

PERMISSION TO ADDRESS THE SENATE

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

The PRESIDENT. If there is no objection the gentleman from Montgomery will proceed.

Mr. EDMONDS. Mr. President, when the debate was on concerning the attitude of those who had newly come to this country of America, I was interested sufficiently to write the historical section of the American Army to find out how many of those who served in the World War under the American flag had been foreign born, and I have some very interesting figures from the Adjutant General of the Army which I would like to read for the information of the Senate.

No compilation has been made by the War Department showing the total number of foreign born who served in the United States Army during the World War or of those who served overseas during that period. However, it may be stated that based on a study of applications for adjusted compensation under the provisions of the World War Adjusted Compensation Act in the cases of 3,138,261 individuals who served in the United States Army during the World War, 350,712 are shown to have been born in foreign countries of which number 10,388 were born in Germany. Of the latter number 378 were commissioned officers; 17 were army field clerks; 44 were nurses, of the Army Nurse Corps, and 9,949 were enlisted men. The total number of individuals who served in the United States Army during the World War was 4,057,101, of which number 2,059,629 served overseas.

In other words, Mr. President, taking three-quarters of the record of the American Army, it would be safe to say that more than ten per cent were foreign born, and of that ten per cent there was quite a sizable proportion who were born in Germany. I have always felt myself one of the great glories of this country was the quickness with which we Americanized those who came to us, and these figures help me to feel there is substantial authority for that point of view.

ERRATUM

The PRESIDENT. At page 1711 of the Legislative Journal of the Senate for April 28, 1941, several House Bills sent to the Senate for concurrence are shown as having been referred to the wrong committees.

House Bill No. 803, (Senate Bill No. 703), is shown as having been committed to the Committee on Education; it was committed to the Committee on Judiciary General.

House Bill No. 837, (Senate Bill No. 704), is shown as having been committed to the Committee on Municipal Government; it was committed to the Committee on Education.

House Bill No. 897, (Senate Bill No. 705), is shown as having been committed to the Committee on Education; it was committed to the Committee on Municipal Government.

House Bill No. 1021, (Senate Bill No. 706), is shown as having been committed to the Committee on Judiciary General; it was committed to the Committee on Education.

House Bill No. 1023, (Senate Bill No. 707), is shown as having been committed to the Committee on Education; it was committed to the Committee on Judiciary General.

The Journal of the Senate will be corrected accordingly.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Tuesday, May 13, 1941, at 1:00 o'clock, p. m., Eastern Standard Time.

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

The motion was agreed to.

The Senate adjourned at 5:55 o'clock, p. m., Eastern Standard Time until Tuesday, May 13, 1941, at 1:00 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

MONDAY, May 12, 1941

The House met at 8 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

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

Help us, O Lord, to love our country not less but Thy kingdom more. Help us to see our duty as citizens in the light of Thy eternal purpose. Help us to serve our country because we believe in her and feel that as we make her strong we are advancing the cause of righteousness and truth. Give us a faith that asks not to be relieved of responsibility to the world about us, that has the courage to face the problems of life, and no vain desire to live for itself alone. Help us to take our religion into the market-place and prove its power there.

Grant unto us a citizenship which is grounded in right living and devoted to the brotherhood of man. Make our country, we pray Thee, a friend of all the world, and help us, each and everyone, to strive to the end that our people may be a people who serve Thee, the one true and living God. In Jesus' name we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, May 8, 1941.

The Clerk proceeded to read the Journal of Thursday, May 8, 1941, when, on motion of Mr. SNYDER, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILL INTRODUCED AND REFERRED

By Mr. MOUL (By Request). HOUSE BILL No. 1546.

An Act to amend section three of the act, approved the eighteenth day of June, one thousand eight hundred ninety-seven (P. L. 168) entitled "An act providing for the regulation of the manufacture and sale of distilled and fermented vinegars, prescribing their standard, to prevent the adulteration of the same, providing for the enforcement thereof, and punishment for the violation of the same," by making further provision for the labeling of packages or containers containing vinegar, and requiring packers, wholesalers and distributors of vinegar to keep certain records as to the manufacture thereof.

Referred to the Committee on Public Health and Sanitation

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

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

SENATE BILL No. 164. (HOUSE BILL No. 1547.)

An Act to further amend section one thousand two hundred and seven 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 in 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 increasing their compensation for services rendered by constables and their deputies.

Referred to the Committee on Elections.

SENATE BILL No. 223. (HOUSE BILL No. 1548.)

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

Referred to the Committee on Judiciary General.

SENATE BILL No. 241. (HOUSE BILL No. 1549.)

An Act to further amend section two thousand six hundred and four of an act approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the audit of accounts of fourth class school districts by the borough or township controller or auditors.

Referred to the Committee on Education.

SENATE BILL No. 345. (HOUSE BILL No. 1550.)

An Act to amend subsection (a) of section sixteen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 415), entitled "An act relating to the qualification, jurisdiction, powers, and duties of registers of wills, and regulating proceedings before said registers, and the costs thereof, the effects of their acts, and appeals therefrom," decreasing the period within which appeals may be taken from decrees of registers of wills probating or refusing to probate wills.

Referred to the Committee on Judiciary General.

SENATE BILL No. 551. (HOUSE BILL No. 1551.)

An Act to amend route 25008 of section two of the act,

approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth."

Referred to the Committee on Highways.

SENATE BILL No. 552. (HOUSE BILL No. 1552.)

An Act to abolish and repeal route 25008 in Girard Township, Erie County, established by the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), 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."

Referred to the Committee on Highways.

SENATE BILL No. 557. (HOUSE BILL No. 1553.)

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 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.

Referred to the Committee on Highways.

RESOLUTION INTRODUCED AND REFERRED

By Mr. MORAN. RESOLUTION No. 94.

In the House of Representatives, May 8, 1941.

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.

COMMUNICATIONS AND PETITIONS

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

SEAMEN'S CHURCH INSTITUTE

A communication from Mrs. Carroll L. Rumsey, Phila-

delphia, addressed to the Speaker, favoring appropriation to Seamen's Church Institute.

Referred to the Committee on Appropriations.

REFUSE DUMPS

A communication from the Women's Club of Shamokin, addressed to the Speaker, favoring passage of House Bill No. 1227 providing for removal of coal stripping dumps.

Referred to the Committee on Appropriations.

BUILDING AND LOAN ASSOCIATIONS

Communications from Abernethy and Company, and Home Life Building Association, Philadelphia, addressed to the Speaker, favoring passage of Senate Bill No. 512 providing for the creation of a fund under state control by state chartered building and loan associations for insurance of deposits.

