	Turner,
Croop,	Hirsch,	O'Brien,	Van Allsburg,
Cullen,	James,	O'Connor,	Vincent,
Dalrymple,	Jefferson,	O'Dare,	Vogt,
Dalrymple,	Jones, G. E.,	O'Mullen,	Voldow,
Dennison,	Jones, P. N.,	O'Neill,	Voorhees,
DiGenova,	Kenehan,	Owens,	Wagner,
Dix,	Kline,	Petrosky,	Watkins,
Dolon,	Kolankiewicz,	Pettit,	Weingartner,
D'Ortona,	Lee, E. A.,	Polaski,	Weiss,
Duffy,	Lee, T. H.,	Polen,	Welsh, E. B.,
Early,	Lelsey,	Powers,	Welsh, M. J.,
Eckels,	Leonard,	Prosen,	Williams,
Elder,	Lesko,	Rank,	Winner,
Ely,	Levy,	Rausch,	Wolf,
Falkenstein,	Leydic,	Readinger,	Wood L. H.,
Finestone,	Lichtenwalter,	Reese, D. P.,	Wood, N.,
Finnerty,	Longo,	Reese, R. E.,	Woodring,
Fisher,	Lovett,	Reynolds,	Wright,
Fiss,	Lyons,	Rhea,	Yeakel,
Fleming,	Malloy,	Riley,	Yester,
Fletcher,	Marks,	Rooney,	Young,
Flynn,	Maxwell,	Rose, S.,	Kilroy,

Speaker.

## NAYS—0

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

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

## BILL PASSED OVER

There being no objection House Bill No. 887, Printer's No. 427, was passed over at the request of Mr. GERARD.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1324, as follows:

An Act to further amend section thirty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second, third, fourth fifth, sixth, seventh and eighth classes and revising amending and consolidating the laws relating thereto" further providing for ascertaining the change of classification of counties.

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

Section 1 Section thirty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by section one of the act approved the ninth day of June one thousand nine hundred and thirty-one (P. L. 401) is hereby further amended to read as follows:

Section 32 Ascertainment Certification and Effect of Change of Class The classification of counties shall be ascertained and fixed according to their population by reference from time to time to the last preceding decennial United States census deducting therefrom the number of persons residing on any lands that have been ceded to the United States. Whenever it shall appear by any such census that any county has attained a population entitling it to an advance in classification or that a county has

heretofore or hereafter decreased in population so as to recede in classification as herein prescribed it shall be the duty of the Governor under the great seal of this Commonwealth to certify that fact accordingly which certificate shall be forwarded to the recorder of deeds of the proper county and be recorded in his office.

Changes of class ascertained and certified as aforesaid shall become effective on the first day of January next following the year in which the census was taken except that salaries of county officers shall not thereby be increased or decreased during the terms for which they shall have been elected (and except further that the court of common pleas of any county which is reduced in classification may by written order filed in the office of the prothonotary fix the salaries of the county commissioners and of the district attorney at an amount not exceeding the salaries theretofore paid to said officers if in its judgment the business of the county justifies the payment of salaries higher than those fixed for counties of the lower class.)

Section 2 The provisions of this act shall become effective immediately upon its final enactment. In the event that by reason of the foregoing amendment the classification of any counties as ascertained and fixed according to their population by reference to the one thousand nine hundred and forty United States census are changed it shall be the duty of the Governor immediately after the effective date of this act under the Great Seal of this Commonwealth to certify that fact accordingly which certificate shall be forwarded to the recorder of deeds of the proper county and be recorded in his office.

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—170

- |                 |                |               |                  |
|-----------------|----------------|---------------|------------------|
| Achterman,      | French,        | McClester,    | Rosenfeld,       |
| Allmond,        | Gallagher,     | McDermott,    | Royer,           |
| Auker,          | Gates,         | McDowell,     | Rush,            |
| Baker,          | Gerard,        | McFall,       | Sarge,           |
| Balthaser,      | Gillan,        | McGrath,      | Sarrafi,         |
| Bentley,        | Gillette,      | McIntosh,     | Scanlon,         |
| Bentzel,        | Gross,         | McLanahan,    | Schwab,          |
| Boies,          | Gryskewicz,    | McLane,       | Shaffer,         |
| Boney,          | Habyshtaw,     | McMillen,     | Shaw,            |
| Bower,          | Haines,        | McSurdy,      | Shepard,         |
| Bradley,        | Hall,          | Melchiorre,   | Skale,           |
| Breth,          | Hamilton,      | Mihm,         | Snyder,          |
| Brunner, C. H., | Hare,          | Modell,       | Stank,           |
| Brunner, P. A., | Harmuth,       | Monks,        | Stockham,        |
| Cadwalader,     | Harris,        | Mooney,       | Tarr,            |
| Chudoff,        | Heatherington, | Moran,        | Tate,            |
| Cochran,        | Helm,          | Moul,         | Taylor,          |
| Cohen, M. M.,   | Hering,        | Muir,         | Thompson, E. F., |
| Cohen, R. E.,   | Herman,        | Munley,       | Thompson, R. L., |
| Cooper,         | Hersch,        | Nagel,        | Trout,           |
| Cordier,        | Hewitt,        | Nunemacher,   | Turner,          |
| Corrigan,       | Hirsch,        | O'Brien,      | Van Allsburg,    |
| Croop,          | James,         | O'Connor,     | Vincent,         |
| Cullen,         | Jefferson,     | O'Dare,       | Vogt,            |
| Dairymples,     | Jones, G. E.,  | O'Mullen,     | Voldov,          |
| Dennison,       | Jones, P. N.,  | O'Neill,      | Voorhees,        |
| DiGenova,       | Kenehan,       | Owens,        | Wagner,          |
| Dix,            | Kline,         | Petrosky,     | Watkins,         |
| Dolon,          | Kolaniewicz,   | Pettit,       | Weingartner,     |
| D'Ortona,       | Lee, E. A.,    | Polaski,      | Weiss,           |
| Duffy,          | Lee, T. H.,    | Polen,        | Weish, E. B.,    |
| Early,          | Leisey,        | Powers,       | Weish, M. J.,    |
| Eckels,         | Leonard,       | Prosen,       | Williams,        |
| Elder,          | Lesko,         | Rank,         | Winner,          |
| Ely,            | Levy,          | Rausch,       | Wolf,            |
| Falkenstein,    | Leydic,        | Readinger,    | Wood, L. H.,     |
| Finestone,      | Lichtenwalter, | Reese, D. P., | Wood, N.,        |
| Finnerty,       | Longo,         | Reese, R. E., | Woodring,        |
| Fisher,         | Lovett,        | Reynolds,     | Wright,          |
| Fiss,           | Lions,         | Rhea,         | Yeakel,          |
| Fleming,        | Malloy,        | Riley,        | Yester,          |
|                 | Marks,         | Rooney,       | Young,           |

- |           |              |              |          |
|-----------|--------------|--------------|----------|
| Fletcher, | Maxwell,     | Rose, S.,    | Kilroy,  |
| Flynn,    | McClanaghan, | Rose, W. E., | Speaker. |
| Poor,     |              |              |          |

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. 1269, as follows:

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" by extending the time for filing municipal claims.

