

Legislative Journal.

Session 1941.

135th of the General Assembly.

Vol. 25.

HARRISBURG, PA., THURSDAY, MAY 8, 1941.

No. 50.

HOUSE OF REPRESENTATIVES

THURSDAY, May 8, 1941

The House met at 10 a.m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

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

Father in heaven, we continue to look to Thee as the giver of every good and perfect gift. May we, as we give honor to our Mother this coming Lord's Day, remember her willingness to sacrifice for us. We truly thank Thee for her love. We pray for her, O God, and for all the mothers throughout the world, for young and old, for the near and the far, for those who are happy and for those who dwell in shadows, for those who have seen the travail of their souls and been satisfied, and for those who wait for their reward with the coming of eternal day.

Make us conscious of what might happen if our factories, our prisons, our legislative halls would consult the mothers of mankind in formulating their policies and in measuring their success. Since, Our God, Mother's Day calls us with a symbol of a flower, a greeting, an endearing word, may it above all else call us to build a world for such love as hers. In Thy name we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday when, on motion of Mr. HARE, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Messrs. READINGER and REUBEN E. COHEN.

HOUSE BILL No. 1538.

An Act to further amend section one and to amend section four of the act, approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2460), entitled "An act creating a joint legislative commission, to be known as the Joint State Government Commission; providing for the appointment of its members; and defining its powers and duties," further defining its powers and duties; and amplifying the provision relating to appropriations.

Referred to the Committee on State Government.

By Messrs. KENEHAN and O'NEILL.

HOUSE BILL No. 1539.

An act to amend section two of the act, approved the

second day of July, one thousand nine hundred and thirty-five (P. L. 599), entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection incidental thereto on Sunday during certain hours, and also during other hours, unless the electors of a municipality approve thereof; regulating the employment of persons in conducting such exhibitions on Sunday; providing for referendums to ascertain the will of the electors; and providing penalties; and repealing inconsistent laws," by making it lawful for persons, copartnerships, associations, or corporations to conduct, stage, manage, operate or engage in motion picture exhibitions whether or not there be a charge of admission thereto, within a radius of ten miles of any army depot, military reservation or military encampment.

Referred to the Committee on Law and Order.

By Mr. FALKENSTEIN.

HOUSE BILL No. 1540.

An Act to amend clause (d) of section four hundred one, and to further amend clause (b) of section four hundred two of the act, approved the fifth day of December, one thousand nine hundred 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 further prescribing qualifications of employees eligible for compensation.

Referred to the Committee on Labor.

By Mr. PROSEN.

HOUSE BILL No. 1541.

An Act providing for uniform reports by political subdivisions to departments, boards and commissions of the State Government.

Referred to the Committee on Municipal Corporations.

By Messrs. HARE and WAGNER.

HOUSE BILL No. 1542.

An Act to amend route 55121, as added to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring

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

Referred to the Committee on Highways.

SENATE MESSAGE

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. 646.

An Act establishing certain public roads and streets as a State highway and providing for their construction reconstruction and maintenance by the Department of Highways subject to certain terms and conditions.

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

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

The Speaker for Mr. IMBRIE.

REPORTS FROM COMMITTEES

Mr. MCKINNEY, from the Committee on State Government, reported as committed, House Bill No. 1257, entitled:

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

Mr. McFALL, from the Committee on State Government, reported as committed, House Bill No. 1301, (Senate Bill No. 217), entitled:

An Act requiring the Department of Welfare to notify the clerk of court and the county controller of all discharges or releases from institutions under its supervision.

Mr. McDERMOTT, from the Committee on State Government, reported as amended, House Bill No. 1213, entitled:

An Act to amend an act approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependent wives, children, or parents, and not

exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes, respectively, and providing for the compensation of such substitutes," by more fully defining the times during which the benefits shall be payable and the amount thereof and to whom payable.

Mr. BOIES, from the Committee on Cities-Third Class, reported as amended, House Bill No. 1295, entitled:

An Act to amend section four thousand four hundred two of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," providing for additional members of certain civil service boards.

Mr. PROSEN, from the Committee on State Government, re-reported as amended, House Bill No. 849, entitled:

An Act to amend the act approved the nineteenth day of July, one thousand nine hundred thirty-five, (P. L. 1356), entitled, "An act to regulate the sale and delivery of solid fuel, as herein defined; providing for appointments of licensed weighmasters; prescribing their powers and duties; authorizing substitute licensed weighmasters; imposing certain duties on the Department of Internal Affairs; and providing penalties;" further regulating the issuing to and revocation and suspension of licenses of weighmasters; requiring the use of suitable scales; regulating the issuing, use and keeping of weighmaster's certificates; conferring powers and imposing duties upon state, city, and county inspectors of weights and measures and the Department of Internal Affairs; declaring certain proofs to constitute prima facie evidence of a violation of the act; extending the provisions of said act to cases heretofore exempted; and prescribing additional and increased penalties.

MR. YEAKEL IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1265, entitled:

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

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. 1264, entitled:

An Act to further amend section three hundred nine and subsection (a) of section three hundred eleven of the act, approved the eleventh day of July, one thousand nine hundred and twenty-three (P. L. 998), entitled "An act for the prevention and treatment of mental diseases, mental

defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties," imposing the expense of clothing persons admitted to schools for mental defectives on institution districts in certain cases; giving the Commonwealth preference against the estates of such persons in such cases; permitting such persons vacations; and prohibiting deductions from State appropriations because 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. 1454, entitled:

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

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. 1455, entitled:

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

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. 1413, entitled:

An Act requiring the Department of Highways of the Commonwealth of Pennsylvania, after the use of any highway as a detour has been discontinued, to restore promptly such such highway to substantially the same condition as it was prior to its use as a detour.

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. 1188, entitled:

An Act to amend section six hundred ninety-nine and four-tenths of 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," increasing the penalties for performing worldly employment, games or diversion on Sunday.

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. 936, (Senate Bill No. 297), entitled:

An Act to further amend section ten of the act approved the twenty-first day of May, one thousand nine hundred thirty-one (P. L. 149) entitled "An act imposing a State Tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by limiting the amount of the liquid fuels tax payable to counties and the uses for which such moneys may be expended.

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

BILL RECOMMENDED

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

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 937, (Senate Bill No. 298), entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in cities, boroughs, towns and townships of the Commonwealth for maintenance, construction, reconstruction, resurfacing, or improvement of municipal roads, highways and bridges, during the calendar years one thousand nine hundred forty-two and one thousand

nine hundred forty-three, permitting the use of the funds for maintenance and repair of municipal roads, highways and bridges under certain conditions; and providing for the method of payment to such political subdivisions.

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

BILL RECOMMITTED

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

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 986, entitled:

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

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

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 139, entitled:

An Act to amend section one of the act which became effective on the seventh day of July, one thousand eight hundred and seventy-nine (P. L. 194), entitled "An act to enlarge the jurisdiction of justices of peace, and regulating the fees of constables making sales under this act," further enlarging the jurisdiction of justices of the peace and extending the provisions of said act to aldermen.

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

THE SPEAKER (Elmer Kilroy) IN THE CHAIR.

The Speaker. The Chair thanks the gentleman from Bucks, Mr. Yeakel, for presiding.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 709, entitled:

An Act to further amend section four hundred and twelve of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-1934) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State

stores and of fees and imposing penalties" by further defining the sales of malt or brewed beverages

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. 1427, entitled:

An Act requiring lock-ups to be attended at all times except when entirely unoccupied and imposing liabilities

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. 943, entitled:

An Act to reenact and amend section 441 of the act approved the second day of May one thousand nine hundred 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 authorizing boards of county commissioners to appropriate county moneys for the support of charitable hospitals

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. 724, entitled:

An Act to further amend section 363 of the act approved May second one thousand nine hundred 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" and further regulating the form and contents of county auditors reports.

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. 1072, entitled:

An Act to amend section five hundred and nineteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 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" providing for the payment of the costs of viewers by the Commonwealth in certain cases.

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1284, entitled:

An Act requiring owners and lessees of real property whenever making any improvements thereon or additions thereto costing more than five hundred dollars (\$500) to file a report of such improvements or additions with

the county board for the assessment and revision of taxes 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. 1458, entitled:

An Act to enable the governing bodies of cities of the first second and second class A to establish by ordinance the requirements of responsible bidders for city printing and to repeal all acts and parts of acts inconsistent with the provisions of this act.

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1386, (Senate Bill No. 295), entitled:

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

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. 1036, entitled:

An Act to amend subsection (b) of section sixteen of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 429) entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate and to provide for the recording and registering of the decrees of the orphan's court in connection therewith and the fees therefor" by providing that in cases where the spouse of the natural parent shall adopt the child of such natural parent the natural parent shall retain his or her status as such and shall for purposes of inheritance and devolution be regarded as an adopting parent

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. 192, entitled:

An Act to amend section 4408 of the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for appeals by policemen who are fined suspended or discharged after hearing

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. 870, entitled:

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

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

Ordered, To be transcribed for a third reading.

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. 646.

An Act establishing certain public roads and streets as a State highway and providing for their construction reconstruction and maintenance by the Department of Highways subject to certain terms and conditions

Whereupon,

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

RESOLUTION

INDIANA STATE TEACHERS COLLEGE

Messrs. HEWITT and McMILLEN offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted:

In the House of Representatives, May 8, 1941.

Whereas, The Award Committee of the American Musical Arts Foundation recently completed its survey of the music activities of more than three hundred colleges and universities in the United States; and

Whereas, After this exhaustive survey it presented an award to the Department of Music of the State Teachers' College of Indiana of this Commonwealth; and

Whereas, This award known as the American Music Achievement Trophy is the highest honor the foundation can bestow upon any educational institution in the United States; and

Whereas, It is fitting that the House of Representatives of this Commonwealth honor the achievements of the Department of Music of the State Teachers' College of Indiana for its outstanding contribution to American music; therefore be it

Resolved, That the House of Representatives join with

the citizens of the Commonwealth in congratulating the Department of Music of the State Teachers' College of Indiana for its achievement and the honors that have been bestowed upon it; and be it further

Resolved, That a copy of this resolution be mailed by the Chief Clerk of the House of Representatives to Dr. Leroy King, President of the State Teachers' College of Indiana.

QUESTION OF PERSONAL PRIVILEGE

Mr. BOORSE. Mr. Speaker, I arise to a question of personal privilege.

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

Mr. BOORSE. Mr. Speaker, on May 5th I am informed that I have been recorded as not voting on House Bill No. 685, Printer's No. 447, which is incorrect. I voted "no" on that bill and I would like to be so recorded in the Legislative Journal.

Also, on May 6th, 1941, on House Bill 684, Printer's No. 138, I am referred to as voting "aye," which is not correct. I voted "no." I desire to also have it corrected.

QUESTION OF PERSONAL PRIVILEGE

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

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

Mr. McLANAHAN. Mr. Speaker, I am recorded on House Bill 99 as voting "nay." I wish to be recorded as voting "yea."

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1185, as follows:

To further amend section five hundred and two and section five hundred and four of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. one thousand two hundred and seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" requiring submission of all plans for public improvements to the county planning commission for approval and prohibiting the recording of plans and sales of lots before their approval under penalties.