Referred to the Committee on Banking.

RECORDER OF DEEDS

Communications from Recorder of Deeds of Carbon, Huntingdon, Schuylkill and York Counties, addressed to the Speaker, favoring passage of House Bill No. 961.

Referred to the Committee on Counties.

TEACHER'S TENURE ACT

Communications from individuals and organizations addressed to the Speaker opposing passage of House Bill No. 1357, providing that un-American or subversive teaching or activity shall be a cause for dismissal under the Teacher's Tenure Act.

Referred to the Committee on Education.

SCHOOL CODE

Communications from citizens of Philadelphia, addressed to the Speaker, favoring passage of House Bill No. 1571, prescribing salary increments of elementary school teachers in First Class School Districts.

Referred to the Committee on Education.

STATE TEACHERS COLLEGE

Communications from citizens of Pennsylvania, addressed to the Speaker, protesting passage of Senate Bill No. 598.

Referred to the Committee on Education.

SCHOOL CODE

A communication from Civic Club of Allegheny County, Pittsburgh, approving passage of Senate Bill No. 4, providing for 11¼ mill school tax.

Referred to the Committee on Education.

SCHOOL CODE

A communication from the Northeastern Pennsylvania Fourth Class District Teachers' Association expressing appreciation for the passage of House Bill No. 227.

Referred to the Committee on Education.

SCHOOL TAX

Telegrams from Local Chapter Pennsylvania Association of Teachers of Colored Children and Sigma Gamma Rho Sorority, Philadelphia, addressed to the Speaker, favoring passage of House Bill No. 1402.

Referred to the Committee on Judiciary Special.

UNEMPLOYMENT COMPENSATION

A communication from Warner Company, Philadelphia,

addressed to the Speaker, favoring passage of Senate Bill No. 80.

Referred to the Committee on Labor.

GASOLINE

A communication from Associated Retail Gasoline Dealers, Inc., Pittsburgh, addressed to the Speaker, expressing appreciation of passage of House Bill No. 523.

Referred to the Committee on Motor Vehicles.

STRIP MINING

Communications from Clarion and Cadogan, addressed to the Speaker, favoring passage of House Bill No. 788, relative to strip coal mining.

Referred to the Committee on Mines and Mining.

BEAUTY CULTURE

A communication from Henry's Academy of Beauty Culture, Allentown, opposing passage of House Bills Nos. 953 and 1170; Senate Bills Nos. 522 and 523.

Referred to the Committee on Professional Licensure.

OPTOMETRY

Telegrams and communications from citizens of Philadelphia favoring passage of House Bills Nos. 684 and 685.

Referred to the Committee on Professional Licensure.

NURSES

A communication from Pennsylvania State Nurses Association favoring passage of House Bills Nos. 674 and 675.

Referred to the Committee on Professional Licensure.

STATE TAX COMMISSION

A communication from The Public Education and Child Labor Association of Pennsylvania, Philadelphia, addressed to the Speaker, favoring passage of House Bill No. 1403, creating a State Tax Commission.

Referred to the Committee on Ways and Means.

COMMUNICATION

The SPEAKER laid before the House a communication which was read by the Clerk as follows:

James E. Van Zandt
23rd District Pennsylvania
Home Address
Altoona, Pa.

Congress of the United States,
House of Representatives,
Washington, D. C.

The Honorable Elmer Kilroy, Speaker
House of Representatives,
Commonwealth of Pennsylvania,
Harrisburg, Pennsylvania.

My Dear Sir:

This will acknowledge with deep appreciation receipt of the Resolution adopted by the House of Representatives, commending me for my participation in the observance of Americanism Day on April 30, 1941.

I am greatly honored by the action taken and deeply appreciate the kindness of the Honorable George E. Jones and the Honorable D. Raymond Sollenberger in sponsoring the Resolution in the House of Representatives.

With every good wish, I am

Very sincerely,

JAMES E. VAN ZANDT

BILL SIGNED BY SPEAKER

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

SENATE BILL No. 159.

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.

Whereupon, the Speaker in the presence of the House, signed the same

SENATE MESSAGES

TIME OF NEXT MEETING

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

In the Senate, May 12, 1941.

Resolved, (if the House of Representatives concur), that when the Senate adjourns this week, it reconvene on Monday, May 19, 1941, at 3:30 o'clock p.m. (Eastern Standard Time), and when the House of Representatives adjourns this week, it reconvene on Monday, May 19, 1941, at 8 o'clock p.m. (Eastern Standard Time).

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

On the question,

Will the House concur in the resolution of the Senate?

It was unanimously concurred in.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILLS CONCURRED IN BY SENATE

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

HOUSE BILL No. 475.

An Act to further amend section seven of the act approved the twenty-fourth day of June, one thousand eight hundred and ninety-five (P. L. 212), entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice and its relation to the Supreme Court and other courts; providing for the reports of its decisions, the compensation of the judges and other officers and the practice and costs on appeals from its judgments", as amended, to extend the original jurisdiction of the Superior Court to include mandamus and prohibition in certain cases.

HOUSE BILL No. 1084.

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same, and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

HOUSE BILL No. 1187.

An Act for conveyance to the United States of America of title in and to certain land comprising the Marcus Hook Pennsylvania Quarantine Station property, and ceding to the United States jurisdiction over said land.

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

REPORT FROM COMMITTEE

Mr. READINGER, from the Committee on State Government, reported as committed, House Bill No. 1543, entitled:

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.

FORMER MEMBERS WELCOMED

The SPEAKER. The Chair welcomes to the House this evening two former Members of the House, the gentleman from Washington, Mr. Cliff S. Patterson, and the gentleman from Clinton, Mr. Joseph Simon.

UKRANIAN NATIONAL ASSOCIATION WELCOMED

The SPEAKER. The Chair welcomes to the House this evening the Ukranian National Association, who are holding their convention in Harrisburg.

Mr. O'CONNOR IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of 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.

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. 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.

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. 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.

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. 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.

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 Cambria, Mr. O'Connor, for presiding.

BILLS ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1094, entitled:

An Act to protect the public health and safety by requiring registration with and the securing of permits from the State Board of Pharmacy by persons, copartnerships, associations and corporations engaged in the manufacture, producing and dealing in drugs and medical supplies, regulating the manufacture of drugs and medical supplies, prescribing permit, providing for inspections and the suspension and revocation of permits, conferring powers on the State Board of Pharmacy, and courts and providing penalties.