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

Section 1 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" as set forth in the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2609) and amended by the act approved the second day of June one thousand nine hundred and thirty-seven (P. L. 1212) is hereby further amended to read as follows:

Section 9 Claims for taxes water rents or rates lighting rates power rates and sewer rates must be filed in the court of common pleas of the county in which the property is situated on or before the last day of the third calendar year after that in which the taxes or rates are first payable and other municipal claims must be filed in said court within [six months] one year from the time the work was done in front of the particular property where the charge against the property is assessed or made at the time the work is authorized within [six months] one year after the completion of the improvement where the assessment is made by the municipality upon all the properties after the completion of the improvement and within [six months] one year after confirmation by the court where confirmation is required the certificate of the surveyor engineer or other officer supervising the improvement filed in the proper office being conclusive of the time of completion thereof but he being personally liable to anyone injured by any false statement therein

Where a borough lies in more than one county any such claim filed by such borough may be filed in each of such counties in case the real estate benefitted by the improvement is sold before the municipal claim is filed the date of completion in said certificate shall determine the liability for the payment of the claim as between buyer and seller unless otherwise agreed upon or as above set forth The legal rate of interest shall be collectible on all municipal claims from the date of the completion of the work after it is filed as a lien

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.

Shall the bill pass finally?

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

YEAS—170

Achterman,	French,	McClester,	Rosenfeld,
Allmond,	Gallagher,	McDermott,	Royer,
Auker,	Gates,	McDowell,	Rush,
Baker,	Gerard,	McFall,	Sarge,
Balthaser,	Gillan,	McGrath,	Sarraf,
Bentley,	Gillette,	McIntosh,	Scanlon,
Bentzel,	Gross,	McLanahan,	Schwab,
Boies,	Gryskewicz,	McLane,	Shaffer,
Boney,	Habbyshaw,	McMillen,	Shaw,
Bower,	Haines,	McSurdy,	Shepard,
Bradley,	Hall,	Melchiorre,	Skale,
Breth,	Hamilton,	Mihm,	Snyder,
Brunner, C. H.,	Hare,	Modell,	Stank,
Brunner, P. A.,	Harmuth,	Monks,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cooper,	Hersch,	Nagel,	Trout,
Cordier,	Hewitt,	Nunemacher,	Turner,
Corrigan,	Hirsch,	O'Brien,	Van Allsburg,
Croop,	James,	O'Connor,	Vincent,
Cullen,	Jefferson,	O'Dare,	Vogt,
Dalrymple,	Jones, G. E.,	O'Mullen,	Voldow,
Dennison,	Jones, P. N.,	O'Neill,	Voorhees,
DiGenova,	Kenehan,	Owens,	Wagner,
Dix,	Kline,	Petrosky,	Watkins,
Dolon,	Kolankiewicz,	Pettit,	Weingartner,
D'Ortona,	Lee, E. A.,	Polaski,	Wells,
Duffy,	Lee, T. H.,	Polen,	Welsh, E. B.,
Early,	Leisey,	Powers,	Welsh, M. J.,
Eckels,	Leonard,	Prosen,	Williams,
Elder,	Lesko,	Rank,	Winnner,
Ely,	Levy,	Rausch,	Wolf,
Falkenstein,	Leydic,	Readinger,	Wood, L. H.,
Finestone,	Lichtenwailer,	Reese, D. P.,	Wood, N.,
Finnerty,	Longo,	Reese, R. E.,	Woodring,
Fisher,	Lovett,	Reynolds,	Wright,
Fiss,	Lyons,	Rhea,	Yeakel,
Fleming,	Malloy,	Riley,	Yester,
Fletcher,	Marks,	Rooney,	Young,
Flynn,	Maxwell,	Rose, S.,	Kilroy,
Foor,	McClanaghan,	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.

BILL PASSED OVER

There being no objection House Bill No. 812 Printer's No. 426 was passed over at the request of Mr. BAUGHER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 789, (Senate Bill No. 81), entitled

An Act to amend section one thousand one hundred and forty-seven of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto", by extending the power to accept roads, streets, lanes and alleys dedicated as public highways.

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—170

Achterman,	French,	McClester,	Rosenfeld,
Allmond,	Gallagher,	McDermott,	Royer,
Auker,	Gates,	McDowell,	Rush,
Baker,	Gerard,	McFall,	Sarge,
Balthaser,	Gillan,	McGrath,	Sarraf,
Bentley,	Gillette,	McIntosh,	Scanlon,
Bentzel,	Gross,	McLanahan,	Schwab,
Boies,	Gryskewicz,	McLane,	Shaffer,
Boney,	Habbyshaw,	McMillen,	Shaw,
Bower,	Haines,	McSurdy,	Shepard,
Bradley,	Hall,	Melchiorre,	Skale,
Breth,	Hamilton,	Mihm,	Snyder,
Brunner, C. H.,	Hare,	Modell,	Stank,
Brunner, P. A.,	Harmuth,	Monks,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cooper,	Hersch,	Nagel,	Trout,
Cordier,	Hewitt,	Nunemacher,	Turner,
Corrigan,	Hirsch,	O'Brien,	Van Allsburg,
Croop,	James,	O'Connor,	Vincent,
Cullen,	Jefferson,	O'Dare,	Vogt,
Dalrymple,	Jones, G. E.,	O'Mullen,	Voldow,
Dennison,	Jones, P. N.,	O'Neill,	Voorhees,
DiGenova,	Kenehan,	Owens,	Wagner,
Dix,	Kline,	Petrosky,	Watkins,
Dolon,	Kolankiewicz,	Pettit,	Weingartner,
D'Ortona,	Lee, E. A.,	Polaski,	Wells,
Duffy,	Lee, T. H.,	Polen,	Welsh, E. B.,
Early,	Leisey,	Powers,	Welsh, M. J.,
Eckels,	Leonard,	Prosen,	Williams,
Elder,	Lesko,	Rank,	Winnner,
Ely,	Levy,	Rausch,	Wolf,
Falkenstein,	Leydic,	Readinger,	Wood, L. H.,
Finestone,	Lichtenwailer,	Reese, D. P.,	Wood, N.,
Finnerty,	Longo,	Reese, R. E.,	Woodring,
Fisher,	Lovett,	Reynolds,	Wright,
Fiss,	Lyons,	Rhea,	Yeakel,
Fleming,	Malloy,	Riley,	Yester,
Fletcher,	Marks,	Rooney,	Young,
Flynn,	Maxwell,	Rose, S.,	Kilroy,
Foor,	McClanaghan,	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 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. 1405, (Senate Bill No. 286), entitled

An Act to amend the fourth paragraph of article seven of the act approved the seventh day of March one thousand nine hundred and one (P. L. 20) entitled "An act for the government of cities of the second class" prescribing the manner in which money shall be drawn from the city treasury.