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

Section 1 Section five hundred and two and section five hundred and four of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred and seventy-eight) 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 the act approved the twenty-fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand one hundred and twenty-four) are hereby further amended to read as follows

Section 502 Plans of Streets or Highways for Public Use and Public Buildings Submission of [Resolutions] Plans for Certain Improvements Reports Thereon [All resolutions of the county commissioners] All county city except cities of the second class borough and township plans relating to the location of any public building in the county and to the location relocation extension widening enlargement altering ornamentation or parking of any street boulevard parkway wharf bridge tunnel subway or underground road park playground or other public grounds

to the vacation of any highway or portion thereof or to the making or alteration of [the county] any city except cities of the second class borough or township plan of highways or to any surface underground or elevated railway shall be furnished to the County Planning Commission if one has been created twenty days before [their passage and] the adoption of said plan by the county [commissioners] city except cities of the second class borough or township official The said commission may make a report or suggestion in relation thereto if it deems the report necessary or advisable for the consideration of the said [commissioners] county city except cities of the second class borough or township officials If the said report is made by the commission prior to the expiration of the said twenty days the [county commissioners] said local officials may immediately proceed with the adoption of the [said resolution] plans All such reports when delivered to the [said commissioners] county city except cities of the second class borough or township officials shall be for the information of the public as well as for the [commissioners] said officials and [the commissioners] they shall furnish to any newspaper of the county on request for publication a copy of any such report

Section 504 Plans of Subdivisions Jurisdiction Scope of Subdivisions Regulations Procedure Penalties The County Planning Commission shall have jurisdiction and control of the subdivision of land located within the county limits For the purpose of this section a subdivision shall be construed to be any part parcel or area of land out of which has been conveyed or transferred three or more parts hereof with appurtenant roads streets lanes alleys and ways either by lots or by metes and bounds [All plans of streets or highways for public use and all] All plans plots and replots of land laid out in building lots and the streets highways alleys or other portions of the same intended to be dedicated to public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto located within the county limits except those located within any city except cities of the second class or borough within the said counties shall be submitted to the County Planning Commission if one has been created and approved by it before they shall be recorded And it shall not be lawful to receive or record any such plan in any public office unless the same shall bear thereon by endorsement or otherwise the approval of the County Planning Commission if one has been created The disapproval of any such plan by the County Planning Commission shall be deemed a refusal of the proposed dedication shown thereon The approval of the commission shall be deemed an acceptance of the proposed dedication but shall not impose any duty upon the county concerning maintenance or improvement of any such dedicated [lots] streets highways alleys or other portions of the same until the proper authorities of the county shall have made actual appropriation of the same by entry use or improvement The owners and purchasers of such lots shall be conclusively presumed to have notice of public plans maps and reports of the commission affecting such property within its jurisdiction Any owner or agent of the owner of any land located within a subdivision who sells transfers or agrees to sell any land by reference to or exhibition of or by other use of a plan of a subdivision before the same has been approved by the County Planning Commission and recorded in the Office of the Recorder of Deeds shall upon summary conviction thereof before any alderman or justice of the peace of the county forfeit and pay a penalty of not less than fifty (\$50) dollars and not more than one hundred (\$100) dollars and the cost of the prosecution or undergo an imprisonment in the county jail of the proper county for a period of not more than thirty days for each lot or parcel transferred or sold or agreed to be sold and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided Counties may also enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction in addition to the penalty herein provided

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—177

Achterman,	French,	McClanaghan,	Royer,
Allmond,	Gallagher,	McDermott,	Rush,
Baker,	Gates,	McDowell,	Sarge,
Baughner,	Gillan,	McFall,	Sarraf,
Bentley,	Gillette,	McGrath,	Scanlon,
Bentzel,	Goodwin,	McIntosh,	Schwab,
Boles,	Greenwood,	McKinney,	Shaffer,
Boney,	Gross,	McLanahan,	Shaw,
Boorse,	Gryskewicz,	McLane,	Simons,
Bower,	Habbyshaw,	McMillen,	Skale,
Bradley,	Haberlen,	McSurdy,	Snyder,
Breth,	Haines,	Melchlorre,	Stambaugh,
Bretherick,	Hall,	Mihm,	Stank,
Brunner, P. A.,	Hamilton,	Modell,	Stine,
Burns,	Hare,	Monks,	Stockham,
Burris,	Heatherington,	Mooney,	Tarr,
Cadwalader,	Helm,	Moran,	Tate,
Chudoff,	Herman,	Moul,	Taylor,
Cohen, M. M.,	Hersch,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Hewitt,	Munley,	Thompson, R. L.,
Cook,	Hirsch,	Nagel,	Van Allsburg,
Cooper,	Holland,	Nunemacher,	Verona,
Cordier,	Huntley,	O'Brien,	Vincent,
Corrigan,	James,	O'Dare,	Vogt,
Croop,	Jefferson,	O'Mullen,	Voidow,
Cullen,	Jones, P. N.,	O'Neill,	Voorhees,
Dalrymple,	Keenan,	Petrosky,	Watkins,
Dennison,	Kenehan,	Pettit,	Weiss,
DiGenova,	Kline,	Polaski,	Welsh, E. B.,
Dix,	Kolankiewicz,	Polen,	Welsh, M. J.,
Dolon,	Komorofski,	Powers,	Wilkinson,
D'Ortona,	Krise,	Prosen,	Williams,
Duffy,	Lee, E. A.,	Rausch,	Winner,
Early,	Lee, T. H.,	Readinger,	Wolf,
Eckels,	Lelsey,	Reagan,	Wood, L. H.,
Elder,	Leonard,	Reese, D. P.,	Wood, N.,
Elliott,	Lesko,	Reese, R. E.,	Woodring,
Ely,	Levy,	Regan,	Woodside,
Falkenstein,	Lichtenwalter,	Rhea,	Wright,
Finestone,	Longo,	Riley,	Yeakel,
Fiss,	Lovett,	Rooney,	Yester,
Fleming,	Lyons,	Rose, S.,	Young,
Fletcher,	Malloy,	Rose, W. E.,	Kilroy,
Foor,	Marks,	Rosenfeld,	Speaker.
	Maxwell,		

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 consideration on final passage of House Bill No. 812, as follows:

An Act to amend clause (b) of section three hundred and two of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by providing for the display of the flag of the United States at polling places and imposing such duty on county boards of elections. The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (b) of section three hundred and two of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" is hereby amended to read as follows

Section 302 Powers and Duties of County Boards The County boards of elections within their respective counties shall exercise in the manner provided by this act all powers granted to them by this act and shall perform all the duties imposed upon them by this act which shall include the following

* * * *

(b) To select and equip polling places and to provide for the display of the flag of the United States at such polling places

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—177

Achterman,	Foor,	Maxwell,	Royer,
Allmond,	French,	McClanaghan,	Rush,
Baker,	Gallagher,	McDermott,	Sarge,
Balthaser,	Gates,	McDowell,	Sarraf,
Baughner,	Cillan,	McFall,	Scanlon,
Bentley,	Gillette,	McGrath,	Schwab,
Bentzel,	Goodwin,	McIntosh,	Shaffer,
Boles,	Greenwood,	McKinney,	Shaw,
Boney,	Gross,	McLanahan,	Simons,
Boorse,	Gryskewicz,	McLane,	Skale,
Bower,	Habbyshaw,	McMillen,	Snyder,
Bradley,	Haberlen,	McSurdy,	Stambaugh,
Breth,	Haines,	Melchlorre,	Stank,
Bretherick,	Hall,	Mihm,	Stine,
Brunner, P. A.,	Hamilton,	Modell,	Stockham,
Burns,	Hare,	Monks,	Tarr,
Burris,	Heatherington,	Mooney,	Tate,
Cadwalader,	Helm,	Moran,	Taylor,
Chudoff,	Herman,	Moul,	Thompson, E. F.,
Cohen, M. M.,	Hersch,	Muir,	Thompson, R. L.,
Cohen, R. E.,	Hewitt,	Munley,	Van Allsburg,
Cook,	Hirsch,	Nagel,	Verona,
Cooper,	Holland,	Nunemacher,	Vincent,
Cordier,	Huntley,	O'Brien,	Vogt,
Corrigan,	James,	O'Dare,	Voidow,
Croop,	Jefferson,	O'Mullen,	Voorhees,
Cullen,	Jones, P. N.,	O'Neill,	Watkins,
Dalrymple,	Keenan,	Petrosky,	Weiss,
Dennison,	Kenehan,	Pettit,	Welsh, E. B.,
DiGenova,	Kline,	Polaski,	Welsh, M. J.,
Dix,	Kolankiewicz,	Polen,	Wilkinson,
Dolon,	Komorofski,	Powers,	Williams,
D'Ortona,	Krise,	Prosen,	Winner,
Early,	Lee, E. A.,	Rausch,	Wolf,
Early,	Lee, T. H.,	Readinger,	Wood, L. H.,
Eckels,	Lelsey,	Reagan,	Wood, N.,
Elder,	Leonard,	Reese, D. P.,	Woodring,
Elliott,	Lesko,	Reese, R. E.,	Woodside,
Ely,	Levy,	Regan,	Wright,
Falkenstein,	Lichtenwalter,	Rhea,	Yeakel,
Finestone,	Longo,	Riley,	Yester,
Fiss,	Lovett,	Rooney,	Young,
Fleming,	Lyons,	Rose, S.,	Kilroy,
Fletcher,	Malloy,	Rose, W. E.,	Speaker.
Floor,	Marks,	Rosenfeld,	

NAYS—0

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

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

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 358, entitled:

An Act to further amend clause three and four of subsection (b) of section 913 of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by further fixing the fee for filing; nomination petitions in certain cases

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

Section 1 That clauses three and four of subsection (b) of section 913 of the act approved June third one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" as amended by the act of June fifteen one thousand nine hundred and thirty-nine (P. L. 376) are hereby further amended to read as follows

Section 913 Place and Time of Filing Nomination Petitions Filing Fees

* * * *

(b) Each person filing any nomination petition shall pay for each petition at the time of said filing a filing fee to be determined as follows and no nomination petition shall be accepted or filed unless and until such filing fee is paid by a certified check or money order only Said certified checks or money orders shall be made payable to the Commonwealth of Pennsylvania or to the county as the case may be and shall be transmitted to the State Treasurer or to the county treasurer and shall become part of the General Fund

* * * *

3 If for the offices of senator or representative in the General Assembly or for any office to be filled by the electors of an entire county other than jury commissioner associate inspector the sum of twenty-five dollars (\$25.00) if for the office of jury commissioner or associate judge the sum of ten dollars (\$10.00) if for the office of prison inspector the sum of two dollars (\$2.00) if for any office to be filled by the electors of an entire city the following sums if in a city of the first or second class twenty-five dollars (\$25.00) if in a city of the second class A fifteen dollars (\$15.00) and if in a city of the third class ten dollars (\$10.00)

4 If for the office of associate judge or for any borough town township school district or poor district office not otherwise provided for the sum of two dollars (\$2.00)

Provided however that no filing fee shall be paid for a nomination petition for any public office for which no compensation is provided by law

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—177

Achterman,	French,	Maxwell,	Royer,
Allmond,	Gallagher,	McClanaghan,	Rush,
Baker,	Gates,	McDermott,	Sarge,
Balthaser,	Gillan,	McDowell,	Sarraf,
Baughner,	Gillette,	McFall,	Scanlon,
Bentley,	Goodwin,	McGrath,	Schwab,
Bentzel,	Greenwood,	McIntosh,	Shaffer,
Boies,	Gross,	McKinney,	Shaw,
Boney,	Gryskewicz,	McLanahan,	Simons,
Boorse,	Habbyshaw,	McLane,	Skale,
Bower,	H. Beylen,	McMillen,	Snyder,
Bradley,	Haines,	McSurdy,	Stambaugh,
Breth,	Hall,	Melchiorre,	Stank,
Bretherick,	Hamilton,	Mihm,	Stine,
Brunner, P. A.,	Hare,	Modell,	Stockham,
Burns,	Heatherington,	Monks,	Tarr,
Burris,	Helm,	Mooney,	Tate,
Cadwalader,	Herman,	Moran,	Taylor,
Chudoff,	Hersch,	Moul,	Thompson, E. F.,
Cohen, M. M.,	Hewitt,	Muir,	Thompson, R. L.,
Cohen, R. E.,	Hirsch,	Munley,	Van Allsburg,
Cook,	Holland,	Nagel,	Verona,
Cooper,	Huntley,	Nunemacher,	Vincent,
Cordier,	James,	O'Brien,	Vogt,
Corrigan,	Jefferson,	O'Dare,	Voldow,
Croop,	Jones, P. N.,	O'Mullen,	Voorhees,
Cullen,	Keenan,	Owens,	Watkins,
Dalrymple,	Kenehan,	Petrosky,	Weiss,
Dennison,	Kline,	Pettit,	Welsh, E. E.,
Digenova,	Kolankiewicz,	Polaski,	Welsh, M. J.,
Dix,	Komorowski,	Pien,	Wilkinson,
Dolon,	Krise,	Powers,	Williams,
D'Ortona,	Lee, E. A.,	Prosen,	Williams,
Early,	Lee, T. H.,	Rausch,	Winnor,
Eckels,	Lelsey,	Readinger,	Wolf,
Elder,	Leonard,	Reagan,	Wood, L. H.,
Elliott,	Lesko,	Reese, D. P.,	Wood, N.,
Ely,	Levy,	Reese, R. E.,	Woodring,
Falkenstein,	Leydic,	Regan,	Woodside,
Finestone,	Lichtenwalter,	Rhea,	Wright,
Fiss,	Longo,	Riley,	Yeakel,
Fleming,	Lovett,	Rooney,	Yester,
Fletcher,	Lyons,	Rose, S.,	Young,
For,	Malloy,	Rose, W. E.,	Kilroy,
	Marks,	Rosenfeld,	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.