The first section was read:

On the question,

Will the House agree to the section?

Mr. ELLWOOD B. WELSH. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 19, by striking out the words "and appliances".

Amend Sec. 1, page 2, line 24, by inserting after the word "dentists" the word: "nurses".

Amend Sec. 1, page 3, line 9, by striking out the word "lamps" and inserting in lieu thereof: "equipment".

The amendments were agreed to.

The section was agreed to as amended.

The second section was read:

On the question,

Will the House agree to the section?

Mr. ELLWOOD B. WELSH. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 2, page 3, line 26, by inserting after the word "drugs" the words: "medical or dental supplies".

The amendment was agreed to.

The section was agreed to as amended.

The third section was read and agreed to.

The fourth section was read.

On the question,

Will the House agree to the section?

Mr. ELLWOOD B. WELSH. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 4, page 5, line 3, by striking out the following: "tthe" and inserting in lieu thereof: "the".

The amendment was agreed to.

The section was agreed to as amended.

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

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 567, entitled:

An Act to reenact and amend the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 748), entitled "An act for the registration and regulation of certain individuals and entities selling, contracting to sell or dispose of, attempting or offering to dispose of, soliciting offers to buy, or inducing holders thereof to exchange, securities defined herein, including securities issued by them, or engaging in the business of inducing holders of securities to effect, the sale thereof in order to produce funds to pay for other investments sold by them, or in the business of buying securities directly from individuals who are not registered thereunder; providing for the revocation and suspension of registrations; conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act; providing for appeals to the Court of Common Pleas of Dauphin County, and to the Supreme Court of Pennsylvania; conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act; and prescribing fees and penalties," by providing for the registration and regulation of investment advisers and their solicitors; further defining "dealers" and further regulating dealers and salesmen; providing for service on registrants under provisions of this act conferring additional jurisdiction upon the courts of common pleas further regulating the business of buying and selling securities and imposing 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. 801, entitled:

An Act to further amend section nine of the act, approved the eighteenth day of April, Anno Domini one thousand eight hundred and fifty-three (P. L. 503), entitled "An act relating to the sale and conveyance of real estate," by including spendthrift trusts in the provision accelerating vested remainders 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. 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

The first section was read.

On the question,

Will the House agree to the section?

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

The amendments were read by the Clerk as follows:

Amend Sec. 1 (Sec. 65), page 2, line 19, by striking out the word "Section" and inserting in lieu thereof: "Route."

Amend Sec. 1 (Sec. 65), page 3, line 7, by striking out the figures "13.2" and inserting in lieu thereof: "12.5."

The amendments were agreed to.

The section was agreed to as amended.

The title was read and agreed to.

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second 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 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" 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 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. 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 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. 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 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 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. 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 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. 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 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. 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 second time and agreed to

Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1401, as follows:

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

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

Section 1 Section six of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" is hereby amended to read as follows

Section 6 Rules and Regulations The State Board of Public Assistance shall have the power to promulgate rules and regulations concerning the administration of this act including the establishment of standards of eligibility for assistance and its nature and extent Provided however That such standards shall be based on the actual weekly cost of all assistance necessary for the maintenance of a decent and healthful standard of living determined in accordance with standards of cost in each county And provided further That no such rule or regulation shall restrict the right of any applicant for assistance who is employed but earns less than the established standard in such cases from receiving the difference between the amount of such earnings and the standard so established

The county boards shall determine the eligibility of an applicant under the standards so established subject to the right of appeal as provided under subsection (d) of section seven of this act

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

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

(shall) may be sentenced to make restitution of any moneys he has received by reason of any such false statement, misrepresentation impersonation, or fraudulent means.

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

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

On the question,

Shall the bill pass finally?

Mr. WOODSIDE. Mr. Speaker, I desire to interrogate one of the sponsors of this bill.

The SPEAKER. Will one of the sponsors of this bill permit himself to be interrogated?

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

Mr. WOODSIDE. I would like to inquire of the sponsor of this bill whether or not it is his intention in it to create two different and separate standards upon which relief will be given, one of those standards being the determination of whether or not a person is entitled to relief, and another one being the standard to determine how much he may earn in addition to the amount which he is receiving on relief?

Mr. D'ORTONA. Mr. Speaker, it is not my intention to create two different ways of giving out relief.

Mr. WOODSIDE. Mr. Speaker, will the gentleman please tell the House what is the intention of this bill?

Mr. D'ORTONA. Mr. Speaker, the intention of this bill is to encourage people who are relief recipients to have confidence in themselves so that they can go out and earn a decent living.

In further answer, I want to say that a person receiving \$4.80 a week first class counties, if he had one day's work, he would turn it down because his relief would be discontinued for the one day's work he would have in that one week. He would then have to be re-investigated and wait for three more weeks before he could be placed on the eligible roll.

The intention of bill 1401 is to have the people who are receiving relief, if they are offered or have an opportunity of receiving one or two day's work, that they could go out and earn that money without having their relief discontinued.

Mr. WOODSIDE. Mr. Speaker, I would like to know from the gentleman whether there is not some standard or basis upon which the sum of \$4.80 per week for a single person in the city of Philadelphia is arrived at.

Mr. D'ORTONA. Mr. Speaker, that standard was fixed by the Department of Public Assistance.

Mr. WOODSIDE. Mr. Speaker, it is not the intention to interfere with that?

Mr. D'ORTONA. It is not, Mr. Speaker.

Mr. WOODSIDE. But, Mr. Speaker, it is the intention

of the gentleman to provide if a man earned say four dollars a week, he would still be entitled to \$4.80, is that correct?

Mr. D'ORTONA. Mr. Speaker, if the Department of Public Assistance according to Bill No. 1401, would set up a helpful and decent standard of living in the separate counties.

Mr. WOODSIDE. Mr. Speaker, am I to understand the gentleman then to say that the \$4.80 standard or the method of arriving at the same is not to be changed by this bill, but that there is to be set up some additional standard to measure a fair rate, and that sum would be in addition to the \$4.80

Mr. D'ORTONA. Mr. Speaker, if the man should find work, yes.

Mr. WOODSIDE. Mr. Speaker, then there really would be two standards, there would be the \$4.80 for example and \$6.80 standard for example?

Mr. D'ORTONA. Mr. Speaker, there would not.

Mr. WOODSIDE. Mr. Speaker, how would the gentleman determine how much in addition to the \$4.80 anyone person is entitled to?

Mr. D'ORTONA. Mr. Speaker, the State Board would fix that standard.

Mr. WOODSIDE. Mr. Speaker, and that standard would not be \$4.80?