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—170

Achterman,	Gallagher,	McClanaghan,	Rose, W. E.,
Allmond,	Gates,	McClester,	Rosenfeld,
Auker,	Gerard,	McDermott,	Royer,
Baker,	Gillan,	McDowell,	Rush,
Balthaser,	Gillette,	McFall,	Sarraf,
Bentley,	Gross,	McGrath,	Scanlon,
Bentzel,	Gryskewicz,	McIntosh,	Schwab,
Boies,	Gyger,	McLanahan,	Shaffer,
Boney,	Habbyshaw,	McLane,	Shaw,
Bradley,	Haberlen,	McMillen,	Shepard,
Breth,	Haines,	McSurdy,	Skale,
Brunner, C. H.,	Hall,	Melchiorre,	Snyder,
Brunner, P. A.,	Hamilton,	Mihm,	Stank,
Cadwalader,	Hare,	Modell,	Stockham,
Chudoff,	Harmuth,	Monks,	Tarr,
Cochran,	Harris,	Mooney,	Tate,
Cohen, M. M.,	Heatherington,	Moran,	Taylor,
Cohen, R. E.,	Helm,	Moul,	Thompson, E. F.,
Cooper,	Hering,	Muir,	Thompson, R. L.,
Cordier,	Herman,	Munley,	Trout,
Corrigan,	Hersch,	Nagel,	Turner,
Croop,	Hewitt,	Nunemacher,	Van Alisburg,
Cullen,	Hirsch,	O'Brien,	Vincent,
Dalrymple,	James,	O'Connor,	Vogt,
Dennison,	Jefferson,	O'Dare,	Voldow,
DiGenova,	Jones, G. E.,	O'Mullen,	Voorhees,
Dix,	Jones, P. N.,	O'Neill,	Wagner,
Dolon,	Kenehan,	Owens,	Watkins,
D'Ortona,	Kline,	Petrosky,	Weingartner,
Duffy,	Kolankiewicz,	Pettit,	Weiss,
Early,	Lee, E. A.,	Polaski,	Weish, E. B.,
Eckels,	Lee, T. H.,	Polen,	Weish, M. J.,
Elder,	Lelsey,	Powers,	Williams,
Ely,	Leonard,	Prosen,	Winner,
Falkenstein,	Lesko,	Rank,	Wolf,
Finestone,	Levy,	Rausch,	Wood, L. H.,
Finnerty,	Leydic,	Readinger,	Wood, N.,
Fisher,	Lichtenwaller,	Reese, D. P.,	Woodring,
Fiss,	Longo,	Reese, R. E.,	Wright,
Fleming,	Lovett,	Reynolds,	Yeakel,
Fletcher,	Lyons,	Rhea,	
Flynn,	Malloy,		
Foor,	Marks,		
French,	Maxwell,	Roose, S.,	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 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. 896, as follows:

An Act Authorizing county commissioners to sell seated and unseated lands purchased at tax sales upon which the period of redemption has expired and validating certain sales heretofore made

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

Section 1 The county commissioners of each county are hereby authorized within one year from the effective date

of this act to sell at public or private sale in the manner provided by law for the best price obtainable all seated and unseated lands heretofore purchased by them at tax sales and upon which the period of redemption provided by law has expired

Section 2 All sales of any such lands heretofore made by any county commissioners shall be valid and binding on the county and all deeds and conveyances given by the county for any such lands are hereby ratified confirmed and validated and the purchasers thereof and their respective heirs successors and assigns shall hold and may convey such titles and estates indefeasibly as to any rights of the county therein notwithstanding the fact that the time within which such sales were by law required to be made had expired when such sales were made

Section 3 The provisions of section seventeen of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (P. L. 280) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" as amended is hereby repealed in so far as the same is inconsistent with the provisions of this act

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

Section 4 The provisions of this act shall become effective immediately upon final enactment

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

On the question,  
Shall the bill pass finally?

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

YEAS—172

Achterman,	French,	McClester,	Rosenfeld,
Allmond,	Gallagher,	McDermott,	Royer,
Auker,	Cates,	McDowell,	Rush,
Baker,	Gerard,	McFall,	Sarge,
Balthaser,	Gillan,	McGrath,	Sarraf,
Bentley,	Gillette,	McIntosh,	Scanlon,
Bentzel,	Gross,	McLanahan,	Schwab,
Boies,	Gryskewicz,	McLane,	Shaffer,
Boney,	Habbyshaw,	McMillen,	Shaw,
Bower,	Haines,	McSurdy,	Shepard
Bradley,	Hall,	Melchiorre,	Skale,
Breth,	Hamilton,	Mihm,	Snyder,
Brunner, C. H.,	Hare,	Modell,	Stank,
Brunner, P. A.,	Harmuth,	Monks,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cooper,	Hersch,	Nagel,	Trout,
Cordier,	Hewitt,	Nunemacher,	Turner,
Corrigan,	James,	O'Brien,	Van Alisburg,
Croop,	Jefferson,	O'Connor,	Vincent,
Cullen,	Jones, G. E.,	O'Dare,	Vogt,
Dalrymple,	Jones, P. N.,	O'Mullen,	Voldow,
Dennison,	Kenehan,	O'Neill,	Voorhees,
DiGenova,	Kline,	Owens,	Wagner,
Dix,	Kolankiewicz,	Petrosky,	Watkins,
Dolon,	Lee, E. A.,	Pettit,	Weingartner,
D'Ortona,	Lee, T. H.,	Polaski,	Weiss,
Duffy,	Lelsey,	Polen,	Weish, E. B.,
Early,	Leonard,	Powers,	Weish, M. J.,
Eckels,	Lesko,	Prosen,	Williams,
Elder,	Levy,	Rank,	Winner,
Ely,	Leydic,	Rausch,	Wolf,
Falkenstein,	Lichtenwaller,	Readinger,	Wood, L. H.,
Finestone,	Longo,	Reese, D. P.,	Wood, N.,
Finnerty,	Lovett,	Reese, R. E.,	Woodring,
Fisher,	Lyons,	Reynolds,	Wright,
Fiss,		Rhea,	Yeakel,



Fleming, Fletcher, Flynn, Foor,	Malloy, Marks, Maxwell, McClanaghan,	Riley, Rooney, Rose, S., Rose, W. E.,	Yester, Yeung, Kilroy, Speaker.
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## 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. 109, as follows:

An Act To promote the safety of the traveling public and employees on steam or electric railroads by regulating the construction of caboose cars and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be unlawful for any steam or electric railroad company its officers or agents officers of the court receiver or any person or persons operating a railroad in whole or in part within this Commonwealth to run or permit to be run any caboose or cabin car or any other car used for the purpose unless each caboose car shall be equipped with two four wheel trucks and shall be provided with a door in each end and an outside platform across each end of car and shall be equipped with proper guard rails and steps for the safety of persons getting off and on said car.

Section 2 The Public Utility Commission of the State is hereby authorized to enforce the provisions of this act

Section 3 Any railroad company its officers or agents officers or the court receiver or any person or persons operating a railroad in whole or in part within this Commonwealth violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred (\$100) dollars nor less than twenty-five (\$25) dollars for each offense Each and every day's retention in service of any car in violation of this act shall constitute a separate offense

Section 4 This law shall become effective and in force January first one thousand nine hundred and forty-three

Section 5 All acts and parts of acts inconsistent herewith are hereby repealed.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from Lawrence, Mr. Presley N. Jones.

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

Mr. PRESLEY N. JONES. I shall, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Lawrence whether this provides for Beautyrest mattresses in the cabooses?

Mr. PRESLEY N. JONES. Not exactly, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman whether this bill provides for indirect lighting?

Mr. PRESLEY N. JONES. Mr. Speaker, we have not reached that stage yet.

Mr. TURNER. Mr. Speaker, does the bill provide for air-conditioning?

Mr. PRESLEY N. JONES. Not yet, Mr. Speaker.

Mr. TURNER. Mr. Speaker, does the bill provide for an electric call system?

Mr. PRESLEY N. JONES. No, Mr. Speaker.

Mr. TURNER. Mr. Speaker, does the bill provide for electric razors?