BILLS PASSED OVER

There being no objection House Bill No. 1401, Printer's No. 499, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 124, Printer's No. 507, was passed over at the request of the SPEAKER.

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. 979, Printer's No. 428, 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. 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.

On the question,

Will the House agree to the bill on third reading?

Mr. LOVETT. 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 7 of title, by inserting after the word "purchase" the following: "or"

Amend Title, page 1, lines 7 and 8 of title, by striking out the words "or eminent domain"

Amend Title, page 1, line 8 to 10 of title, by striking out the words "authorizing the acqui-" in line 8, all of line 9 and the words "public purposes and" in line 10

Amend Bill, page 2, lines 12 to 16, both inclusive, by striking out all of said lines

Amend Bill, page 2, by inserting between lines 19 and 20 the following section: "Section 2. Sections six hundred fifty, six hundred fifty-one and six hundred fifty-two of said act as last amended by the act, approved the eighteenth day of April, one thousand nine hundred and thirty-five (P. L. 46), are hereby further amended to read as follows:"

Amend Sec. 2 (Sec. 650), page 3, lines 2 and 3, by striking out the words "or the exercise of the power of eminent domain"

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

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

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

It was agreed to.

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

BILLS PASSED OVER

There being no objection House Bill No. 1166, Printer's No. 461, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 174, Printer's No. 474, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1318, Senate Bill No. 528, Printer's No. 132, was passed over at the request of Mr. ACHTERMAN.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third 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 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—177

Achterman,	French,	Maxwell,	Royer,
Allmond,	Gallagher,	McClanaghan,	Rush,
Baker,	Gates,	McDermott,	Sarge,
Balthaser,	Gillan,	McDowell,	Sarraf,
Baughner,	Gillette,	McFall,	Scanlon,
Bentley,	Goodwin,	McGrath,	Schwab,
Bentzel,	Greenwood,	McIntosh,	Shaffer,
Boies,	Gross,	McKinney,	Shaw,
Boney,	Gryskewicz,	McLanahan,	Shepard,
Boorse,	Habbyshaw,	McLane,	Simons,
Bower,	Haberlen,	McMillen,	Skale,
Bradley,	Haines,	McSurdy,	Snyder,
Breth,	Hall,	Melchiorre,	Stambaugh,
Bretherick,	Hamilton,	Mihm,	Stank,
Brunner, P. A.,	Hare,	Modell,	Stine,
Burns,	Heatherington,	Monks,	Stockham,
Burriss,	Helm,	Mooney,	Tarr,
Cadwalader,	Herman,	Moran,	Tate,
Chudoff,	Hersch,	Moul,	Taylor,
Cohen, M. M.,	Hewitt,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Hirsch,	Munley,	Thompson, R. L.,
Cook,	Holland,	Nagel,	Van Allsburg,
Cooper,	Huntley,	Nunemacher,	Verona,
Cordier,	James,	O'Brien,	Vincent,
Corrigan,	Jefferson,	O'Dare,	Vogt,
Croop,	Jones, P. N.,	O'Mullen,	Voldow,
Cullen,	Keenan,	O'Neill,	Voorhees,
Dalrymple,	Kenahan,	Petrosky,	Watkins,
Dennison,	Kline,	Pettit,	Weiss,
DiGenova,	Kolankiewicz,	Polaski,	Welsh, E. B.,
Dix,	Komorofski,	Polen,	Welsh, M. J.,
Dolon,	Kruse,	Powers,	Wilkinson,
D'Ortona,	Lee, E. A.,	Prosen,	Williams,
Early,	Lee, T. H.,	Rausch,	Winner,
Eckels,	Leisey,	Readinger,	Wolf,
Elder,	Leonard,	Reagan,	Wood, L. H.,
Elliot,	Lesko,	Reese, D. P.,	Wood, N.,
Ely,	Levy,	Reese, R. E.,	Woodring,
Falkenstein,	Lichtenwalter,	Regan,	Woodside,
Finestone,	Longo,	Rhea,	Wright,
Flse,	Lovett,	Riley,	Yeakel,
Fleming,	Lyons,	Rooney,	Yester,
Fletcher,	Malloy,	Rose, S.,	Young,
Foor,	Marks,	Rose, W. E.,	Kilroy,
		Rosenfeld,	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 it to the Senate with information that the House has passed it without amendment

BILL PASSED OVER

There being no objection House Bill No. 1355, Printer's No. 475, 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. 229, as follows:

An Act to further amend section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 149) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure per-

mits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by imposing and continuing the additional emergency tax on liquid fuels for a further limited period of time.

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

Section 1 Section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 149) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lieu of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carrirs county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" as last amended by the act approved the fourth day of May one thousand nine hundred thirty-nine (P. L. 55) is hereby further amended to read as follows

Section 4 Imposition of Tax Exemptions and Deductions A permanent State tax of three cents a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth excepting liquid fuels delivered to the United States Government on presentation of a duly authorized United States Government exemption certificate or other evidence satisfactory to the department and such liquid fuels used or sold and delivered as are not within the taxing power of this Commonwealth under the Commerce Clause of the Constitution of the United States Provided That the tax herein imposed and assessed shall be collected by and paid to the Commonwealth but once in respect to any liquid fuels

In addition to such tax and additional emergency State tax of one cent a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth for the period beginning on the day this act becomes effective and ending on the thirty-first day of May one thousand nine hundred and [forty-one] forty-three

Distributors shall be liable to the Commonwealth for the collection and payment of the tax imposed by this act The tax imposed by this act shall be collected by the distributor at the time the liquid fuels are used or sold and delivered by the distributor and shall be borne by the consumer

The tax shall be payable upon liquid fuels sold and delivered to or used by the Commonwealth and every political subdivision thereof

The department shall allow such handling and storage losses of liquid fuels as are substantiated to its satisfaction

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

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. ACHTERMAN. Mr. Speaker, I desire to comment just briefly on House Bill 229 and at the same time I shall also comment, if the House does not object, on House Bill 228.

The SPEAKER. The Chair hears no objection. The gentleman will proceed.

Mr. ACHTERMAN. Both measures are tax measures of an emergency nature, Mr. Speaker, and represent the beginning of the disclosure to this House of the results of the study of the Democratic Appropriations Committee of this House in relation to the particular measures as well as the result of the study of the budget.

I realize perhaps it is a bit annoying to the Republican administration that the figures their Governor submitted to this House should be challenged and questioned. As a matter of fact, the result of the study has indicated it was about time some one did challenge the Republican party for the manner in which they were operating and for the manner in which they hoped to be able to operate for the coming two years.

I am saying, Mr. Speaker, that in the course of the next few weeks the Appropriations Committee will disclose to this House and at the same time unfold to the people of Pennsylvania a program that is both constructive and meritorious. It will differ, Mr. Speaker, in a radical degree from that which has been submitted to this House by the Governor of Pennsylvania. I believe the program that we will submit will meet with universal approval by the people of this Commonwealth.

I do not intend at this time to discuss that program; it will, however, be discussed at a later session of this House. I do, however, wish to comment on the two particular measures now before the House, because they disclose the value of the studies. They also disclose that there was a real, urgent necessity that there be a study.

May I point out, Mr. Speaker, first of all the gasoline bill, that is, the one cent emergency tax on gasoline? That is the bill immediately before us here. You will note in the budget that the Governor has estimated that this particular tax in the biennium now ending would yield in the neighborhood of \$29,845,010. May I state to the members of this House that that sum is about equalled at the present moment. As a matter of fact, up to the last day of April that tax has yielded \$29,137,844.

That included a collection of one and one-half million dollars in the month of April, but I point out to the members of the House that as a matter of fact in this month of May there will be collected in excess of two million dollars on that particular tax. That may be challenged by the other side, but may I say in the first few days of May there has been collected in excess of \$515,000. It means, Mr. Speaker, that the collection in that particular instance will amount to somewhat in excess of \$31,000,000.

Now, here is the thing of real importance to the members of this House. The Governor in estimating his budget for the coming biennium estimates the amount that will be collected by that particular tax as \$31,668,000, a truly conservative estimate, Mr. Speaker. Our committee has made a careful and exhaustive study of what might be anticipated in the form of yields for the coming two years, and we have arrived at the conclusion that the correct amount and the amount that we should proceed on in forming our budget and determining our plans for the coming biennium is \$37,236,000. In other words, we anticipate a collection of five and a half million dollars in round numbers in excess of the amount designated to this House by the Governor of this Commonwealth.

You will say "How did we arrive at that?" We arrived at it by a number of different methods. We used our own particular method of arriving at it by determining the increased income of the Commonwealth of Pennsyl-

vania and determining by a formula what increase of taxes could reasonably be anticipated from that source. We arrived at practically the figure I have designated. We then sought to verify and prove that particular figure. We wondered what the Republican Members of the House, particularly the Republican Members of this House who sat in the last session of the Legislature, had in mind in relation to this particular figure, so we had recourse to the figures collected by the Local Government Commission.

If you will turn to Senate Bills 297 and 298, in which there is an effort to redistribute certain funds collected from the gasoline taxes, you will discover there is a considerable increase in the amount intended to be allocated out of the general taxes so collected to local governments, and you will also learn that the Local Government Commission has said it will make very little additional expenditure from the highway fund. All we are doing is spending the amount of money we had appropriated heretofore plus taking the anticipated increases. We took the figures that the Local Government Commission had prepared and broke them down and found, Mr. Speaker that those figures indicated that the Local Government Commission is in hearty accord with the figures that I am now giving to the Members of this House, that is, the sum of \$37,236,000.

Then again we thought we would compare it and see whether or not our figures might be justified and proven by any other source, and so we made a comparison of the figures of tax collections on gasoline for the last five months of 1940 and 1941, and compared them with a like period of 1940. We found that the increased sum was one and a half million dollars in taxes, an indication that we were safe in anticipating an increase for the coming biennium of at least \$6,000,000.

The Governor has anticipated thirty one million dollars that we will collect in this biennium, and, by taking those figures you will find the figures we are now submitting to this House of thirty seven million dollars will be completely justified.

May I turn to the second bill that is on the calendar, that is, House Bill 228, the cigarette tax. The Governor's estimate for the biennium now ending is that the tax should yield \$23,982,658. As a matter of fact, up to the end of April there has been collected on this tax \$23,285,652. That included, Mr. Speaker, a collection of \$1,077,851 in the month of April.

It is safe to assume that there will be a collection of a like amount in the month of May. That again may be challenged by the Members on the other side. I believe I am on sound ground in so saying, and I point out that for the first few days in May on that particular tax there has been collected the sum of \$256,137, indicating, that there will be an amount considerably in excess of twenty four million dollars collected for the present biennium; \$24,750,000 is anticipated by the Governor in the coming biennium. I submit to the members of this House that the formula we have evolved has indicated that it can be sustained, and that formula, Mr. Speaker, indicates that we are safe in assuming that for the coming biennium this particular tax will yield the sum of \$25,800,000.