Mr. D'ORTONA. Mr. Speaker, that I do not know, what standard they would think would be healthful in the separate counties.

Mr. WOODSIDE. Mr. Speaker, it is the thought of the gentleman to have that amount in excess to \$4.80, is it not?

Mr. D'ORTONA. Mr. Speaker, if a man can earn it.

Mr. WOODSIDE. Mr. Speaker, then the amount would be in excess of \$4.80?

Mr. D'ORTONA. Mr. Speaker, if he had the opportunity to earn it, I would say yes.

Mr. WOODSIDE. Then, Mr. Speaker, supposing a man is on relief and he is receiving \$4.80 per week, and the board sets a standard of \$6.80, he would then be entitled to earn two dollars and still continue to get the \$4.80, is that correct?

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

Mr. WOODSIDE. Mr. Speaker, the Board in order to determine that situation of course would have to set the \$4.80 standard and also the \$6.80 standard, so that there would be two separate standards, but in addition to that suppose you have a man who is now on relief and earning nothing, and he gets \$4.80 per week. The Board sets a second standard of \$6.80, the man earns two dollars, he is then receiving \$6.80, \$4.80 from the State and two dollars from his job, he is entitled to it, is that correct?

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

Mr. WOODSIDE. Mr. Speaker, suppose you have a man who is not on relief but who is earning two dollars a week and exhausts his money, he continues to earn two dollars a week, would he then be entitled to \$4.80?

Mr. D'ORTONA. Mr. Speaker, not unless he had made application and he would be eligible to be placed on the relief rolls.

Mr. WOODSIDE. That is the point I was getting to, Mr. Speaker.

The bill then creates this situation: there are two stand-

ards set up by the board, one standard upon which they will permit the person to receive relief, the second which they will consider the fair living standard which will be in excess of that amount. Then you have this situation: I am going to use figures in excess of this amount,—suppose we have a man and wife and several children, because it demonstrates the situation a little more clearly,—you have a man who we will say is receiving fifteen dollars a week on relief, and the board sets the proper living standard for him at twenty-five dollars per week; then he gets a job and he makes ten dollars a week on that job. He is receiving twenty-five dollars a week, fifteen dollars he is receiving from being on relief and ten dollars from his job.

Here is another man who did not happen to get on relief, he is earning on his job fifteen dollars a week. Under the law to-day he would not be entitled to receive anything in addition, and according to the standards set up by the bill as written he would still not be entitled to anything because he did not happen to be on relief.

So you have this situation; here is a man working on a job making fifteen dollars a week and not entitled to anything from the State, while right next door you will find his neighbor who happens to be on relief, and a week before he got the job this man was receiving twenty-five dollars a week from relief and his job together. That is going to cause havoc throughout the State, not only costing the state a tremendous additional sum of money but it is going to create a situation which would be definitely unfair to all the people on relief, and create a condition whereby people side by side with exactly the same status, one will be receiving money from the state because he happens to be on relief, and the other who in the same situation would not be receiving any money from relief.

It seems to me this bill is entirely unwarranted and does not meet the problem which I think the gentleman wants to meet. I fully realize the thing the gentleman is aiming at. It is something that has given all of us a lot of serious trouble ever since we started giving relief. It is the thought that here is a man on relief, there ought to be some encouragement for him to go out and earn a dollar or two or three dollars, and he should not be punished, and he should not receive too severe a blow from relief because he is willing to go out and earn a little money. I realize that there is a situation that ought to be met, and if there is any sound way to meet it by legislation I certainly am one hundred percent for it. I know that two years ago it was a problem that we struggled with considerably and one to which we gave considerable time and thought. All of us would like to do something to meet that situation, but this bill, although it may be aimed at it, certainly is creating a far more serious, difficult and more unreasonable situation than the one which this bill aims to meet.

Mr. D'ORTONA. Mr. Speaker, House Bill 1401 is offered as a step in the direction of increasing the self-respect of our unfortunate people now on the Assistance rolls by giving them a chance to enjoy better and more healthy ways of living as the result of their own efforts rather than as the result of increased grants by the State.

When the State Board of Assistance sets its "Minimum Decent Living Standard" and the person on Relief knows that he may earn the difference between that standard and the amount the States can give him before anything is taken from his Relief cheque, not only will he and his family enjoy a much better living but also, he will become

interested in the matter of securing regular work of some sort that will enable him to continue his new mode of living. Once that point has been reached his self-respect and confidence will have been restored and he will be leaving the Relief rolls.

As to the argument that it will cost a great deal to check on him, there is no reason to believe that such check-up will cost any more than is now the case when some part of a Visitor's duty is to check on the eligibility of a person to continue on the Relief rolls.

The average American is only too glad to get off Relief and to again be free to spend his income as he deems best.

Under House Bill 1401 not one person will be added to the Relief rolls since eligibility for Relief is decided solely on the basis of need. Any "Standard" set by the Board will NOT be the amount the State will be obliged to give, it will only be the amount the person may have as a TOTAL income, including Relief grant, while continuing to receive such Cash grant.

It is hard to see how any person who voted for and believes in the principles covered by the work-relief plan can object to any plan such as offered under House Bill 1401 which is essentially a plan to encourage a person to seek to work for his living.

Mr. LEVY. Mr. Speaker, I rise very reluctantly to disagree with the minority floor-leader. I believe that the minority floor-leader rather misunderstood the bill as introduced. The bill does not confuse the issue, it does not raise two standards for relief. House Bill 1401 in my opinion merely gives the right to relief recipients, or the opportunity to earn as much as the State Department of Public Assistance thinks should be the standard of living in that particular community. I believe the bill is a meritorious one. I think it is a step in the right direction, because I feel that if this bill is enacted into law, it will not only curb what we have been annoyed with, which is known as chiseling, but it will give to the relief recipient encouragement and initiative to go out and earn more money. I believe that is the real intent of House Bill 1401.

The argument proposed by the minority floor-leader relative to two standards of relief, I believe, is an erroneous one, in view of the fact that he is taking two entirely different people. One person he would assume is on the relief rolls without employment, and the other person is on the relief rolls and has employment. They are two entirely different subjects and should be treated differently. I say to the membership of the House that House Bill 1401 is a meritorious bill, should be supported and deserves the vote of every Member of the House.

Mr. WOODSIDE. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia Mr. Levy.

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

Mr. LEVY. I shall, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, the information I have in regard to this bill I received from the sponsor rather than from reading the bill. Therefore, I do not think that I can be very far wrong.