Mr. PRESLEY N. JONES. No, Mr. Speaker.

Mr. TURNER. Mr. Speaker, does it provide for shower-baths?

Mr. PRESLEY N. JONES. No, Mr. Speaker, not yet.

Mr. TURNER. Under the circumstances, Mr. Speaker, as related by the gentleman from Lawrence, Mr. Jones, I do not believe this bill ought to be passed, certainly not as a safety device and as an inducement to railroad men who work on the road to have proper accommodations. Therefore on this bill, much as I would like to vote for it, as a safety measure, I am compelled to vote against it. Any caboose that does not have Beautyrest Mattresses, safety razors, shower baths, indirect lighting, and air-conditioning, in my mind does not meet the modern requirements of the railroads, and therefore, this bill should be defeated.

Mr. PRESLEY N. JONES. Mr. Speaker, for the information of the gentleman from Delaware, Mr. Turner, may I call his attention to the fact that these cabooses do contain such features as Westinghouse AB modern air brakes, cupola seats, washing and drinking water facilities, Ajax hand brakes, Royal brake regulators, first-aid kits, AW metal running boards, Sherbourne back-up whistles, Spear cabinet stoves and Imperial coupler operating devices.

I wish to call to your attention that the present four wheel caboose cars are more out of date than the old Model T Ford Car. These caboose cars have been in use ever since the railroads began to operate freight trains.

Since their first introduction as caboose cars times have changed to a considerable extent. What I mean by considerable extent is the fact that freight trains used to have an average speed of less than 20 miles but to-day under the present stream lined conditions the majority of our fast freight trains make the same time approximately that is made by our stream lined passenger trains.

Years ago when these four wheel caboose cars came into common use the average speed of freight trains did not exceed 15 miles per hour, under the present conditions freight trains are scheduled for a speed of more than 50 miles per hour.

Now, you take one of these old four wheel caboose cars with this excessive speed the lateral of side motion is very injurious to the health of the railroad man. To be frank and give you facts in this particular case this side motion caused a continuation of shocks to the person who may be required in his line of duty to ride one of these four wheel caboose cars.

If this Legislature sees fit, which I assume they will, to tell the Railroad companies of this state that on and after Jan. 1, 1943 these caboose cars will be eliminated it will be a great factor to preserve the health and safety of the railroad employees and the traveling public, by the adoption of double truck caboose car law this side or lateral motion will be to a great extent eliminated.

Now then just a few words on the cost of this change in construction of caboose cars.

1. I want to call to your attention the fact that under the present four wheel caboose cars you have two pairs of wheels.

2. Under the present bill it will only require two additional pairs of wheels with trucks bolsters included

and body bolster which can be furnished by the railroad companies at a minimum of cost.

3. This statement is made due to the fact that the railroad in this state in scrapping of freight cars have thousands of freight car axles and wheels to supply the demand that may be needed for the enforcement of this act so far as the wheels are concerned.

4. The railroads of this state under the present interchange agreement are eliminating thousands of arch bar type of trucks which are not now permissible in interchange service but these trucks would be available to supply the necessary equipment for the trucks in so far as application of this law is concerned.

By the use of body bolster that has been and will be taken from steel freight cars that are being retired on account of age the cost of these instead of new ones will be reduced to a minimum by their use in construction of double truck caboose cars.

So therefore, it is apparent that the railroad companies of this state can without extra ordinary expense comply with the requirement of House Bill 109.

It is recognized by the Railroad Companies of this state that the four wheel caboose is not safe which is proven by the fact that approximately 60 per cent or more of their caboose cars are double truck caboose cars.

It is, also, a fact that the railroad companies of this state are not permitting the use of pushers behind the four wheel caboose cars to any great extent due to the fact of it being unsafe to the employees and the traveling public. In fact several employees have been killed or injured in four wheel caboose cars.

I, respectfully, request the members of this House to vote in favor of this bill which is a bill for the safety of the railroad employees and traveling public upon the Railroads of the State of Pennsylvania.

Mr. TURNER. Mr. Speaker, I do not like to take up the time of the House at this time of night to continue the debate on this bill, but seriously speaking it seems to me there are a number of very pertinent objections to legislation of this kind. We seem in this session to have accumulated a great number of bills that go into the regulation and the determination of all sorts of things that pertain to business, putting further restrictions and further regulations on railroads until after a while the statute books will be so cluttered that one will have to read the statutes in the morning when he gets up so that he may know whether he should put on a summer suit or a winter suit.

Mr. Speaker, there are some very serious objections as I see it to this bill. In the first place I am advised that there is a very small percentage of these old cabooses in operation by the railroad companies at the present time and that they are eliminating them as rapidly as possible. Under present conditions, with the great demand for the use of every facility for national defense, it seems to me we ought not to occupy our manufacturers with things of this kind, when we know that as fast as they can be properly eliminated they will be eliminated, and there is no use to have legislation of this kind on the statute books which puts further restrictions on business in the State.

In the second place, I had a call recently from five men who represented the Brotherhoods of the Railroad. I found those men intensely interested in the problem of

the railroads, because they thought it was to their personal profit to be so interested. It seems to me these Brotherhoods with the strength and the intelligent leadership that they have always had, with the far-seeing outlook that they have of the problems of the railroads, their financial security and their prosperity, as affecting their jobs, if this lantern is so important as a safety device those men would take it up with the railroad management and would see that they were provided in the proper way. They have the power, they have the leadership, they have the intelligence they have the knowledge that should go into the solution of the problems of the railroads and they know best what should be done.

In the third place, the Interstate Commerce Commission is the organization in this country that regulates all of these conditions on the railroads. They have the power to enforce their regulations, and where they see it is necessary and where they feel it is essential the railroads will issue the orders. If the Brotherhood thought this regulation should be made, that the cabooses should be changed by a certain day, the Interstate Commerce would make those regulations. They have the safety of the workmen on the railroad at heart, they have the engineering force, they have the knowledge. Perhaps a few Members of the House have had experience working on the railroads, but the majority do not know all the problems concerning this very important subject. I am certain if those men were here, if we had an opportunity to talk to these Brotherhood men, they would feel it is a matter that should not be regulated by the Legislature. We should not be going into intimate detail in the management, organization and operation of business. As labor is organized today they speak with force, they have organized groups, they have leaders who receive salaries for representing the different labor groups, they know what is needed and they would come here with this legislation if it were needed. Why should we therefore in this instance place upon the statute books further regulations?

Mr. WOLF. Mr. Speaker, the gentleman from Delaware seems much disturbed about the fact that these new cabooses are not air-conditioned, do not having electric razors and all that sort of thing. For his information, he may be pleased to know that the wheels of these new cabooses will not screech because they won't be made out of pig iron.

Mr. ACHTERMAN. Mr. Speaker, for the purpose of a brief reply to the gentleman from Delaware, Mr. Turner, may I say I discussed this particular legislation with the heads of the Brotherhoods and I am speaking of the Railroad Brotherhoods, and I find that contrary to his statement, the Brotherhoods are very sincerely interested in the passage of this particular legislation. They feel that it is needed. It is true that most of the railroads are now operating cabooses in conformity with this particular bill. As the gentleman indicated, there are only a few that are not. It will cause no severe hardship upon the railroad. May I assure the membership of this House that this is a safety measure, badly needed in view of the tremendous length of trains today. This bill means that these trains must carry with them modern cabooses. In the absence of such modern cabooses, there is a real danger to the men who are riding on the rear of that particular train.