This House will find as it goes to the emergency field of taxes that to a large extent in most instances the story will be similar to the one I am telling now, that is, that the budget receipts have been underestimated. For what

reason? I will hazard my opinion at a later date, but I think I know the reason.

However, Mr. Speaker, I am not rising for the purpose of opposing these two bills. I advise the Democratic members of this House to adopt the bills as a part of the James tax program. It is obvious to all that money is needed, but not, Mr. Speaker, in my mind to the extent that he has indicated to the members of this House when he delivered his budget message.

However, I can say, Mr. Speaker, these two bills should be passed.

The SPEAKER. If there is no objection, the Chair extends to the gentleman from Dauphin the same privilege that was extended to the gentleman from Monroe, that is, the privilege of discussing both bills at the same time. The Chair hears none and the privilege is extended.

Mr. WOODSIDE. Mr. Speaker, again we have the gentleman on the other side refusing the remarks which he made immediately after the budget message was delivered by the Governor in the hall of this House on February third of this year. At that time the gentleman got up on the floor of the House and said this message was marked by one great underlying thought, and that was there was too much hope—too much hope. Too much hope in what? Too much hope in the estimate of revenue. And now the gentleman, after months of study, comes back and says this is a terrible budget, that these estimates were made too high; then he corrected himself and said they were too low, "They are made too low for a purpose which I know, but which I am going to keep secret for a while, but later on I will tell this House." But today, the answer was what? The keynote of the answer to the message given by the gentleman on the other side is that there is always too much hope in these revenues. This is an outrage to the people of Pennsylvania, that the Governor should get up before this House and suggest that he can pay off the deficit with the increased amount of revenue. Too much hope! And now it is deliberate pessimism.

Well, that is about the consistency that we can expect in criticism of this budget. I would like to interrogate the gentleman, Mr. Speaker.

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

Mr. ACHTERMAN. I will, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I tried to follow the gentleman as to how he arrived at the figures he gave me. I am talking now particularly about the liquid fuel tax. I would like to ask the gentleman—I have the total figures here, but I would like to ask the gentleman to repeat how he arrived at the sum of \$27,236,000 as the estimate of the revenue from the liquid fuel tax for the coming biennium.

Mr. ACHTERMAN. Mr. Speaker, I pointed out that we used three methods. We used the old method of determining the income of Pennsylvania, using that as a basis and determining what the anticipated income of Pennsylvania would be in the coming biennium. We then made a study of the increase and decrease of taxes of this type as the income of Pennsylvania increases or decreases, and we found there was a slight variable; as income increases taxes go up; as income decreases the taxes decrease. That system, Mr. Speaker, was based on the period of ten years past. Taking the income of Pennsylvania as it was an-

anticipated for the coming biennium, we then proceeded to determine the amount of the tax. We proceeded to ascertain whether or not we could prove those particular figures.

Mr. WOODSIDE. Will the gentleman yield, Mr. Speaker? Let us take one point at a time, please.

Will the gentleman state what was the amount of revenue he took as the actual amount now received during this biennium?

Mr. ACHTERMAN. Would the gentleman mind repeating his question? I do not know whether I understand it.

Mr. WOODSIDE. Mr. Speaker, the amount of revenue the gentleman stated has now been received by the Commonwealth of Pennsylvania for the liquid fuel tax for the present biennium.

Mr. ACHTERMAN. The amount received to date, Mr. Speaker?

Mr. WOODSIDE. That is right, Mr. Speaker.

Mr. ACHTERMAN. Mr. Speaker, the amount at the end of April was \$29,137,844.

Mr. WOODSIDE. My figures, Mr. Speaker, are a few thousand dollars more favorable to him.

Mr. ACHTERMAN. Then, Mr. Speaker, so far in the month of May we have figures which cover a period of seven days and that would be added to the sum I have given \$515,354.90.

Mr. WOODSIDE. What does the gentleman assume it would be for the month of May? I believe he stated \$2,000,000, is that correct?

Mr. ACHTERMAN. Something in excess of two million dollars, Mr. Speaker.

Mr. WOODSIDE. How did the gentleman arrive at the sum of two million dollars for the month of May?

Mr. ACHTERMAN. From the collections made to date in the month of May, Mr. Speaker.

Mr. WOODSIDE. There is a very marked fallacy, Mr. Speaker, in that figure. Does the gentleman know how the gasoline tax is paid; what system is used in collecting the liquid fuel tax?

Mr. ACHTERMAN. Oh yes, Mr. Speaker.

Mr. WOODSIDE. Will the gentleman please explain it to the House?

Mr. ACHTERMAN. The collection is made from the companies and generally made in the form more or less of monthly returns.

Mr. WOODSIDE. Well, the gentleman is wrong about that. As a matter of fact, the collections are made upon monthly returns. In other words, gasoline that is used during the month of March—by used I mean sold by the companies to the retailers—is paid for on the last day of April. As a matter of fact, the true situation is that if it were not for a special effort which is being made by the Revenue Department to have the oil companies cooperate with them in paying in advance of the time they would pay in May and the income for the month would be very substantially less than a million dollars. The reason for that is this, that the thirtieth of May comes at the end of the month, and the Departments on the Hill will be on vacation, and when the money is paid at the end of May it would be carried over and included in the month of June. The figures which the gentleman gave as payable in the month of May are really hangovers from the month of April and are absolutely meaningless in arriv-

ing at any figures. I just point that out as one of the many fallacies in the method the gentleman has used in arriving at the sum that will be realized during the month of May. What it will be is difficult to determine but the method the gentleman has used to determine it is absolutely fallacious.

QUESTION OF INFORMATION

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

The SPEAKER. The gentleman will state his question of information.

Mr. ACHTERMAN. Would the Chair permit me to answer the gentleman during the course of his interrogation when he feels it is essential to make some remarks?

Mr. WOODSIDE. Mr. Speaker, I would ask the Chair for permission both for the gentleman from Monroe, Mr. Achterman, and myself to carry on a conversation and debate the interrogation across the floor of the House.

The SPEAKER. If there is no objection, the Chair gives both gentlemen permission. The gentlemen will proceed.

Mr. ACHTERMAN. Mr. Speaker, I am delighted to learn how the oil crowd is cooperating in operating the state of Pennsylvania in connection with the gasoline act. I always had an idea that they did have much to do with the operation of our state government, and at the present time the gentleman rather confirms my thought in the matter.

I presume if the half million dollars collected so far in May, however, is as the gentleman terms it a hang-over from the preceding month of April, I would suppose that the one and a half million collected in April is a hang-over from March and so we can go on and on with these hang-overs into millions of dollars. However, referring to the manner in which taxes are collected and the manner in which at present they are being received, may I point out that in 1941, in January, we had collected the sum of \$355,000.

Mr. WOODSIDE. Will the gentleman yield? Will he please tell us what he is reading from?

Mr. ACHTERMAN. I am reading the collections of the one-cent gasoline tax for the month of January, 1941. In February, there was a collection of \$1,042,000; in March \$1,796,000, and I have already given the figures for May, indicating, Mr. Speaker, that there has been a regular consistent collection of taxes. Of course, it might be a Republican trick to fool the people, and they come along and say, "We have collected money in April and we won't collect anything in May." Then again, it is possible that taxes will flow in naturally because of the great desire of the oil companies and the gas companies to help the government of Pennsylvania out of its dilemma.

Mr. WOODSIDE. Mr. Speaker, the gentleman has difficulty in staying on the point and likes to inject a little politics now and again, and since he has, I am going to take a little time to answer.

Of course, the method of collection is the same as was adopted under the Earle administration; there is no change in it whatsoever. In the second place, as frequently happens the departments have asked cooperation in order to do what? That the picture may be more favorable to the position which the gentleman has taken? At any rate, let us go over the figures. He says there is a fair con-

sistency between the March figures of \$796,000 and the month of April figures of \$1,521,000. If we go back to November the figure is \$604,000 and the month of December is \$2,168,000. Is that a fair consistency? Is there a fair consistency between August with \$787,000 and September with \$1,545,000? Is there a fair consistency between the month of June, 1940, with \$843,000 and July with \$2,311,000?

The gentleman has taken the figures of one or two months and attempted to prove something with them. I have attempted to explain the method of payment of these taxes to indicate that the amount received during any one month or any two months is no indication of trend, nor is it any indication of the amount of money that we will receive over a period of twenty-four months.

Of course, if you take your figures over an entire year you have a consistent basis on which to base an estimate, but even then there are a lot of things that enter into it. If you have an open winter you will have a lot more taxes than if you have a cold winter. Inasmuch as he is talking that type of figure and has given the figures for January, February, March and April of 1941, I wonder if the gentleman has compared those figures with the comparable figures for January, February, March and April of 1940? Has he?

Mr. ACHTERMAN. Mr. Speaker, as I said originally, I have.

Mr. WOODSIDE. What does the gentleman find, Mr. Speaker?

Mr. ACHTERMAN. Permit me to answer the question, Mr. Speaker. I have taken December 1940 and January, February, March and April of 1941. I have taken December of 1939 and January, February, March and April of 1940. Now, for the gentlemen's information, the 1940 period shows a collection of \$5,495,413.20. For the comparable period of 1941 there was collection of \$6,877,350.55. I have anticipated the receipts for the month of May, as I pointed out, and I estimated that as around two million dollars. Might I say that in all the remarks the gentleman has made he has not stated on his part what they are going to collect in May 1941. I am curious to know what the schedule is. Mr. Speaker, may I point out this that upon his shoulders and upon his party falls the task of supporting the budget that was submitted to this House by his party, and we are expecting them to justify and to sustain it.

Mr. WOODSIDE. Mr. Speaker, again let me point out the gentleman's fallacy. He uses a joker again. The joker is Thanksgiving this time, because over Thanksgiving you always get a peculiar situation arising between your November and your December account. In order to figure out the income he does not take the first four months of this year against the first four months of last year. He takes December from the date of Thanksgiving, and the operation on it between the time of credit not the amount of gasoline he used. He is giving us the amount when payments are credited. Let us see what a fairer test than the gentleman is giving would show. Let us take January, February, March and April, the first four months, of 1941, and there you would have in 1941 \$4,718,859. These are the last four months without any guessing.

He wants to guess what you are going to get in the month of May and then figure that in as an actual amount in order to estimate what you are going to get in the next four months. Let us take that \$4,718,000 for 1941. What

was it in 1940? It was \$4,583,045. What is the answer to that? The percentage of increase is not as much as estimated in the budget. After all, here is what happened. There is a continual increase in the amount of gasoline which is used over a period of time. It is a fair estimate that that increase will continue and possibly slightly more rapidly during the next two years than in the last two years, but it is a pure guess, Mr. Speaker, because there is no way of telling over a period of twenty-four months what is going to happen to liquid fuel consumption upon which tax is paid.

It is fair to estimate that there will be a normal or a little better than normal increase, and that is what the budget office did, if you will take the budget figures over a period of years,—let us take back in 1935 to 1937, twenty-two million dollars. Remember that was not for the whole twenty-four months, that was only part of it, you have twenty-seven million dollars. Well, that is about the proper increase for that time, 1927 to 1929, to have had. Then you have the present amount of over twenty-nine million dollars, probably slightly over that figure—not very much. No man can tell exactly what is going to be realized. The gentleman does not presume I am sure, to stand over there and tell us what is going to be received during the next year or two years. The estimate is based upon what? Upon experience. And by whom is the estimate made? Under the head of the Department of Revenue, and quite properly so. The detail work is done by the comptroller, who has made the estimate of revenue from the beginning of the establishment of the budget, the same man during the four years previous, the same man who made the estimates during the Pinchot Administration, the Fisher Administration, the Earle Administration and now during the present Administration, and he has been reasonably accurate in his estimates. Of course, you cannot be precisely accurate if there is an unexpected increase during any particular two years or if there is an unexpected deficit, you cannot be exact about it, but in the merely normal years the estimates have been uncannily close.

That is the basis upon which these estimates were made around the first of the year.