In reference to the two standards of relief I would like to have the gentleman explain to me just how he assumes that there are not two separate bases or standards that the Board is going to set up.

May I ask first whether the Board does not set up a standard upon which it is going to give the person relief?

Mr. LEVY. Mr. Speaker, in answer to the gentleman

from Dauphin, Mr. Woodside, I would say there is a definite standard.

Mr. WOODSIDE. Mr. Speaker, will not the Board also under this bill set up the amount of money which they will permit that person on relief to earn in addition to the sum he is receiving from relief?

Mr. LEVY. Mr. Speaker, I would say in answer to the interrogation of the gentleman from Dauphin Mr. Woodside, no, and I regret to inform the gentleman from Dauphin if he received that impression from the interrogation of the gentleman from Philadelphia, he has received the wrong impression.

Mr. WOODSIDE. Mr. Speaker, will the gentleman tell me,—suppose we use an example, suppose I am on relief and I am receiving twelve dollars per week, there is a standard of the Board upon which that twelve dollars a week is arrived at, is that correct?

Mr. LEVY. That is true, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, under this bill can I go out and earn an additional sum and not have it deducted from my twelve dollars.

Mr. LEVY. Mr. Speaker, under this bill, in answer to the gentleman from Dauphin, this bill specifically gives the state Department of Public Assistance the right to determine a fair and reasonable standard of living. In that fair and reasonable standard is assessed the money to be received, but in assessing the correct standard the Board is not granting relief, it is granting the relief recipient the right to earn up to that amount.

Mr. WOODSIDE. Mr. Speaker, up to that amount. In other words that amount would be in addition to my \$12, to be specific?

Mr. LEVY. No it would not, Mr. Speaker, because at the time you would be appealing to the Board for a fair and reasonable amount you would not be in a position to obtain relief, because at that time you would be employed.

Mr. WOODSIDE. Mr. Speaker, will the gentleman please try to help me out of my dilemma? As a party on relief receiving \$12 a week I am on relief and I am not working. That standard is set by certain rules of the Board. I want a job and I get a job, and I receive \$5 a week from that job. Under the law as it is today I receive \$7 above relief and \$5 which I have earned making a total of \$12. Under this bill would I or would I not be entitled to \$12 plus the \$5 or any part thereof?

Mr. LEVY. Mr. Speaker, in answer to the gentleman from Dauphin, Mr. Woodside, I would say that my interpretation of the bill would not give the relief recipient the right to get more than \$7 supplemental relief.

Mr. WOODSIDE. Mr. Speaker, will the gentleman tell wherein the bill changes the law as it is now?

Mr. LEVY. Mr. Speaker, the bill will change the law in this particular instance; a person receiving \$12 a week from the Department of Public Assistance would then become gainfully employed, for instances he would receive a position as a laborer and receive \$18 a week. As the public assistance law now is enacted in the Commonwealth, the relief recipient immediately upon receiving \$18 per week would necessarily have to refund to the state the amount in excess of the amount granted to him under the act, notwithstanding the fact that under the proposed legislation that man is receiving a maximum of eighteen dollars a week, whereas he merely receives a relief grant of twelve dollars per week, and then would

be permitted to receive eighteen dollars per week without any strings attached to it.

Mr. WOODSIDE. Mr. Speaker, does the gentleman mean to tell me if I am on relief and receiving fifteen dollars a week and I get a job for eighteen dollars a week that I am then compelled to pay the three dollars a week back to the relief board or the state?

Mr. LEVY. Mr. Speaker, no, that is not correct. That is not my understanding.

Mr. WOODSIDE. Mr. Speaker, that is what I understood the gentleman to say this bill prevented. Do I understand the gentleman then that it is his opinion if I am on relief and getting \$12 a week and I earn \$5 a week, I will be entitled to \$7 relief today, and I will be entitled to seven dollars a week after this bill would be enacted into law, if it were to be?

Mr. LEVY. No sir, Mr. Speaker, it is not.

Mr. WOODSIDE. Mr. Speaker, what would I be entitled to if I were on relief and getting \$12 a week and then would get a job making \$5 a week?

Mr. LEVY. Mr. Speaker, the gentleman from Dauphin would then be entitled to the amount of money he received from his labor, plus the difference between that amount and the amount which would be set up by the State Board of Public Assistance as a reasonable and fair standard.

Mr. WOODSIDE. That amount which would be set by the State Board of Public Assistance as a reasonable standard would be an amount which would be different than my \$12 a week?

Mr. LEVY. Mr. Speaker, that might be the case if the State Board of Public Assistance would so desire.

Mr. WOODSIDE. Mr. Speaker, then there would be two standards, one upon which they are paying relief and one which they consider a fair standard?

Mr. LEVY. No, Mr. Speaker, I wouldn't say there are two standards because I believe the gentleman from Dauphin is attempting to confuse two different and separate cases; one case in which a man is not employed receiving no money for his employment, and the other case where he is being employed for some nominal amount. That is the purpose of the bill in order to give encouragement to those on relief to accept any sort of employment, so that they might receive some nominal wage so as to reduce the relief costs or to reduce the relief status.

Mr. WOODSIDE. Mr. Speaker, suppose I am on relief and receiving \$12 a week, that is a standard set up by the Board, does this bill not provide that some method or some standard may be set whereby I may earn some money but still receive the \$12 a week?

Mr. LEVY. Yes, Mr. Speaker.

Mr. WOODSIDE. How much, Mr. Speaker?

Mr. LEVY. Mr. Speaker, the bill confers upon the State Department of Public Assistance the right to set those standards.

Mr. WOODSIDE. Mr. Speaker, that standard is going to be something in excess of \$12 a week?

Mr. LEVY. That is true, Mr. Speaker.

Mr. WOODSIDE. Then, Mr. Speaker, you would have one standard of \$12 and another standard in excess of \$12?

Mr. LEVY. Yes, Mr. Speaker, in answer to the gentleman from Dauphin.

Mr. WOODSIDE. Mr. Speaker, are we going to have two standards?

Mr. LEVY. I am in agreement with the gentleman

from Dauphin in regard to his deductions in certain cases but I refuse to be confused on this one issue. The two cases which the gentleman proposes are two separate and distinct cases.

Mr. WOODSIDE. No, Mr. Speaker, I am talking about myself, and the standards for myself as a recipient.

Mr. LEVY. Mr. Speaker, the gentleman from Dauphin is talking about himself but in two separate and distinct cases. First he talks about himself as an unemployed person and then he is talking about himself as being partially employed.