I say, therefore, that the gentleman is completely in error and that this legislation should be passed.

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—123

Achterman.	Finestone,	Maxwell,	Readinger,
Allmond,	Finnerty,	McClanaghan.	Reese, R. E.,
Baker,	Flynn,	McDermott,	Rooney,
Balthaser,	French,	McFall,	Rose, S.,
Bentley,	Gallagher,	McGrath,	Rosenfeld,
Bentzel,	Gerard,	McIntosh,	Scanlon,
Boles,	Gryskewicz,	McLanahan,	Schwab,
Boney,	Habbyshaw,	McLane,	Shaffer,
Bradley,	Haberlen,	McSurdy,	Shaw,
Breth,	Hamilton,	Melchiorre,	Skale,
Brown,	Harmuth,	Mibm,	Stank,
Brunner, P. A.	Harris,	Modell,	Tarr,
Burns,	-eathyrington,	Monks,	Tate,
Burr's,	Hering,	Mooney,	Thompson, E. F.,
Chervenak,	Herman,	Moran,	Thompson, R. L.,
Chudoff,	Hersch,	Munley,	Vincent,
Cochran,	Hirsch,	Nagel,	Vogt,
Cohen, M. M.,	Jefferson,	Nunemacher	Voldow,
Coher., R. E.,	Jones, P. N.,	O'Brien,	Watkins,
Cook,	Kenehan,	O'Coonor,	Weingartner,
Cooper,	Kline,	O'Dare,	Weiss,
Cordier,	Kolankiewicz,	O'Mullen,	Welsh, E. B.,
Croop,	Komorowski,	O'Neill,	Welsh, M. J.,
Cullen,	Lee, T. H.,	Owens,	Williams,
DiGenova,	Leonard,	Petrosky,	Wolf,
Dolon,	Lesko,	Pettit,	Woodring,
D'Ortona,	Levy,	Polaski,	Woodside,
Duffy,	Longo,	Polen,	Yester,
Early,	Lovett,	Powers,	Young,
Elllott,	Malloy,	Prosen,	Kilroy,
Falkenstein,	Marks,	Rausch,	Speaker.

## NAYS—46

Auker,	Cyger,	Lelsey,	Royer,
Boorse,	Haines,	Leydic,	Serrill,
Bower,	Hall,	Lichtenwalter.	Stambaugh,
Brunner, C. H.,	Hare,	Lyons,	Stockham,
Dakrymple,	Hewitt,	McClester,	Trout,
Dennison,	Huntley,	McDowell,	Turner,
Dix,	Imbrie,	McKinney,	VanAillsburg,
Fisher,	James,	Reese, D. P.,	Winner,
Fiss,	Jones, G. E.,	Rhea,	Wood, L. H.,
Foor,	Krise,	Riley,	Wood, N.,
Gillette,	Lee, E. A.,	Rose, W. E.,	Yeakel,
Gross,			

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

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

## BILL PASSED OVER

There being no objection House Bill No. 358, Printer's No. 440, 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. 215, as follows:

An Act to further amend sections one and four of the act approved the sixteenth day of May one thousand nine hundred and nineteen (P. L. 180), entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes or municipal claims" extending the provisions of said act to include land acquired at city treasurer's sales for unpaid taxes and providing that in certain cases notice of the proceedings by advertisement shall be deemed a good and sufficient service

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

Section 1 Sections one and four of the act approved the sixteenth day of May one thousand nine hundred and nineteen (P. L. 180), entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes or municipal claims" as last amended by the act approved the eleventh day of April one thousand nine hundred and thirty-nine (P. L. 22) are hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases where land has been heretofore or shall be hereafter sold by the sheriff on claims for unpaid taxes or municipal liens or by a county treasurer or a city treasurer for unpaid taxes under any act or acts of Assembly the purchaser including a municipality in case it be the purchaser at such sale or his or its successor in title may present his or its petition under oath to the court of common pleas of the county wherein the land is situate setting forth (a) The location of the lands by metes and bounds or if it be in a recorded plan of lots the plan number of the lot and the place of record of the plan (b) the names of the former owners reputed owners persons in possession or any other person having or claiming to have a right to interest in or claim against said land if any there be and (c) that upon diligent inquiry no person has been found who has or claims to have any right title or interest in or claim against said land unless it be those named in the petition Thereupon a rule shall be granted upon the persons named in the petition and generally upon all other persons not named in the petition who have or claim to have any right title or interest in or claim against the said land to appear within sixty days from service of the rule and show cause why the title of the petitioner to said land should not be adjudicated and decreed valid and indefeasible as against all rights or claims whatsoever The rule may be made returnable to such term or return day as may be fixed by the court and shall be entered of record in the appearance docket of said court and duly indexed therein and also in the ejectment index of said court As to persons domiciled within the county the rule shall be served and returned as writs of summons are served and returned As to those persons who do not have their domicile within the county in which the rule is issued or those whose domicile is outside the State the rule may be served by mailing a true and attested copy of the petition and rule by registered letter to his or their last known address if any In case the domicile of any person or persons named in the petition be unknown and the court is satisfied that due inquiry has been made and their whereabouts cannot be ascertained the aforesaid notice by advertisement shall be deemed to be a good and sufficient service of the rule

In addition thereto the court shall direct that notice by one advertisement in a newspaper of general circulation in the county where the land is situate be given to all persons including those named in the petition to appear on or before the return day of the rule and show cause why the title of the petitioner should not be adjudicated and decreed valid and indefeasible as against all rights or claims whatsoever The advertisement shall be made at least sixty days before the return day of the said rule

Section 4 The remedy herein provided is not intended as an exclusive method of establishing title to land acquired at a sheriff's sale on a tax claim or municipal claim or at a county treasurer's sale or a city treasurer's sale for unpaid taxes

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

On the question,

Shall the bill pass finally?

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

YEAS—169

Achterman,	French,	McClester,	Rosenfeld,
Allmond,	Gallagher,	McDermott,	Rush,
Auker,	Gates,	McDowell,	Sarge,
Baker,	Gerard,	McFall,	Sarra,
Balthaser,	Gillan,	McGrath,	Scanlon,
Bentley,	Gillette,	McIntosh,	Schwab,
Bentzel,	Gross,	McLanahan,	Shaffer,
Boles,	Gryskewicz,	McLane,	Shaw,
Boney,	Habbyshaw,	McMillen,	Shepard,
Bower,	Haines,	McSurdy,	Skale,
Bradley,	Hall,	Melchiorre,	Snyder,
Breth,	Hamilton,	Mihm,	Stank,
Brunner, C. H.,	Hare,	Modell,	Stockham,
Brunner, P. A.,	Harmuth,	Monks,	Tarr,
Cadwalader,	Harris,	Mooney,	Tate,
Chudoff,	Heatherington,	Moran,	Taylor,
Cochran,	Helm,	Moul,	Thompson, E. F.,
Cohen, M. M.,	Hering,	Muir,	Thompson, R. L.,
Cohen, R. E.,	Herman,	Munley	Turner,
Cooper,	Hersch,	Nagel	Trout,
Cordier,	Hewitt,	Nunemacher	VanAllsburg,
Corrigan,	Hirsch,	O'Brien,	Vincent,
Croop,	James,	O'Connor,	Vogt,
Cullen,	Jefferson,	O'Dare,	Voldow,
Dalrymple,	Jones, G. E.,	O'Mullen,	Voorhees,
Dennison,	Jones, P. N.,	O'Neill,	Wagner,
DiGenova,	Kenehan,	Owens,	Watkins,
Dix,	Kline,	Petrosky,	Weingartner,
Dolon,	Kolankiewicz,	Pettit,	Weiss,
D'Ortona,	Lee, E. A.,	Polaski,	Welsh, E. B.,
Duffy,	Lee, T. H.,	Polen,	Welsh, M. J.,
Early,	Leisey,	Powers,	Williams,
Eckels,	Leonard,	Prosen,	Winner,
Elder,	Lesko,	Rank,	Wolf,
Ely,	Levy,	Rausch,	Wood, L. H.,
Falkenstein,	Leydic,	Readinger,	Wood, N.,
Finestone,	Lichtenwalter,	Reese, D. P.,	Woodring,
Finnerty,	Longo,	Reese, R. E.,	Wright,
Fisher,	Lovett,	Reynolds,	Yeakel,
Fiss,	Lyons,	Rhea,	Yester,
Fleming,	Malloy,	Riley,	Young,
Fletcher,	Marks,	Rooney,	Kilroy,
Flynn,	Maxwell,	Rose, S.,	Speaker.
Foor,	McClanaghan,	Rose, W. E.,	