The figures presented to this House on February 3d maybe are not accurate to the dollar, the gentleman's figures are not accurate to the dollar, nobody's figures are accurate to the dollar, but they indicate the normal trend and normal increase, and that is the reason the estimates were made as they were. If the gentleman wants to go into a lot of things that might happen in the future, we could argue until doom's day, but the normal increase would indicate that it would be in the neighborhood of thirty-one or thirty-two million dollars in the next biennium.

Let me state here a few of the estimates that were made by the Department on an annual basis: In 1935-1937, \$9,137,000. The actual figure was \$9,242,000. Then, in 1936-1937, the estimate was \$12,000,000 and the actual was \$13,000,000. But in 1939-1940, the estimate made on the annual basis was actual \$14,245,000, and the estimate was \$14,320,00, which is uncannily close in many instances.

Mr. Speaker, I would like to ask the gentleman another question, and that is whether he used the actual consumption of gasoline figures, or obtained them anywhere? The actual monthly consumption of gasoline.

Mr. ACHTERMAN. No, Mr. Speaker, the figures used represent actual money collected.

Mr. WOODSIDE. Mr. Speaker, I think I pointed out to the House that unless you take a very large period of time your figure is meaningless. Let me go briefly over that point again so that it can be made clear. The taxes which are due for gasoline sold by companies during the month of February, say, are payable on the last day or the thirtieth day of March. Those checks go to the Secretary of Revenue. As rapidly as it is possible they are checked with the records and the reports and handed over to the State Treasurer and by him run through his books, and at the time they are run through his books credited to that month.

Now, if the end of the month comes in the middle of the week or in the beginning of the week, most of them can be run through in the month in which they are payable and are run through, but the Treasurer's office closes its books at eleven o'clock on the morning of the last day, and so particularly if the end of the month comes on a Saturday or a Sunday or a holiday, much of the amount which is received for that month is not credited to that month, but passes over into the next month, and therefore that month would be unusually high, and the month prior would be unusually low. As a result of that situation, no month or no two months even is an index of the amount that can be truly estimated.

The gentleman has not used the actual consumption of gasoline, and if he would, it would show him a little less accurate picture than he has demonstrated here,—or rather a little more accurate picture of what can be truly estimated than he used here.

Mr. ACHTERMAN. Mr. Speaker, the gentleman from Dauphin raised the question as to the propriety of the method used. Let me point out what his party has done. Apparently they have anticipated what they are going to get from the gasoline tax in this particular biennium and have assigned that as the figure for the coming biennium, which of course is a fallacy. We have assumed that there will be an increase in business produced in a large measure by the national defense activity. The amount of the increase is not definite but nevertheless positively an increase. Now, what has the increase in employment done in relation to the taxes? Can you think of anything better than what occurred the comparatively normal year of 1940 and then endeavor to learn what will be the result in Pennsylvania after the national defense program starts up? I point out to the gentleman that there is a very definite trend and very definite results occurring and we have endeavored to ascertain and anticipate that improved employment conditions be reflected very definitely in the taxes collected.

That is all we have done, and the fallacy of the gentleman's party is that they assume the employment condition as it now exists apparently will retrogress into the condition of 1940. That is what they are doing, and I am saying we are safe and this House is safe in proceeding on the theory that the national defense program will continue through the coming biennium, and if it does it is going to be reflected, Mr. Speaker, in the collection of increased taxes, and those figures I have given to the House. That is the fallacy I pointed out to you, the fallacy of their position.

In relation to the gallonage that the gentleman speaks about, it is the third method we used and when I say

used, we really appropriate the method. A committee dominated by the Republicans was appointed at the last session of the legislature, the Local Government Committee, to study the one cent tax and the three cent tax and to ascertain the funds collected. It is rather simple to use those figures. Those figures I understand were based both on gallonage and collections. The Highway Department had their estimate of increase, and that was used by the Local Government Commission in arriving at their figures. Is that foisting anything upon them? Oh no, they adopted it themselves. The Commission which was appointed by their party adopted it and we merely used their figures, and those figures apparently justified the figures we obtained. I wonder how the gentleman would explain that one away.

Mr. WOODSIDE. Mr. Speaker, the fact still remains that in the first four months of 1941 the increase was less in the first four months of 1940 than the percentage of increase which has been used in estimating the tax for the coming biennium. The gentleman has suggested that in the next two years there will be an abnormal increase in the use of gasoline. His figures indicate that and he has admitted it on the floor of the House. I said, and I think truthfully so, that we can to some degree assume that the increase is going to continue during the next two years as a result of the defense program. But what is going to happen in the next two years in the way of an extremely abnormal use or abnormal increase is certainly speculation upon which we should not now base our figures. The gentleman says we are going to have great prosperity in the next two years. I wonder if that is going to be reflected in the use of gasoline on which tax is to be paid? I wonder if the gentleman is taking into consideration some of the facts that exist. According to the newspapers there are indications that we are going to start convoying ships to England. I don't think that any of us have any doubt as to what that must mean. I wonder if the gentleman recalls that during the last war we had gasless Sundays. I wonder if he realizes what a thing like that would do to the estimates that were made by the administration on the tax on liquid fuel for the next two years? Over in Europe England is having trouble getting gasoline. We are going to send, I understand, fifty tankers to carry the gasoline to be transferred to British ships to be taken over. Does the gentleman realize that the government is going to demand the use of gasoline first and thereafter there will be permitted use of gasoline by those people who will pay tax? Does the gentleman realize—and I am sure he does, that for that gasoline which is used by the Government there will be no tax paid, and that the supply of gasoline with the demands being made upon it as they are probably going to be made during the next two years, may well be reduced to the extent that we as a people will restrict the non-essential use of gasoline and greatly reduce the tax which will be realized thereon.

I say those things are speculative, but they certainly balance off any thought of a wild increase in the amount of gasoline which will probably be used in the next two years.

I think we can count on a continued increase in the amount of gasoline used on which tax is paid. The administration has counted upon that, and the estimates are pretty close in this biennium to what may likely be received. If the gentleman studies carefully the amount

of gasoline and figures the percentage of increase he will find it comes pretty close to the facts and figures presented, if fairly and honestly estimated.

I would like to ask the gentleman the percentage of increase he figures on?

Mr. ACHTERMAN. Mr. Speaker, I understand the Local Government Commission has estimated something like five per cent for each succeeding year.

Mr. WOODSIDE. Mr. Speaker, the gentleman has used a higher figure than that.

Mr. ACHTERMAN. Mr. Speaker, I am merely stating what I understand your Local Government Commission used. I merely used the results obtained by the Local Government Commission for the purpose of verifying.

Mr. WOODSIDE. Verifying what, Mr. Speaker? The percentage? What percentage did you arrive at?

Mr. ACHTERMAN. I verified their figures, Mr. Speaker.

Mr. WOODSIDE. Well, in the gentleman's study, he certainly used some percentage of increase, did he not?

Mr. ACHTERMAN. Oh yes, the gentleman means the figures adopted in the first instance?

Mr. WOODSIDE. That is right, Mr. Speaker.

Mr. ACHTERMAN. I do not have them here but I can send for them.

Mr. WOODSIDE. Mr. Speaker, I think it is important, but I am not going to hold the debate up for it.

Mr. ACHTERMAN. May I answer one statement made heretofore, Mr. Speaker? The Governor apparently has anticipated some increase in the use of gasoline for the coming biennium. May I point out that apparently the collections for this biennium are going to approximate the estimated receipts for the coming biennium. Now, if the collections for this biennium equal or approximate the anticipated collections for the coming biennium, then apparently the gentleman did not anticipate any increase in the use of gasoline for the coming biennium, even though business conditions are so much improved that it should be reflected in the total.

Mr. WOODSIDE. The gentleman's statement is wrong on that because the figures he gave on the floor of this House compared with the actual amount received is less than the estimate. The only money that will come in is that collected during the month of May, and I say again, we have practically gotten in what we will get in for the month of May because of the efforts of the Department of Revenue to get money in which is normally credited to the month of June.

Mr. ACHTERMAN. This, Mr. Speaker, is the custom which the gentleman told me has been in force and effect for the last two years, and I think the last four years. And it goes back into the preceding years and so on. In other words, there has not been any change in the conditions as they existed before, and there is no reason to believe that there would be any change in that system unless there is a falling out between the oil business and the Republican party.

Mr. WOODSIDE. The gentleman misunderstood me, Mr. Speaker. I said there is no change in the method of collecting taxes, not in the matter of trying to get in the tax earlier than usual.

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—180.

Achterman,	Flynn,	Malloy,	Rose, W. E.,
Allmond,	Foor,	Marks,	Rosenfeld,
Baker,	French,	Maxwell,	Royer,
Balthaser,	Gallagher,	McClanaghan,	Rush,
Baughner,	Gates,	McDermott,	Sarge,
Bentley,	Gillan,	McDowell,	Sarra,
Bentzel,	Gillette,	McFall,	Scanlon,
Boles,	Goodwin,	McGrath,	Schwab,
Boney,	Greenwood,	McIntosh,	Shaffer,
Boorse,	Gross,	McKinney,	Shaw,
Bower,	Gryskewicz,	McLanahan,	Simons,
Bradley,	Habbyshaw,	McLane,	Skale,
Breth,	Haberlen,	McMillen,	Snyder,
Bretherick,	Haines,	McSurdy,	Stambaugh,
Brunner, P. A.,	Hall,	Melchiorre,	Stank,
Burns,	Hamilton,	Mihm,	Stine,
Burriss,	Hare,	Modell,	Stockham,
Cadwalader,	Heatherington,	Monks,	Tarr,
Chudoff,	Helm,	Mooney,	Tate,
Cohen, M. M.,	Herman,	Moran,	Taylor,
Cohen, R. E.,	Hersch,	Moul,	Thompson, E. F.,
Cook,	Hewitt,	Muir,	Thompson, R. L.,
Cooper,	Hirsch,	Munley,	Van Allsburg,
Cordier,	Holland,	Nagel,	Verona,
Corrigan,	Huntley,	Nunemacher,	Vincent,
Croop,	James,	O'Brien,	Vogt,
Cullen,	Jefferson,	O'Dare,	oidow,
Dalrymple,	Jones, P. N.,	O'Mullen,	Voorhees,
Dennison,	Keenan,	O'Neill,	Watkins,
DiGenova,	Kenehan,	Petrosky,	Weiss,
Dix,	Kline,	Pettit,	Welsh, E. E.,
Dolon,	Kolankiewicz,	Polaski,	Welsh, M. J.,
D'Ortona,	Komorofski,	Polen,	Wilkinson,
Duffy,	Krise,	Powers,	Williams,
Early,	Lee, E. A.,	Prosen,	Winner,
Eckels,	Lee, T. H.,	Rausch,	Wolf,
Elder,	Lelsey,	Readinger,	Wood, L. H.,
Elliott,	Leonard,	Reagan,	Wood, N.,
Ely,	Lesko,	Reese, D. P.,	Woodring,
Falkenstein,	Levy,	Reese, R. E.,	Woodside,
Finestone,	Leydic,	Regan,	Wright,
Fiss,	Lichtenwalter,	Rhea,	Yeakel,
Fleming,	Longo,	Riley,	Yester,
Fletcher,	Lovett,	Rooney,	Young,
	Lyons,	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. 1254, Printer's No. 498 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. 228, as follows:

An Act to reenact and amend the title and the act approved the fourteenth day of June one thousand nine hundred thirty-five (P. L. 341) entitled as amended "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties" as previously reenacted and amended by extending the provisions of the act for a further limited period of time and exempting from its provisions certain sales of cigarettes for the use of personnel subject to regulations of the Secretary of War and Secretary of the Navy of

the United States and persons engaged in making such sales

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

Section 1 The title and all the sections of the act approved the fourteenth day of June one thousand nine hundred thirty-five (P. L. 341) entitled as amended "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties" as last reenacted and amended by the act approved the fourth day of May one thousand nine hundred thirty-nine (P. L. 57) are hereby reenacted and further amended to read as follows