Mr. WOODSIDE. Mr. Speaker, I think that we have definitely established something which seems to me was evident in the first place and did not have had to be established.

The Board under this method would have to establish two separate standards for two separate amounts which would be arrived at in the same case; what's in the amount of money which I as an unemployed person would be entitled to receive in my case, and secondly what amount would I be entitled to earn if I were able to go out the week after I got relief, or the month or the year after I got relief, and earn some money? That is exactly what the gentleman has finally come to and what the sponsor of the bill said to me upon the floor of the House and privately that the bill provided. That being true you must have this situation; I am on relief and I am entitled to \$12 a week, I get a job. We will have to assume that the board sets some amount, let us say that they set \$17, it would be some amount in excess of \$12. Say I go out and earn \$5 a week. If I do go out and earn five dollars a week then I am still receiving twelve dollars a week which I am entitled to on relief. In other words my income during that week is \$17, \$12 on relief and \$5 for my employment, is that not true?

Mr. LEVY. Yes, that is true Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, the point I am making is this: that being true suppose I were not on relief today, I have a little money, I have a little nest egg and a job in which I earn \$5 a week. Now my nest egg is exhausted, I am still on the job and I am still earning \$5 a week. Under the law of today I could go in and apply for relief and receive \$7. In other words, I could then receive a supplemental grant, as they call it, to bring my amount up to \$12 per week. But if the sponsor of the bill has properly stated upon the floor of the House, I not being on relief could not come in under this bill if enacted into law, and collect the \$12 a week. My neighbor who happened to be on relief before he got the \$5 would be getting \$12 a week from relief and \$5 for his job or \$17 a week, and I next door because I did not happen to be on relief would get only \$5 plus \$7 to which I would be entitled, or a total of \$12. There are two people side by side earning the same amount in exactly the same status, one of them entitled to \$12 a week and the other one entitled to \$17 a week. That is what the gentleman from Philadelphia Mr. D'Ortona, the sponsor of this bill, said was the effect of it.

Mr. LEVY. Mr. Speaker, I do not know for what purpose the gentleman from Dauphin is attempting to confuse the issue, because I think the bill is very clear and I believe the gentleman from Dauphin thinks the bill is very clear. If he feels that the bill raises a question as to the difference between one family on relief and a family on relief with probably some employment, then I say to him there is

very little difference, if it should exist, in regard to the entire problem.

The gentleman from Dauphin knows, and every Member of the House who is interested in the subject of relief knows, that every county board of public assistance with the Commonwealth of Pennsylvania has since the inception of this present session tendered Members of the House, to the Governor and to the State Board of Public Assistance, resolutions calling for an increased standard in the Department of Public Assistance. The Governor probably in his wisdom, feeling that he cannot appropriate, or cannot request an appropriation large enough to care for relief needs in the Commonwealth of Pennsylvania, has, and I say this in all seriousness, straddled the issue. The Republican membership if they follow the dictates of the Governor, will also straddle the issue in their opposition to this bill.

This bill is very clear. The intention is, once and for all to give to the relief recipient the encouragement and the initiative to go out and make a nominal wage in some industry or some particular place of employment. If in the passage of this act, and if in the administration of this amendment, some people may be taken advantage of, as the gentleman from Dauphin points out, I believe this bill if it takes care of the vast majority it is intended to take care of it has done a fair job. I would say to the gentleman from Dauphin if a family, as he illustrates, has been on relief, and one particular member of that family receives a bit of employment, netting \$5 a week, then I think it is the duty of this Legislature to encourage that employment rather than discourage it.

Mr. SHEPARD. Mr. Speaker, of course the gentleman from Dauphin puts up a hypothetical case, supposing he is on relief. That may be more real than fiction for some of us. If the Legislature stays in session much longer a whole lot of us will be on relief. Nevertheless, this bill seeks to set up a reasonable, decent standard of living for the people on relief; it seeks to encourage the people to go out and earn a decent standard of living, supplemented by what the relief board is able to give according to its budget.

If some person in private employment is not receiving a decent wage then it is up to us to try to legislate a minimum wage or in some way to take care of that situation. We cannot dictate to private employers as to what they must pay. It is a fact that many private employers are not paying a decent wage to their employees, but that cannot be the subject of this present bill. The present bill seeks to aid persons on relief to gain a decent standard of wage. Of course we cannot go into all the particulars, that is up to the Department of Public Assistance. Whether private employment gives a decent wage or not is not the subject of the present bill. The present bill is setting up a decent standard for persons on relief, and whether or not a person in private employment gets a decent wage is not the subject of this bill. I think we ought to support this bill and let the people on relief, and even let the private employers, know that the state of Pennsylvania does recognize a decent standard of living, set that standard and seek to encourage the person on relief to attain that standard.

Mr. SHAW. Mr. Speaker, as you know it was my Committee on Welfare from which this bill came. I am quite in accord with Mr. Woodside's statement that for a long time he and most of the leaders, not only during this session

but during the last session, the 1937 session, felt very deeply concerned at the plight of those people for whom the state is doing its utmost in the matter of grants. But those grants were inadequate according to the best standards of living. I am very sorry that the debate has taken any turn on the political side. I can assure you that the bill has not been considered as a political bill.

Most of you who have served with me for several years know I have at all times felt that our system of granting relief, of granting assistance, has really pauperized the people whom it was intended to help. We certainly never at any time intended to encourage any person to sit down and wait for the postman to come with the check, rather than go out and try to earn a living for himself, or herself, as the case may be.

For a long time the State Board of Assistance, both the present one and the former one, has complained that under the amounts set up by the state it was absolutely impossible for them to live decently and in the proper way.

In Pittsburgh, for instance a single man on relief getting four dollars and forty cents per week, if he goes down street and he rubs off some man's car he gets fifty cents for it, if he goes and rubs off my car I would give him fifty cents and so on. If he reports the sums which he makes, and which incidentally he is supposed to report, not only are those sums taken off his relief check but they go on the suspicion that even then he didn't tell the truth, so they will wipe him off the rolls entirely and let him start all over again.

This bill is designed primarily to do away with that kind of thing and make that man an honest man again. I know the bill is not perfect, and I know that no bill that ever went through this House was perfect, and no panacea for all troubles, but certainly there is no price too much to pay that will insure that a man or woman now on relief will regain his or her self respect and the desire to go out and work.

I can assure you that every Member of my Committee has talked this bill over after it was introduced. It came out of Committee only after serious consideration and it came out incidentally without one adverse vote. I certainly believe that the organizations throughout the state who were so anxious to have the standard of living raised will be in favor of any step such as this, which is considered to be a step in the right direction.