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. 1402, as follows:

An Act to add section six hundred fifty-five and one-tenth to 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 relating to discrimination against persons employed or seeking employment on contracts effecting the national preparedness program because of the race color or religion of such persons

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

Section 1 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" is hereby amended by adding thereto after section six hundred fifty-five a new section to read as follows

Section 655.1 Discrimination by Employers on Account of Race Color or Religion Any person in this Commonwealth performing a contract for the construction of any building machinery equipment or facility or for the furnishing of articles materials supplies or services which have in any manner any connection with the national defense program of this country and any person acting as

manager agent or employe of such person who shall discriminate against any individual because of his race color or religion in the hiring tenure of employment or conditions of employment in connection with the performance of such contract shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one thousand dollars (\$1,000) and not more than ten thousand dollars (\$10,000) or undergo imprisonment of not more than one (1) year or both

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—169

Achterman,	French,	McClanaghan,	Rosenfeld,
Allmond,	Gallagher,	McClester,	Royer,
Auker,	Gates,	McDermott,	Rush,
Baker,	Gerard,	McDowell,	Sarge,
Balthaser,	Gillan,	McFall,	Sarra,
Bentley,	Gillette,	McGrath,	Scanlon,
Bentzel,	Gross,	McIntosh,	Schwab,
Boles,	Gryskewicz,	McLanahan,	Shaffer,
Boney,	Habbyshaw,	McLane,	Shaw,
Bower,	Haines,	McMillen,	Shepard,
Bradley,	Hall,	McSurdy,	Skale,
Breth,	Hamilton,	Melchiorre,	Snyder,
Brunner, C. H.,	Hare,	Mihm,	Stank,
Brunner, P. A.,	Harkins,	Modell,	Stockham,
Cadwalader,	Harmuth,	Monks,	Tarr,
Chudoff,	Harris,	Mooney,	Tate,
Cochran,	Heatherington,	Moran,	Taylor,
Cohen, M. M.,	Helm,	Moul,	Thompson, E. F.,
Cohen, R. E.,	Hering,	Muir,	Thompson, R. L.,
Cooper,	Herman,	Munley	Trout,
Cordier,	Hersch,	Nagel	Turner,
Corrigan,	Hewitt,	Nunemacher	VanAllsburg,
Croop,	Hirsch,	O'Brien,	Vincent,
Cullen,	James,	O'Connor,	Vogt,
Dalrymple,	Jefferson,	O'Dare,	Voldow,
Dennison,	Jones, G. E.,	O'Mullen,	Voorhees,
DiGenova,	Jones, P. N.,	O'Neill,	Wagner,
Dix,	Kenehan,	Owens,	Watkins,
Dolon,	Kline,	Petrosky,	Weingartner,
D'Ortona,	Kolankiewicz,	Pettit,	Weiss,
Duffy,	Lee, E. A.,	Polaski,	Welsh, E. B.,
Early,	Lee, T. H.,	Polen,	Welsh, M. J.,
Eckels,	Leisey,	Powers,	Williams,
Elder,	Leonard,	Prosen,	Winner,
Ely,	Lesko,	Rank,	Wolf,
Falkenstein,	Levy,	Rausch,	Wood, L. H.,
Finestone,	Leydic,	Readinger,	Wood, N.,
Finnerty,	Lichtenwalter,	Reese, D. P.,	Woodring,
Fisher,	Longo,	Reese, R. E.,	Wright,
Fiss,	Lovett,	Reynolds,	Yeakel,
Fleming,	Lyons,	Rhea,	Yester,
Fletcher,	Malloy,	Riley,	Young,
Flynn,	Marks,	Rooney,	Kilroy,
Foor,	Maxwell,	Rose, S.,	Speaker.
		Rose, W. E.,	

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.

RESOLUTIONS

RECALLING HOUSE BILL No. 616 FROM THE GOVERNOR

Mr. D'ORTONA offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 5, 1941.

Resolved (if the Senate concur), that House Bill No. 616, Printer's No. 111, entitled "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", be recalled from the Governor for the purpose of amendment.

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

#### RECALLING HOUSE BILL No. 524 FROM THE GOVERNOR

Mr. BRETH offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 5, 1941.

Resolved (if the Senate concur) that House Bill No. 524, Printer's No. 130, entitled "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 consolidating and changing the law relating to fish in the inland waters and the boundary lake and boundary rivers of the Commonwealth' prohibiting the sale of striped bass or rock fish under eighteen inches in length", be recalled from the Governor for the purpose of amendment.

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

#### TIME EXTENDED ON BILL

Mr. HABERLEN. Mr. Speaker, I move that the time on House Bill No. 124, Printer's No. 337, entitled:

An Act to reenact and amend the title and the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417), entitled "An act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to produce permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" by substituting the

term "handler" for the term "milk deal terms "handle" and "handier" extending of the act to those who handle milk by bail, consignment or purchase by giving certain rights to producers' and farmers' unions or producing milk setting up a price fixing proceeding for the division of the Commonwealth into tracts restricting powers of the Governor and providing for the payment of funds in the hands of the commission to producers and handlers.

on page 20 of today's calendar, bills on third reading, be extended five days.

The motion was agreed to.

#### PERMISSION TO ADDRESS THE HOUSE

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

Mr. Speaker, The Governor's Budget was given to the Legislature on February 3d of this year. Although long before that date it was known in a general way what would be suggested, from that time on the Appropriation Committee and the Ways and Means Committee of this House had in minute detail the suggestions of the Administration on the Tax Program and the appropriations to be made for the coming biennium.

The bills to re-enact the emergency taxes now in effect and adopted during the three previous regular sessions were introduced into the House on behalf of the Administration by Representative Winner on February 4th. They were given two readings and then on February 12th were recommitted to the Committee on Ways and Means, where they have remained since, without ostensible consideration.

On March 4th, Representative McDowell introduced the Administration Bill authorizing the issuance of Tax Anticipation Notes. This followed the form and practice adopted in 1937 and 1939. It was introduced to carry out the promises made not only by the Administration but by this Legislature and the Commonwealth itself to repay the special funds as early in June as possible, the sums borrowed from them.