An Act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale 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 this act shall be known and may be cited as the "Cigarette Tax Act"

Section 2 The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Association" Any partnership limited partnership or other form of unincorporated enterprise owned by two or more persons

"Dealer" Any wholesale dealer and in the cases hereinafter prescribed retail dealers The term "wholesale dealer" shall include any person who or which sells within Pennsylvania cigarettes to retail dealers or for purposes of resale or who or which purchases cigarettes directly from any manufacturer for purposes of resale The term "retail dealer" shall include every person other than a wholesale dealer who or which receives from any source whatsoever cigarettes for the purpose of sale to consumers in Pennsylvania or for any other purpose than that of resale whenever the packages of cigarettes so received do not have affixed to them the stamps evidencing the payment of the tax imposed by this act

"Department" The Department of Revenue of this Commonwealth

"Package" The individual package box or other container in or from which retail sales or cigarettes are normally made or intended to be made

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Cigarettes" Any roll for smoking made wholly or in part of tobacco irrespective of size or shape and whether or not such tobacco is flavored adulterated or mixed with any other ingredient the wrapper or cover of which is made of paper or any other substance or material excepting tobacco

"Sale" Any transfer for a consideration exchange barter gift offer for sale and distribution in any manner or by any means whatsoever

The singular shall include the plural and the masculine shall include the feminine and the neuter

Section 3 (a) On and after the effective date of this act it shall be unlawful for any person to continue to engage in or thereafter to begin to engage in the sale of cigarettes at wholesale within this Commonwealth or for any person excepting commissaries ship's stores and voluntary unincorporated organizations of the Army or

the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy to continue to engage in or thereafter to begin to engage in the sale of cigarettes at retail within this Commonwealth unless a cigarette permit or permits shall have been issued to him as hereinafter prescribed

(b) Every person desiring to continue to engage in or hereafter to begin to engage in the sale of cigarettes at wholesale or retail within this Commonwealth except those persons exempt under Section 3 (a) hereof shall file an application for a cigarette permit or permits with the department Every application for a cigarette permit shall be made upon a form prescribed prepared and furnished by the department and shall set forth the name under which the applicant transacts or intends to transact business the location of his place of business within this Commonwealth whether or not the applicant is the holder of a mercantile license in effect when the application is made and if so the number of such license and the county for which such license was issued and such other information as the department may require If the applicant has or intends to have more than one place of business within the Commonwealth the application shall state the location of each place of business If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof and any other information prescribed by the department for purpose of identification The application shall be signed and verified by oath or affirmation by the owner if a natural person and in the case of an association by a member or partner thereof and in the case of a corporation by an executive officer thereof or some person specifically authorized by the corporation to sign the application to which shall be attached the written evidence of his authority

At the time of making such application the applicant shall pay to the department a permit fee of one dollar (\$1) for each permit

Upon approval of the application and the payment of the permit fee or fees herein required the department shall grant and issue to each applicant a cigarette permit for each place of business within the Commonwealth set forth in his application Cigarette permits shall not be assignable and shall be valid only for the persons in whose names issued and for the transaction of business at the places designated therein and shall at all times be conspicuously displayed at the places for which issued

All permits shall expire on the thirty-first day of December next succeeding the date upon which they are issued unless sooner suspended surrendered or revoked for cause by the department

(c) Permits issued under the provisions of this act may be renewed annually before the first day of January upon application made to the department and the payment of a renewal fee of one dollar (\$1)

Whenever any permit issued under the provisions of this act is defaced destroyed or lost the department may issue a duplicate permit to the holder of the defaced destroyed or lost permit upon the payment of a fee of fifty cents (\$.50)

(d) The department may suspend or after hearing revoke a cigarette permit whenever it finds that the holder thereof has failed to comply with any of the provisions of this act or any rule or regulations of the department prescribed adopted and promulgated under this act Upon suspending or revoking any cigarette permit the department shall request the holder thereof to surrender to it immediately all permits or duplicates thereof issued to him and the holder shall surrender promptly all such permits to the department as requested Whenever the department suspends a cigarette permit it shall notify the holder immediately and afford him a hearing if desired and if a hearing has not already been afforded After such hearing the department shall either rescind its order of suspension or good cause appearing therefor shall continue the suspension or revoke the permit

Section 4 A State excise tax is hereby imposed and assessed upon sales of cigarettes by dealers at the rate

of one cent per ten cigarettes or fraction thereof except such sales of cigarettes as are not within the taxing power of this Commonwealth under the commerce clause of the Constitution of the United States and except such sales as are made to authorized purchasers by commissaries ship's stores and voluntary unincorporated organizations of the Army or the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy Provided That only one sale of the same package of cigarettes shall be used in computing the amount of tax due hereunder

Except as hereinafter provided dealers shall be liable to the Commonwealth as taxpayers for the payment of the tax imposed by this act and shall pay the tax into the State Treasury through the department by purchasing from the department adhesive stamps of such design and denominations as may be prescribed by the department

Manufacturers of cigarettes located either within or outside of this Commonwealth and wholesale dealers in cigarettes located outside of this Commonwealth may purchase stamps from the department and affix such stamps in the manner hereinafter prescribed to packages of cigarettes to be sold within this Commonwealth in which case the dealer within this Commonwealth receiving such stamped packages of cigarettes will not be required to purchase and affix stamps on such packages of cigarettes

Section 5 Each dealer shall affix within the time hereinafter prescribed to each package of cigarettes stamps furnished by and purchased from the department evidencing the payment of the tax imposed by this act and shall cancel such stamps before such cigarettes are offered for sale or before they are otherwise disposed of unless stamps have been affixed to such packages of cigarettes before such dealer received them Each wholesale dealer in this Commonwealth shall affix such stamps to each package of cigarettes unless such stamps shall have been previously affixed thereto and shall cancel the same in the manner prescribed by the department prior to the delivery of such packages to any retail dealer in this Commonwealth

Each retail dealer in this Commonwealth except those persons exempt under Section 3 (a) hereof shall immediately upon the receipt of any cigarettes at his place of business so affix such stamps to each package of cigarettes unless such stamps shall have been previously affixed thereto and shall cancel the same in the manner prescribed by the department or shall immediately mark in ink on each unopened box carton or other container of such cigarettes the word "received" and the month day and year of such receipt and shall affix his signature thereto The retail dealer shall in any event open such box carton or other container and immediately affix such stamps to each package therein and cancel the same in the manner prescribed by the department within twenty-four hours after such receipt and prior to the sale of such cigarettes

Whenever any cigarettes are found in the place of business of such retail dealer without the stamps affixed and cancelled or not marked as having been received within the preceding twenty-four hours as required by this section the prima facie presumption shall arise that such cigarettes are kept therein in violation of the provisions of this act

Stamps shall be affixed to each package of cigarettes of an aggregate denomination not less than the amount of the tax upon the contents therein and shall be affixed in such manner that they will be visible to the purchaser Upon affixing stamps to a package of cigarettes the person affixing them shall cancel them by such method or in such manner as may be prescribed by the Department

Section 6 The department shall prescribe prepare and furnish adhesive stamps of such denominations and quantities as may be necessary for the payment of the tax imposed and assessed by this act The department shall make provisions for the sale of such stamps in such places and at such times as it may deem necessary

The department shall appoint wholesale dealers in cigarettes within this Commonwealth and may appoint any other persons within or without the Commonwealth as

agents to affix the stamps to be used in paying the tax herein imposed upon sales of cigarettes but a wholesale dealer shall at all times have the right to appoint the person who is to affix the stamps to any cigarettes under his control and whenever the department shall sell consign or deliver to any such agent any such stamps such agent shall be entitled to receive as compensation for his services and expenses as such agent in affixing such stamps and to retain out of the moneys to be paid by him for such stamps a commission of seven and one-half per centum on the par value thereof if and when such agent has purchased the stamps affixed by him directly from the department The department is hereby authorized and required to allow such commission or compensation in the settlement of the accounts of such agent upon payment by him into the State Treasury through the department of any moneys which may be or become due to the Commonwealth by reason of the sale delivery or consignment to such agent of such stamps

Section 7 Every person engaged in the sale of cigarettes at wholesale within this Commonwealth and every person engaged in the sale of cigarettes at retail within this Commonwealth except commissaries ship's stores and voluntary unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy shall maintain and keep for a period of two years such record or records of cigarettes received sold and delivered within this Commonwealth by him together with invoices bills of lading and other pertinent papers as may be required by the department

The department or any agent appointed in writing by it is hereby authorized to examine the books papers invoices and other records the stock of cigarettes in and upon any premises where the same are placed stored and sold and equipment of any such wholesale or retail dealer pertaining to the sale and delivery of cigarettes taxable under this act to verify the accuracy of the payment of the tax imposed and assessed by this act Every such person is hereby directed and required to give to the Secretary of Revenue or his duly authorized representative the means facilities and opportunity for such examinations as are hereby provided and required

Section 8 The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to

(a) The method and the means to be used in the cancellation of stamps

(b) The denominations and sale of stamps

(c) Any other matter or thing pertaining to the administration and enforcement of the provisions of this act

Section 9 The tax imposed by this act shall be in lieu of the mercantile license tax heretofore imposed upon the business of selling cigarettes

Section 10 Whenever any cigarettes upon which stamps have been placed by a dealer have been sold and shipped by him into another state for sale or use therein or have been sold to commissaries ship's stores and voluntary unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy for resale to authorized purchasers or have become unfit for use and consumption or un-saleable or have been destroyed such dealers shall be entitled to a refund of the actual amount of tax paid by him with respect to such cigarettes If the department is satisfied that any dealer is entitled to a refund it shall certify the proposed amount of such refund to the Board of Finance and Revenue for approval and thereafter shall issue to such dealer stamps of sufficient value to cover the refund as approved by the board The department is hereby authorized to adopt prescribe and promulgate such rules and regulations with regard to the presentation and proof of claim for refunds as it may deem advisable

The department may promulgate rules and regulations to relieve manufacturers and dealers from affixing the stamps on such cigarettes as are sold and shipped to points outside the Commonwealth for use outside the Com-

monwealth or on such cigarettes as are sold to commissaries ship's stores and voluntary unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy for resale to authorized purchasers.

Section 11 Every person other than a common carrier or the employes thereof who shall possess or transport any cigarettes upon the public highways roads or streets of this Commonwealth for the purpose of delivery sale or disposition shall be required to have in his actual possession invoices or delivery tickets for such cigarettes. The absence of such invoices or delivery tickets shall be prima facie evidence that such person is a dealer in cigarettes in this Commonwealth and subject to the provisions of this act.

Section 12 (a) Any person who shall sell cigarettes without being the holder of a cigarette permit or permits as required by this act shall upon conviction in a summary proceeding be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs of prosecution and in default of payment thereof to undergo imprisonment for not more than ten (10) days.

(b) Any person who shall sell cigarettes without purchasing and affixing stamps to each package thereof as required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced for the first offense to pay a fine of not less than one hundred (\$100.00) or more than one thousand dollars (\$1,000.00) or to suffer imprisonment for a term not exceeding six (6) months or both in the discretion of the court and in the case of a conviction of a second or subsequent offense hereunder shall be sentenced to pay a fine of not less than five hundred dollars (\$500.00) or more than one thousand dollars (\$1,000.00) and to suffer imprisonment for a term not less than six (6) months or more than three (3) years.

(c) Any person who shall fail neglect or refuse to comply with or shall violate the rules and regulations prescribed adopted and promulgated by the department under the provisions of this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his books papers invoices and other records his stock of cigarettes in and upon any premises where the same are prepared stored and sold and his equipment pertaining to the sale of cigarettes taxable under 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 (\$100.00) or more than five hundred dollars (\$500.00) or to suffer imprisonment of not more than six (6) months or both in the discretion of the court.