Mr. WOODSIDE. Mr. Speaker, I appreciate that there is hardly anybody in the state of Pennsylvania who without financial return gives more time and more effort and spends more of his own money on studying and investigating problems of relief in Pennsylvania than the Chairman of the Welfare Committee. I have a great deal of respect for him. I have a great deal of respect for the efforts he is putting forth and I have a great deal of respect for the knowledge he has concerning relief, but I do think this particular bill, although it is aiming at something we all admit to be a problem, is attempting to solve that problem, which we all admit and realize exists, by going about it in the wrong way.

Let me give you one more example how this bill would operate in an unjust manner. Suppose you had a man who was entitled to \$15 a week as a standard of relief, and on the over all standard he would be entitled to earn ten additional dollars, or \$25. You may have another man

next door who is working hard and earning \$15 a week all the time and is not eligible to go on relief at all. He continues to earn just \$15 a week, while the man who is on relief at \$15 a week gets a job, part time or otherwise, and earns \$10 making his income \$25 a week. The man next door continues to struggle working for \$15 a week. Those are the situations which this bill creates and because it does create those situations it is not fair and will not solve the problem which we all admit does exist.

Mr. D'ORTONA. Mr. Speaker, we have listened to arguments pro and con about people receiving relief of \$15 a week and \$12 a week. I wish to bring out an example: here is a family of five receiving \$11.80 a week on relief. One of the little girls receives a job which pays \$13 a week. This family pays \$25 a month from the salary of \$13 with ninety cents deducted for car-fare, the county relief board or the State Board of Assistance allows her twenty cents for lunch, which would mean \$1.20 per week. Then they allow twenty-five per cent of her earnings which would be \$3.45 for her stockings and her shoes and for whatever else she needs or a total of \$5.35. The amount of \$5.65 will be deducted from the \$11.80. There is a sum of \$6 per week for rent, and I am wondering whether any Members of this House or any citizen that is on relief, would believe that a family of five, who would have to dress more decently to go to work than a person sitting down in a house, could be fed properly with \$5 a week for five people. Therefore, I say, Mr. Speaker, this bill is very important, and I ask the support of every Member of this House upon the statement I made here tonight.

Mr. ECKELS. Mr. Speaker, I do not believe this bill has any political implications and I agree with the things that have been said by the proponents of this bill. I heartily agree with the Chairman of the Welfare Committee in his aims and purposes. I know that these people are all conscientiously for this bill, believing that it will increase or raise the standard of living.

However, I think I see an evil in this bill that will lower the standard of living and will depress wages, and I would like to hear an answer to it. I would like to ask a hypothetical question. Consider that I am on relief getting \$12 a week from the State, and I would like to have \$18 a week. The Department of Public Assistance establishes the fair standard of living to be \$18 a week. That means that I can go out and earn six dollars more, and I can have \$18 a week. That means that I would be willing to go out and take a job for six dollars a week at which somebody else has been earning \$18 a week. In other words, I would replace an \$18 a week man for six dollars a week. Labor has always opposed the competition with prison made articles which is also on the basis of depressing wages. I would like to know the fundamental and logical difference, and I would like to know the practical difference, between this bill which will permit a man to go out for six dollars a week and work at a \$15 or \$18 a week job, and the prison contract which will prevent a man who is getting his keep from the State in prison, from making goods and putting them out in competition with the American laborer who has to earn his living. This would depress wages; it would decrease the standard of living instead of raising it.

Mr. LEVY. Mr. Speaker, I am very reluctant to spoil the calm and tranquillity of the Chairman of the Welfare

Committee who desires to see the bill pass the House with the greatest of ease, but I do not have much regard for the roses being thrown from one end of the House to the other. I say to the minority floor leader, and I say to him in all seriousness, that he knows and every Member of this House that sat in the 1939 session knows, that if it was Republican policy to increase the standard of living in relief grants they had the opportunity to do it. They know that in 1939 General Welfare Bill amendments were introduced increasing the standards of the Department of Public Assistance, and they continuously voted them down on this very floor.

I say to the gentleman from Dauphin if he were trying to raise the standards of relief then he would vote for this measure. If he were crying for a high standard of relief to alleviate the horrible plight recipients of relief find themselves in Pennsylvania today, he would have accepted the amendments made in 1939 to the General Welfare Bill. I recall very distinctly that amendments were introduced, and I think the Legislative Journal of that session will bear me out in this, by the gentleman from Philadelphia, Mr. Scanlon and by myself, attempting to get the Department of Public Assistance to raise its meager standard and the entire Republican majority voted down by voice every amendment we attempted to put in on this floor. Therefore, I say to the gentleman from Dauphin shed no tears for these people because 1939 when the opportunity was presented the Republican Party failed them. I say to you, Mr. Speaker, in answer to that attempt that House Bill 1401 is now upon the floor of the House, and if we cannot give them according to the budget estimates, if we cannot give them at least a higher standard of relief, at least we can encourage those who have the courage to go out and earn a nominal wage in addition to the relief they receive.

Mr. TURNER. Mr. Speaker, the gentleman from Philadelphia, always reminds me of the story of the man who in making speeches always wove into them some place the statement of Patrick Henry, "Give me liberty or give me death." The gentleman from Philadelphia always at some point in any debate is able to find some way of accusing the Republican Party of all the crimes in the calendar and to place upon them the onus of having defeated something which he now thinks is good.

I do not intend to prolong this debate except simply to say this: it seems to me the majority party ought to get together over there and get some team work in what they are doing. The majority leader, the gentleman from Monroe, Mr. Achterman, has continuously cried on the floor of this House about the terrific deficit which the James Administration has and is going to have at the end of this biennium. He has belabored us with speeches from the time the Governor brought in his budget message, until last week I think was the last diatribe we had on that subject.

On one hand the majority leader is accusing the James Administration of creating a greater deficit and is giving the James Administration a bally-hoo for having had such a deficit, and on the other hand the gentleman from Philadelphia, Mr. Levy, is now accusing us of keeping down the relief grants. If we had done the things he now says we should have done in 1939, we would have created a greater deficit. It seems to me you just cannot

please anybody on the other side.

Mr. LEVY. In answer to the gentleman from Delaware, Mr. Turner, I might say that I heard the majority floor-leader in this session talk about a ninety-two million dollar deficit, but I never heard the majority leader say that the deficit came from the heart action of the Republican Governor in giving out relief grants. The people of the Commonwealth know the condition of public assistance in Pennsylvania today. I know and the majority leader knows the condition of public assistance in Pennsylvania today, and also the minority leader.