It was the plan of the Administration to accept bids for the Tax Anticipation Notes on June 2d, with the expectation of receiving the money for them on June 5th or 6th. This bill was reported from the Committee on Ways and Means on April 10th, but after two readings, was returned, and has not been heard from since.

As previously stated, the House Appropriation Committee had the detailed recommendations of the Administration on February 3d. On February 25th I introduced the General Appropriation Bill. It is now more than three months since the Budget was submitted and nothing has been heard from the Committee. It will soon be a month since the sub-committee held its last hearing on the Bill. Still there is no General Appropriation Bill reported from the Committee.

In 1935 the Budget was considered only sixty-three days until the General Appropriation Bill was reported from Committee. In 1937 it was only sixty-three days. In 1939 it was only seventy-nine days, and this year already ninety-one days have passed and the General Appropriation Bill still not seen the light of day.

When the Governor delivered his Budget Message he said, "This is not a 'must' Budget . . . If any new ideas are brought forward I will receive them with open mind."

If they prove better than those embodied in this Message I shall be pleased to incorporate them."

What have we heard from the Democrats? First, that the Budget was full of hope, then that it was full of pessimism. Then we were advised that more taxes were necessary, and then again that less taxes were necessary. Last week we were told by the Democratic Floor Leader in the Senate that the estimates of revenue made by the Department were too low, and by the Democratic Leader in the House that the estimates of revenue as made by the same Department were too high. We were advised that savings could be made, and then appropriations were increased. No tax bills have been introduced as substitutes for those suggested by the Administration. No estimates of revenue have been given us.

Noted only for their inactivity and their indecision the Democrats continue to quibble over the sponsorship of bills while the session drags on to the disgust of all of the people of this Commonwealth.

If there were ever a time that people had a right to demand prompt, efficient and expeditious action by this Legislature, it is in these trying days.

The delay in adopting a Tax Program and not passing the Tax Anticipation Notes has created a most serious situation. Had the program of the Governor been carried out, or had some acceptable substitutes been proposed and adopted, all borrowings from the Special Funds would have been repaid during the first week of June, and the firemen would then receive the money which was borrowed from the Fire Insurance Tax Fund, and the Cities and Boroughs and Townships would receive their money from the Liquor License Fund, and the Counties would receive their money borrowed from the Liquid Fuels Tax Fund, and the Highway Department would receive the money borrowed from its Motor License Fund. As it is, the inactivity and the indecision of the Democratic Party will cause a delay in all of these payments and every day the Tax Anticipation Note Bill is held, and every day the Tax Program is delayed by this House there must be a corresponding delay in the repayment of these special funds.

Nor is that all. The uncertainty in the passage of the Tax Program and the Tax Anticipation Note Bill is causing a delay in the payment of the subsidies to Second and Third Class School Districts and of the funds due the State Aided Hospitals and of the funds due the University of Pennsylvania, Pitt, Temple and State, as well as institutions under the Department of Welfare, such as Dixmont and Glenn Mills, and many others.

The firemen, the municipalities, the counties, all patriotically submitted to delay in their payments in order that relief might be carried on and the burden of taxes not increased, but it is not fair to cause them further delay while the Majority in this House paddles around in the pool of indecision and inactivity.

#### PERMISSION TO ADDRESS THE HOUSE

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

Mr. Speaker, at this hour of the night I do not expect to quote figures, but only briefly to reply to the gentleman from Dauphin. I might state that perhaps he has timed his particular message properly, because I assure

him some of the tax measures will be reported for final action tomorrow.

As to the delay, Mr. Speaker, may I say that has been occasioned by his party and by his Governor alone. If the budget message which was delivered to us in February had been accurate and had been truthful, if it had contained sufficient substance that we could have relied upon it, undoubtedly there would have been action long since in this House. But may I say, Mr. Speaker, when you have budget estimates that are as much as a million and a half dollars under the amount that the present figures show have been collected, then I say to the Members of this House and the people of Pennsylvania that it has been well worth their time for this House to have awaited the investigation by our committees.

May I point out that in order to carry on a careful and complete, and let me add accurate investigation, it has been necessary to await tax collections which have been taking place in the past month and in the present month. It is only by awaiting actual collections that we have anything of accuracy to depend upon in order to legislate. I am saying to the gentleman from Dauphin and I am also saying to the Republican Party, when the report is made to this House, they will know full well the reason why we delayed, they will see that their party has been responsible for the delay, and they will ask why its Governor in his message to this House was not more accurate; why the figures that he submitted to us were not figures that we could depend upon, rather than find the multiplicity of inaccuracies, particularly in receipts, and requests for the expenditure of funds that we did. I might say to the Members of the House that the investigation which we conducted and which we have insisted upon will be well worth while the time of the people of this Commonwealth.

#### PERMISSION TO ADDRESS THE HOUSE

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

Mr. Speaker, I am anxious to know from the gentleman from Monroe whether the tax anticipations are too high or too low, or whether the Democratic Party in the Senate and in the House have gotten together in their determination of whether the tax estimates are too high or too low? I would be interested in having the gentleman's answer.

Mr. Speaker I put that in the form of an interrogation to the gentleman from Monroe, Mr. Achterman.

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

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I think the gentleman from Monroe heard my question, and I would like to have an answer to it.

Mr. ACHTERMAN. Mr. Speaker, may I reply that I doubt that there has ever been any difference of opinion between the majority of this House and the minority of the Senate. We felt from the very beginning, Mr. Speaker, that the estimates of receipts that were submitted to us by the Governor of this State were inaccurate and underestimated. We know now that they are.

Mr. WOODSIDE. Mr. Speaker, last week the gentleman told this House of Representatives that the estimates made by the Department of Revenue were too optimistic



and the receipts were not coming in in accordance with the estimates.

Mr. ACHTERMAN. Mr. Speaker, I believe the gentleman misunderstood my remarks last week. While I did make particular reference to the deficit in the sum of \$90,000,000, I pointed out the manner in which we arrived at those figures and I also pointed out the fact to the Members of this House that the collection of taxes for this year might warrant a certain \$5,000,000 that the Governor spoke about, but I have not made any remarks in relation to the Governor's budget in reference to anticipated receipts until this evening.

#### PERMISSION TO ADDRESS THE HOUSE

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

Mr. Speaker, I am very much interested in the remark of the gentleman that he made no reference to estimated revenue prior to tonight. The gentleman last week in setting up his alleged ninety-million dollar deficit gave as one of those items the failure of the Department of Revenue to collect the amount of revenues which was estimated. He said on the floor of the House in answer to my interrogation that this supposed item of deficit was the result of the Department of Revenue's over-estimating the amount of revenue which they expected to get in. In other words, that the amount of revenue which was being collected did not come up to the estimates. Now the gentleman on the floor of the House again says that the Department of Revenue has made its estimates too conservatively.

Mr. Speaker, do you recall what the gentleman said the day after the budget was read to this House, or immediately after the budget was read to this House? Don't you remember that famous remark of "faith, hope and charity," in which he said the budget was so full of hope that we could not realize the amount of revenue that it was hoped to obtain in this budget. Now the gentleman is saying on the floor of the House that there is no hope in this budget, it is all pessimism. His famous remark about faith, hope and charity has now turned to pessimism. It is now all pessimism now in this budget. For the sake of the people of the Commonwealth of Pennsylvania, I wish that the Democratic party would make up its mind as to whether the estimates are too optimistic or whether they are too pessimistic.