(d) Any person who falsely or fraudulently makes forges alters or counterfeits any stamp prescribed by the department under the provisions of this act or causes or procures to be falsely or fraudulently made forged altered or counterfeited any such stamp or knowingly and willingly utters publishes passes or tenders as true any such false altered forged or counterfeited stamp or uses more than once any stamp provided for and required by this act for the purpose of evading the tax hereby imposed and assessed shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to suffer imprisonment for a term of not less than two (2) years or more than five (5) years.

Section 13 The provisions of this act are severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein.

Section 14 This act shall become effective thirty days after its final enactment and shall continue in effect until and including the thirty-first day of May one thousand nine hundred forty-one.

Section 2 This reenacting and amending act shall become effective immediately upon its 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. WOODSIDE. Mr. Speaker, I understand that the gentleman estimates the yield of the cigarette tax is approximately one million dollars more than that estimated by the Department of Revenue in January of this year. May I call the attention of the House to the fact that in 1937-1939, the actual amount of tax was \$22,450,008.08, and that the amount realized to April 30th, 1941 was \$23,285,673, and that there will be some additional taxes during the month of May. The increase, as will be noticed there, is more or less a normal increase.

There is one factor that ought to be taken into consideration in connection with that: That is that the amendment put into the bill in committee which was suggested by the administration, relative to the exemption of tax upon cigarettes sold to the soldiers and in government camps and things of that sort, will reduce the amount of cigarette tax which would otherwise have been realized. The exact amount which it will reduce the tax is somewhat difficult to estimate because there is nothing upon which you can base that, but there is certainly a reduction of at least \$250,000 a year, which is half a million dollars a biennium, and some estimates have been made as high as a million dollars. So in taking into consideration the estimates for the next biennium, that fact should be taken into consideration, and I believe if it is, the gentleman will find that the Department of Revenues estimate is pretty close to what will actually be realized.

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—180

Achterman,	French,	Maxwell,	Royer,
Allmond,	Gallagher,	McClanaghan,	Rush,
Baker,	Gates,	McDermott,	Sarge,
Balthaser,	Gillan,	McDowell,	Sarraf,
Baughner,	Gillette,	McFall,	Scanlon,
Bentley,	Goodwin,	McGrath,	Schwab,
Bentzel,	Greenwood,	McIntosh,	Shaffer,
Boles,	Gross,	McKinney,	Shaw,
Boney,	Gryskewicz,	McLanahan,	Shepard,
Boorse,	Habbyshaw,	McLane,	Simons,
Bower,	Haberlen,	McMillen,	Skale,
Bradley,	Haines,	McSurdy,	Snyder,
Breth,	Hall,	Melchiorre,	Stambaugh,
Bretherick,	Hamilton,	Mihm,	Stank,
Brunner, P. A.,	Hare,	Modell,	Stine,
Burns,	Heatherington,	Monks,	Stockham,
Burris,	Helm,	Mooney,	Tarr,
Cadwalader,	Herman,	Moran,	Tate,
Chudoff,	Hersch,	Moul,	Taylor,
Cohen, M. M.,	Hewitt,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Hirsch,	Munley,	Thompson, R. L.,
Cook,	Holland,	Nagel,	Van Allsburg,
Cooper,	Huntley,	Nunemacher,	Verona,
Cordier,	James,	O'Brien,	Vincent,
Corrigan,	Jefferson,	O'Dare,	Vogt,
Croop,	Jones, P. N.,	O'Mullen,	Waldow,
Cullen,	Keenan,	O'Neill,	Voorhees,
Dalrymple,	Kenehan,	Petrosky,	Watkins,
Dennison,	Kline,	Pettit,	Weiss,
DiGenova,	Kolankiewicz,	Polaski,	Welsh, E. B.,
Dix,	Komorowski,	Polen,	Welsh, M. J.,
Dolon,	Krise,	Powers,	Wilkinson,
D'Ortona,	Lee, E. A.,	Prosen,	Williams,
Duffy,	Lee, T. H.,	Rausch,	Winner,
Early,	Leisey,	Readinger,	Wolf,
Eckels,	Leonard,	Reagan,	Wood, L. H.,
Elder,	Lesko,	Reese, D. P.,	Wood, N.,
Elliott,	Levy,	Reese, R. E.,	Woodring,
Ely,	Leydic,	Regan,	Woodside,
	Lichtenwalter,	Rhea,	Wright,

Falkenstein, Finestone, Fiss, Fleming, Fletcher, Foor,	Longo, L'zett, Lyons, Malloy, Marks,	Riley, Rooney, Rose, S., Rose, W. E., Rosenfeld,	Yeakel, Yester, Young, 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. 1442, as follows:

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

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

Section 1 The sum of four hundred thousand dollars (\$400,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Commerce out of the Motor License Fund for the two fiscal years beginning June first one thousand nine hundred forty-one for the proper conduct of the work of the department in advertising publicizing and otherwise promoting the tourist travel facilities advantages and attractions of the Commonwealth or any political subdivision thereof in the manner provided in the Commerce Law the sum appropriated by this act shall from time to time be transferred from the Motor License Fund to the General Fund in such amounts as the Secretary of Commerce with the approval of the Governor shall direct and shall be used in continuing the functions formerly exercised by the Pennsylvania State Publicity Commission The sums so transferred shall be credited to the current appropriation made to the Department of Commerce out of the General Fund

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—180

Achterman, Allmond, Baker, Balthaser, Baughner, Bentley, Bentzel, Boles, Boney, Boorse, Bower, Bradley, Breth, Bretherick, Brunner, P. A., Burns, Burriss, Cadwalader, Chudoff, Cohen, M. M., Cohen, R. E., Cook, Cooper, Cordler, Corrigan, Croop, Cullen, Dalrymple, Dennison,	Foor, French, Gallagher, Gates, Gillan, Gillette, Goodwin, Greenwood, Hall, Gross, Gryskewicz, Habbyshaw, Haberlen, Haines, Hall, Hamilton, Hare, Heatherington, Helm, Herman, Hersch, Hewitt, Hirsch, Holland, Huntley, James, Jefferson, Jones, P. N., Keenan, Kenehan, Kline,	McClanaghan, McDermott, McDowell, McFall, McGrath, McIntosh, McKinney, McLanahan, McLane, McMillen, McSurdy, Melchiorre, Mihm, Modell, Monks, Mooney, Moran, Moul, Muir, Munley, Nagel, Nunemacher, O'Brien, O'Dare, O'Mullen, O'Neill, Petrosky, Pettit, Polaski, Poien,	Royer, Rush, Sarge, Sarraf, Scanlon, Schwab, Shaffer, Shaw, Shepard, Simons, Skale, Snyder, Stambaugh, Stank, Stine, Stockham, Tarr, Tate, Taylor, Thompson, E. F., Thompson, R. L., Van Allsburg, Verona, Vincent, Vogt, Voidow, Voorhees, Watkins, Weiss, Welsh, E. B.,
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DiGenova, Dix, Dolon, D'Ortona, Duffy, Early, Eckels, Elder, Elliott, Ely, Falkenstein, Finestone, Fiss, Fleming, Fletcher, Flynn,	Kolankiewicz, Komorowski, Krise, Lee, E. A., Lee, T. H., Lelsey, Leonard, Lesko, Levy, Lichtenwalter, Longo, Lovett, Lyons, Malloy, Marks, Maxwell,	Powers, Prosen, Rausch, Readinger, Reagan, Reese, D. P., Reese, R. E., Regan, Rhea, Riley, Rooney, Rose, S., Rose, W. E., Rosenfeld,	Welsh, M. J., Wilkinson, Williams, Winner, Wolf, Wood, L. H., Wood, N., Woodring, Woodside, Wright, Yeakel, Yester, Young, 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.

BILL PASSED OVER

There being no objection House Bill No. 1070, Printer's No. 284, was passed over at the request of the SPEAKER.

REPORT FROM COMMITTEE

Mr. GOODWIN, from the Committee on State Government, re-reported as amended, House Bill No. 834, entitled:

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

BILLS INTRODUCED AND REFERRED

By Messrs. PETROSKY and LICHTENWALTER,
HOUSE BILL No. 1543.

An Act providing a method for supplying, perfecting and recording birth records of certain persons whose births have not heretofore been made a public record, or whose record of birth is incomplete or incorrect; making such records competent legal evidence; prescribing fees; and imposing certain duties upon the orphans' court.

Referred to the Committee on State Government.

By Mr. RHEA (By request). HOUSE BILL No. 1544.

An Act for the better government of cities of the second class of the Commonwealth by providing, among other things, for a councilmanic form of government with a council elected by proportional representation and with a city manager selected by council, the creation abolition and change of departments, and the addition to departments of certain functions pertaining to parks, planning within the city, improvement of the civil service, increased control over finances by requiring balanced current and capital budgets, and by greater control over the collection of charges fees and taxes and over payments of salaries and other expenditures out of the city treasury, and the grant of home rule to such cities, and penalties.

Referred to the Committee on Cities—Second Class.

By Mr. MOUL. HOUSE BILL No. 1545.

An Act to amend section one of the act, approved the twenty-seventh day of May, one thousand nine hundred thirty-seven (P. L. 901), entitled "An act for the protec-

tion of producers of farm produce; providing for the licensing, the bonding or holding collateral of and the regulation of certain dealers in farm produce, as herein defined, within this Commonwealth; conferring powers, and imposing duties on the Department of Agriculture; providing for appeals and injunctions; and prescribing penalties," by redefining the term dealer.

Referred to the Committee on Agriculture.

RESOLUTIONS INTRODUCED AND REFERRED

By Messrs. RUSSELL E. REESE and WILLIAMS.

RESOLUTION No. 93.

In the House of Representatives, May 8, 1941.

Whereas, The office of Production Management, and particularly Leon Henderson, Price Commissioner of the said office of Production Management of the United States, is actively interested in maintaining the prices of commodities, so that there shall be no unjustifiable increase in such prices; and

Whereas, The purpose of this activity is to prevent profiteering and the exploiting of the individual consumer during the present emergency; and

Whereas, There have been unjustifiable price increases in foodstuffs in Washington County to the detriment of the individual consumer residing in such county; therefore be it

Resolved, That the House of Representatives hereby memorializes the Honorable Leon Henderson and the entire office of Production Management in Washington, D. C., to immediately investigate such unjustifiable price increase in foodstuffs in Washington County, Pennsylvania; and be it further

Resolved, That a copy of this resolution be mailed by the Chief Clerk of this House to the Honorable Leon Henderson.

Referred to the Committee on Rules.

INVESTIGATION OF WESTERN PENNSYLVANIA HOSPITAL

Mr. MORAN offered a resolution and asked and obtained unanimous consent that it be read for the information of the House.

The Clerk read the resolution as follows:

Whereas, The Western Pennsylvania Hospital of Allegheny County is a Recipient of an appropriation from the Commonwealth of Pennsylvania; and

Whereas, Quotations of the officials of the Hospital in the local daily press indicate that services at the Hospital are being curtailed; and

Whereas, There is at present a dispute between the management and the employees of this Institution; and

Whereas, This controversy appears to be continuing without any signs of the parties involved in this dispute in reaching a settlement in the near future; therefore

Be It Resolved, That in the interest of the citizens of this Commonwealth that the Speaker of the House appoint a Committee of five members of the House of Representatives to investigate this controversy at the Western Pennsylvania Hospital and report their findings to this Session of the House of Representatives.

Referred to the Committee on Rules.

The SPEAKER. This is not a privileged resolution and will be filed with the Clerk under the Rules.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill

from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 692:

An Act to amend clauses (k) and (l) and to add clause (n) to section two thousand four hundred two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant-Governor and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing the leasing of Indiantown Gap Military Reservation to the United States.

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

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 1, by striking out after the word "amend" the words "clauses (k) and (l) and to add clause (n) to section two thousand four hundred two of;" also on page 2, by inserting after the word "determined" in the third from the last line of the title, the following: "as amended by making further provisions for the granting of easements or rights-of-way upon across over under or along lands and waters of the Commonwealth making further provision for the granting of commissions to certain air pilots authorizing the Pennsylvania Historical Commission to charge certain admission fees conferring power upon the Department of Property and Supplies to control and supervise certain buildings devised to the Commonwealth authorizing the micro filming of records in the various administrative departments boards or commissions and"; also in the next to the last line, by inserting after the word "Reservation" the words "and certain other real estate of the Commonwealth."