#### PERMISSION TO ADDRESS THE HOUSE

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

Mr. Speaker, in answer to the gentleman from Dauphin, when he first rose to address the House he did not have in mind the budget ending in 1943. Now he has adverted to the budget ending this month. My first remarks were addressed to the budget of 1941-1943 and that is the budget I was referring to as having an underestimate of receipts. The remarks I made last week were in reference to the budget in the year ending at the close of this month. If the gentleman will just remember his budget years and keep them apart, and confine his remarks to the respective years, he will find that there is no discrepancy in my remarks whatsoever.

#### PERMISSION TO ADDRESS THE HOUSE

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

Mr. SPEAKER. I am respectfully calling to the attention of the Members of the House three resolutions which I had the honor to sponsor and which I believe to be of vital interest to the people of the Commonwealth. These resolutions are reposing in the committee on rules of the House. They are House Resolution No. 61 Serial No. 117 which memorializes Congress to oppose the proposed Saint Lawrence Waterway, House Resolution No. 80 Serial No. 147 and Resolution No. 82 Serial No. 154. Resolution No. 80 provides for a ten member committee of the House and Senate to formulate and present to the General Assembly a well considered legislative program beneficial to the citizens of the Commonwealth, and to break the stalemate and bottleneck we find ourselves in mainly due to the House being Democratic and the Senate Republican. This resolution calls for an honest effort on the part of both party leaders to sit around the conference table and formulate a well rounded program without any legislative horse-trading so that the peoples interest will not be sabotaged to petty politics. We on this side are ready to sit down at any such gathering and honestly endeavor to pass a program in keeping with the needs of the Commonwealth and its citizens. Are you on the other side willing to stop talking long enough about ninety million dollars deficits, which any student of finance and accounting knows doesn't exist, and listen to the pleas of the majority of our citizens, who are disgusted no end at the petty, picayune stifling of good pieces of legislation in the various committees of this House together with the bill pilfering which leaves a raucous odor in their nostrils? I hope some estimable gentleman on the other side of the House will rise to the occasion and show a willingness to sit down with us in the interest of our citizens.

House Resolution No. 82 Memorializes Congress and the W.P.A. officials in Washington to provide sufficient funds to carry on the W.P.A. Recreational Educational Program. An order has been sent out from W.P.A. Headquarters to curtail this program in our state by 15,000 workers. In my opinion this is the best part of the W.P.A. program and can well be considered one of our first lines of defense, because the workers of these projects teach our youth and the people of the newer nationalities democracy and citizenship. With seven million dollars being spent for defense, a great portion of which will go overseas, it would appear to be the greater part of good old American commonsense to spend a few thousand dollars to keep up the morale of these people at home in trying to save Democracy. To the gentlemen of the rules committee I respectfully say "You ought to report that resolution to the floor of the House and give the Members the opportunity to vote for it and prevent these people from being thrown back on relief where they may lose their morale and self respect."

House Resolution No. 61 Memorializes Members of Congress from this Commonwealth to oppose the Saint Lawrence Waterway Scheme. Every Member of this House is acquainted with the danger that this project threatens to our mining and railroad industries. Every organization of any importance in this state is opposed to it including industry and organized labor in the mining industry. If it passes the relief rools of the Commonwealth



will mount and thousands of decent hard working miners and railroaders will find themselves on the relief rolls.

Every Pennsylvanian, proud of the position our state has attained in the industrial world, justly opposes this fantastic scheme. I am pleased to see that my Democratic colleague from Luzerne County, Mr. Komorofski, has also introduced a resolution opposing this plan. I congratulate him on his foresight. I am respectfully urging the Members of the rules committee to report these resolutions to the floor of the House for a vote. I sincerely hope the Members are not cringing with the fear of being called copperheads, because in the interest of the people they represent, they may oppose the plans of one of our most important citizens. We will live under the constitution which gives us the right to truly express ourselves and clearly reflect the wishes of our citizens. I appeal again to the rules committee to report these resolutions out. Change them, co-sponsor them, take my name off them and substitute a Democratic sponsor if you will, but in heaven's name bring them out into the light of day where we can discuss them in the good old American fashion, for I truly believe they are important to our people.

Mr. Speaker, I find upon examination of the House History that there are thirty resolutions investigating many of the bureaus and interest within and without our State Government. Many of these have been reported to the floor of the House and passed, the net result of which to date has been nil with the exception of a preliminary report on the committee investigating the sewing projects. It might have been wiser earlier in the session to pass the bill of my colleague from Lawrence County, Mr. Jones, which provides for electric signal devices to be used on all railroads which is on tonight's calendar. We might take these electric flashlights and furnish the Members of these investigating committees with them to aid them in their prowling around in the dark corners of various phases of the State Government, so they may at least before we adjourn bring in some reports. Certainly, if we can report out resolutions to investigate all these things, taking up the time of the House, in all sincerity we ought to report to the floor of the House for a vote resolutions which seek to save the jobs of many thousands of our citizens.

#### PERMISSION TO ADDRESS THE HOUSE

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

Mr. Speaker, it is rather late and if it is satisfactory to the Chair I will desist until tomorrow afternoon.

The SPEAKER. The Chair thanks the gentleman from Indiana.

#### COMMITTEE MEETINGS

Banking, Tuesday, May 6 at 10 a. m. in Room 330.

Cities-First Class, Tuesday, May 6 at 11 a. m. in Room 521.

Counties, Tuesday, May 6 at 11:15 a. m. in Room 521.

Judiciary General, Tuesday, May 6 at 9 a. m. in Room 246.

Judiciary Special, Tuesday, May 6 at 10:30 a. m. in Room 246.

Ways and Means, Tuesday, May 6 at 11:30 a. m. in Room 327.

#### PUBLIC HEARINGS

There will be a Public Hearing before the Committee on Education on House Bill No. 1054 on Tuesday, May 6, 1941, at 6:30 P. M., EST, in the New House Caucus Room—Main Floor.

There will be a Public Hearing before the Committee on Professional Licensure on House Bill No. 765 on Tuesday, May 6, 1941 at 7:00 P. M., EST in the Old House Caucus Room, 3d Floor.

There will be a Public Hearing before the Committee on Professional Licensure on House Bills Nos. 335 and 678 on Wednesday, May 7, 1941 at 10:30 A.M., EST, in the New House Caucus Room—Main Floor.

There will be a Public Hearing before the Committee on Workmen's Compensation on House Bills Nos. 990 and 1002 on Wednesday, May 13, 1941, at 6:00 P. M., EST, in the New House Caucus Room—Main Floor.

There will be a Public Hearing before the Committee on Elections on House Bill No. 636 Printer's No. 425 on Friday, May 9, 1941 at 2:00 o'clock P.M., D.S.T., in room 254 City Hall, Philadelphia.

The biennial dinner of the Pennsylvania Legislative Correspondents Association will be held Wednesday, May 7 at 6:30 P.M. Eastern Daylight Time, in the Penn Harris Hotel.

The dinner is strictly informal.

Tickets can be obtained from any correspondent or in the Capitol Newsroom.

#### ADJOURNMENT

Mr. MATTHEW J. WELSH. Mr. Speaker, I move that this House do now adjourn until Tuesday, May 6, 1941, at 1:30 p. m.

The motion was agreed to, and (at 11:08 p. m.) the House adjourned.