Amend Section 1, page 2, line 1, by striking out after the figure "1" the words "Clause (k) of section two thousand four hundred two" and inserting in lieu thereof the words "Section five hundred fourteen"; also on page 3, line 8, by striking out after the word "as" the words "added by the act approved the twenty-first" and inserting in lieu thereof the following: last amended by the act approved the twenty-second day of May one thousand nine hundred thirty-five (P. L. 241) and the act approved the twelfth day of July one thousand nine hundred thirty-five (P. L. 791) is hereby further amended to read as follows:

Section 514 Sale of Real Estate and Grants of Rights of Way or Other Rights Over or in Real Estate Tapping Water Lines of Institutions and Sanatoria (a) Except as otherwise in this act expressly provided a department board or commission shall not sell or exchange any real estate belonging to the Commonwealth or grant any easement right of way or other interest over or in such real estate without specific authority from the General Assembly so to do but a department board or commission may with the approval of the Governor grant a license to any public service corporation to place in or upon any dry or submerged land or bridge of or maintained by

the Commonwealth any public service line if such line will enable any State building or State institution to receive better service or if such line is necessary for the service of [persons living adjacent to the Commonwealth's land upon in or over which it is proposed to run the line] the public and it is necessary or reasonably required to cross the Commonwealth's land to afford such service or if the running of such line over a bridge will be more economical than the erection of a separate bridge for the line. Every such license shall be revocable for reasonable cause upon six months' written notice by the Commonwealth and [upon] also after like notice for violation of such [other] proper terms and conditions as the department board or commission with the approval of the Governor shall prescribe when the license issues [and unless]. Unless any such line is primarily for the benefit of a State building or State institution the license shall provide for the payment to the Commonwealth of compensation for the use of its property in such amount as the department board or commission granting it shall with the approval of the Governor prescribe.

But nothing herein contained shall authorize the Commonwealth to impose and collect from any municipality or township any compensation for a license granted to such municipality or township for the running of a public service line over any such bridge.

This section shall be deemed the exclusive system for the granting of licenses consents and permits to place public service lines upon in or over any dry or submerged lands of the Commonwealth. In the case of submerged lands such licenses shall be granted only by the Water and Power Resources Board and the permit shall prescribe such terms and conditions as shall be deemed necessary by the board to protect the interests of the public. In the case of dry lands licenses shall be issued by the department board or commission having the management of such lands.

(b) Any department board or commission having control over lands of the Commonwealth, underlaid with veins of coal may with the approval of the Governor exchange part of such coal for coal in place owned by private interests which may be necessary to insure lateral or surface support for any building reservoir or structure erected or to be erected on such lands of the Commonwealth. Provided That the coal given by the department board or commission to private interests shall be approximately equivalent in value to the coal received in exchange therefor every such department board or commission is hereby authorized and empowered to execute and deliver and to receive legal instruments and deeds necessary to effectuate any exchange authorized hereunder which instruments and deeds shall have the prior approval of the Department of Justice and a copy thereof shall be filed with the Department of Internal Affairs.

(c) Any department board or commission having control over any water supply serving any State institution or sanitorium may with the approval of the Governor permit and authorize the public authorities of any political subdivision to which no other source of supply is available under suitable regulations to tap the lines of any such water supply for the purpose of supplying water to the people of any community living in proximity to such institution or sanitorium and may impose reasonable charges payable periodically by such political subdivision for the water so furnished. All moneys received under the provisions of this clause shall be paid into the State Treasury through the Department of Revenue.

(d) In the event that the facilities of any corporation heretofore created under the act approved the twenty-ninth day of April one thousand eight hundred seventy-four (P. L. 73) section two clause eleven as amended by the act approved the eighth day of May one thousand eight hundred eighty-nine (P. L. 136) are located by virtue of a permanent easement right of way upon across over under or along lands of the Commonwealth which lands were acquired by it subject to such easement or right of way and in the interest of National Defense such corporation consents or is required to remove or dispose of such facilities and abandon such easement or right of way any department board or commission having control over such lands of the Commonwealth

may with the approval of the Governor and upon the surrender to the Commonwealth of the easement or right of way pertaining to such facilities grant to such corporation a permanent easement or right of way upon across over under or along lands of the Commonwealth in the same locality. Every such department board or commission is hereby authorized and empowered to execute and deliver and to receive deeds or other legal instruments necessary to effectuate such grant and surrender which deeds or instrument, shall have the prior approval of the Department of Justice and a copy thereof shall be filed with the Department of Internal Affairs.

Section 2 Paragraph (j) of section seven hundred one of the said act which was added to said section by the act approved the twenty-first day of June one thousand nine hundred thirty-seven (P. L. 1865) is hereby amended to read as follows:

Section. 701 The Governor. The Governor shall have the power and it shall be his duty

(j) To grant to pilots engaged in [the] aeronautical work [of the Department of Revenue] under the provisions of The Aeronautical Code of May twenty-five one thousand nine hundred thirty-three (P. L. 1001) and its amendments commissions of such grades as the Governor may prescribe.

Section 3 Paragraph (f) of section one thousand three hundred nine of the said act is hereby nacted to read as follows:

Section 1309 Pennsylvania Historical Commission Subject to any inconsistent provisions in this act contained the Pennsylvania Historical Commission shall have the power

(f) To assume the preservation care and maintenance of historical buildings grounds monuments or antiquities committed to its custody by the General Assembly and to make and enforce rules and regulations for the visitation of such places by the public and its discretion to charge admission fees therefor such fees to be paid into the State Treasury through the Department of Revenue and credited to the General Fund.

Section 4 Paragraph (a) of section two thousand four hundred two of the said act as amended by the act approved the sixteenth day of May one thousand nine hundred forty (Act No. 7) is hereby further amended to read as follows paragraph (i) of said section is hereby amended to read as follows paragraph (k) of said section as added by the act approved the twenty-first; also in line 11 by striking out after the syllable "lows" the word "clause" and inserting in lieu thereof the word "paragraph"; also in line 15, by striking out after the word "new" the word "clause" and inserting in lieu thereof the word "paragraph"; also by inserting after the word "be" the following:

"(a) Subject to the powers by this act vested in the Board of Commissioners of Public Grounds and Buildings to control and supervise the State Capitol Building and the public grounds and buildings connected with the State Capitol including the State Arsenal any building or buildings that may have been devised or may hereafter be devised to the Commonwealth within the City of Harrisburg, the Northwest Office Building now occupied by the Pennsylvania Liquor Control Board and the Executive Mansion and to make or supervise the making of all repairs alterations and improvements in and about such grounds and buildings including the furnishing and re-furnishing of the same and also to have general supervision over repairs alterations and improvements to all other buildings lands and property of the State except as in this act otherwise provided.

(i) To rent to individuals firms or corporations or the Government of the United States or any branch or agency thereof such real estate owned by the Commonwealth as is not being used in connection with the work of any department board or commission thereof upon such terms and conditions as the Secretary of Property and Supplies may prescribe with the approval of the Governor in writing. Provided however That no lease executed under the authority hereby conferred shall be for a longer term than one year and so on from year to year"

Also on page 4, line 8, by inserting after the word "writing" the following:

"Section 5 Article five of the said act is hereby amended by adding at the end thereof a new section to be known as section five hundred twenty-five and to read as follows:

"Section 525 Any administrative department board or commission may with the approval of the Executive Board have micro film records made of any correspondence records or other papers for the purpose of protecting and safeguarding the original correspondence records or other papers or for the purpose of conserving filing space and such micro film reproduction shall when properly identified be admitted in evidence in any proceedings in place of the original correspondence records or other papers

Section 6 All acts or parts of acts inconsistent herewith are hereby repealed".

Amend Section 2, page 4, line 9, by striking out after the word "Section" the figure "2" and inserting in lieu thereof of figure "7".

On the question,

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

MESSAGE AND BILL LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the message together with the bill be laid on the table.

The motion was agreed to.

PERMISSION TO ADDRESS THE HOUSE

Mr. REUBEN E. COHEN asked and obtained unanimous consent to address the House.

Mr. Speaker, it has come to my attention that some newspapers in Pennsylvania have misconstrued the action on my bill, which was to change the Labor Day Holiday for this year in Pennsylvania. The newspapers, they tell me, have indicated that the Democratic majority decided to kill the bill because they made a mistake in getting it out originally.

So that the record may be clear, may I state that when the bill was introduced, it was introduced solely because the Assembly of the State of New York had passed such a bill and at the time it was lying on the Governor's desk for his signature. I introduced the bill here so that we in Pennsylvania might be ready in case Governor Lehman of New York signed the bill, to make our holiday coincide with the New York holiday in order to protect the vacation industry in Pennsylvania, and that the banking circles might be in harmony on the legal bank holiday. I was surprised on last Saturday to hear that Governor Lehman had vetoed the bill, so on Monday night I moved to recommit my bill, hoping that it would remain in committee silently and peacefully, so that it would never come out again. It was my idea, my thought, and the Democratic majority had nothing to do with it. I hope the newspapers will publish and correct this mistake.

The SPEAKER. We are honored today to have with us students of the Indiana State Teachers College, who won the highest award of the American Musical Arts Foundation in competition with three hundred colleges and universities on May sixth.

They are the guests of the gentleman from Indiana, Mr. McMillen, the gentleman from Indiana, Mr. Hewitt, and also the Senator from Indiana, Senator Wilson. We will be privileged to hear them sing today.

RECESS

The SPEAKER. If there is no objection the Chair is

about to declare a recess for fifteen minutes. Is there objection? The Chair hears none and declares a recess for fifteen minutes.

The students of the Indiana State Teachers' College beautifully rendered several vocal selections.

AFTER RECESS

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

The SPEAKER (Elmer Kilroy) in the Chair.

THANKS EXTENDED TO

The SPEAKER. The sentiments of the House have been expressed in a resolution which was passed in this House today, and which will be transmitted to Dr. Schiett, and Miss Muldowney. The Chair thanks the boys and girls for their splendid performance.

Mr. WOODRING. Mr. Speaker, further augmenting the remarks of the Chair, in view of the spontaneous and enthusiastic applause that was given to this fine chorus, I know we have in some measure expressed our appreciation for the splendid work they have done. I feel, Mr. Speaker, we have had the rare pleasure of hearing unusually fine acappella singing. The freshness of the voices, the richness of the melody, the delicacy of shading, the precision of attack, all tend to mark this very unusual choir as one worthy of the recognition it has already gained. I know all the Members join me in expressing our appreciation, and I trust that we may have the pleasure of their company again.

Mr. SHAW. Mr. Speaker, I believe the thanks of this House are due also to the Members of the House who are responsible for bringing this aggregation here as our guests.

The SPEAKER. The Chair thanks the gentleman from Allegheny.

COMMITTEE MEETING

Municipal Corporations, Monday, May 12, 1941 at 7:30 p. m., E. S. T., in Room 323.

PUBLIC HEARINGS

There will be a Public Hearing before the Committee on Workmen's Compensation on House Bills Nos. 990 and 1002 on Tuesday, May 13, 1941 at 6:00 p. m., E. S. T., 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 p. m., D. S. T., in Room 254, City Hall, Philadelphia.

There will be a Public Hearing before the Committee on Judiciary Special on House Bill No. 365, Printer's No. 495, on Wednesday, May 14, 1941 at 7:00 p. m., E. S. T., in the New House Caucus Room—Main Floor.

There will be a Public Hearing before the Committee on Professional Licensure on House Bill No. 1118, on Wednesday, May 14, 1941 at 7:00 p. m., E. S. T., in the old House Caucus Room.

ADJOURNMENT

Mr. RILEY. Mr. Speaker, I move that this House do now adjourn until Monday, May 12, 1941, at 8 p. m.

The motion was agreed to, and (at 12:17 p. m.) the House adjourned.