I say again to Mr. Turner the fault was in 1939 when we introduced amendments to the general welfare bill. I do not have the Legislative Journal of 1939 at hand, but I know and everyone who sat in that session knows that amendments were offered to raise the standard of relief and they were refused. He knows in 1940 the governor of the Commonwealth of Pennsylvania was compelled after he stated in 1939 he knew all about the budget and the amount required for relief, had to call a special session to appropriate twenty-five million dollars for relief, and that he knew it in 1939 when he appropriated the small amount of money which he did. I say to the gentlemen on the other side of this House, let us face this issue honestly. If we say to the people of the Commonwealth our standards of relief are not up to par, then let us give it to them. If we say our standards of relief are just, then I say vote against this bill.

Mr. TURNER. Mr. Speaker, the gentleman from Philadelphia seems to be no better than the gentleman from Monroe, Mr. Achterman, in his argument on figures, because apparently the gentleman from Philadelphia, Mr. Levy, has forgotten that we had a deficit in the relief appropriation in the Earle Administration, and that in the last six months of that biennium and the first six months of the James Administration we had to appropriate money because the drawer was empty and the till was dry and we didn't have any money. I do not have the figures distinctly in mind but I think I am correct in saying that the James Administration spent more money for relief than was spent by the Earle Administration, and that perhaps is not any credit to either administrations, because, in the first place, the Governor thought the Federal Government was going to do the right thing in Pennsylvania and keep up WPA to the same extent it had during the Earle Administration. We got short changed a lot by the Federal Government during the early part of the James Administration. In the second place in the fall of 1939 we had perhaps the heaviest relief load we have ever had. So it is not a question over which any administration has any control as to the amount of money that is required for relief under the present standards and under the present conditions, but they meet the situation as it arises created by unemployment. That is away off from the things the gentleman from Philadelphia, Mr. Levy, is talking about. On the one side the Democrats are complaining about the deficit and they are trying to hang it on the James Administration where it does not belong. It was not the fault of that administration and had nothing to do with it. On the other hand, they say that in 1939 we ought to have set up these standards, which would have meant more money and would have created a greater deficit,

and that would have been more to holler about.

Mr. LEVY. Mr. Speaker, in answer to the gentleman from Delaware, Mr. Turner, I only want to say that my quarrel is not over the special session to supplement the relief deficit, but it is in the beginning of the regular session when the problem was not attacked honestly. In 1939, Governor James was faced with the problem of appropriated money for relief. He knew at that time that the Commonwealth was spending approximately ten to ten and a half million dollars a week, and using arithmetic with paper and pencil would have shown that the relief appropriation could not possibly last more than one year or thirteen months. Notwithstanding that argument, and notwithstanding the proof that was shown in black and white, he nevertheless stood stubborn in his figures and appropriated so much money. Not content with that when the Legislature went home, he took something like twenty-million dollars from the relief budget.

In answer to the gentleman from Delaware, I say to him that Governor Earle during his administration ran short of relief funds, but in those days we appropriated the money according to our figures, and if we felt we needed \$220,000,000 for the biennium, that was the money appropriated. Unfortunately, the money was not sufficient and another special session was necessary. At least in the beginning when the budget estimates were first adopted, the budget director, along with the Members of the Assembly, and I do not recall the gentleman from Delaware, then the minority floor-leader, raising any objection to the amount of relief in 1937. He thought it was enough then, but we in 1939 on this side of the House pointed out that the James estimated budget for relief was not sufficient and it turned out not to be so.

Mr. TURNER. Mr. Speaker, I apologize for rising for the third time. I would just like to say this, when it comes down to estimates I remember the Members on the other side of the House weeping and wailing about the fact that the estimates of the James Budget would only carry the relief to the first of January 1940. As a matter of fact we carried it down to May of 1940, so if it is a question of who is the best guesser I think we guessed a little bit better than the other side.

Mr. D'ORTONA. Mr. Speaker, I move the previous question.

The motion was seconded by Messrs. Hering, Hersch, Kolankiewicz, Melchiorre, DiGenovo, Breth, Cochran, Polaski, Reynolds Shaw, Bentzel, Malloy, Gallagher, McLane, Gyskewicz, Voldow, Tate, Rosenfeld, Heatherington, Shaffer, Goodwin and others.

On the question,

Shall the main question be now put?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

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

YEAS—170

Achterman,	Finestone,	Lee, T. H.,	Readinger,
Allmond,	Finnerty,	Leonard,	Reagan,
Auker,	Fisher,	Lesko,	Reese, R. E.,
Baker,	Fiss,	Levy,	Reynolds,
Balthaser,	Fleming,	Leydic,	Rh-a,
Baughner,	Fletcher,	Lichtenwalter,	Rooney,
Bentzel,	Flynn,	Longo,	Rose, S.,

Boies,	French,	Lovett,	Rose, W. E.,
Boney,	Gallagher,	Malloy,	Rosenfeld,
Boorse,	Gates,	Marks,	Rush,
Bower,	Gerard,	Maxwell,	Sarraf,
Bradley,	Gillette,	McClanaghan,	Scanlon,
Breth,	Goodwin,	McClester,	Schwab,
Brown,	Greenwood,	McDermott,	Serrill,
Brunner, C. H.,	Gross,	McFall,	Shaffer,
Brunner, P. A.,	Gryskewicz,	McIntosh,	Shaw,
Burns,	Gyger,	McLanahan,	Shepard,
Burris,	Haberlen,	McLane,	Skale,
Cadwalader,	Haines,	McMillen,	Stank,
Chervenak,	Hamilton,	McSurdy,	Tarr,
Chudoff,	Harkins,	Melchiorre,	Tate,
Cochran,	Harmuth,	Mihm,	Taylor,
Cohen, M. M.,	Harris,	Modell,	Thompson, E. F.,
Cohen, R. E.,	Heatherington,	Monks,	Thompson, R. L.,
Cook,	Helm,	Mooney,	Trout,
Cooper,	Hering,	Moran,	Verona,
Cordier,	Herman,	Moul,	Vincent,
Corrigan,	Hersch,	Muir,	Vogt,
Croop,	Hewitt,	Munley,	Voldow,
Cullen,	Hirsch,	Numemacher,	Voorhees,
Dalrymple,	Holland,	O'Brien,	Watkins,
Dennison,	Huntley,	O'Connor,	Wels,
DiGenova,	Imbrie,	O'Dare,	Welsh, E. B.,
Dix,	Jefferson,	O'Mullen,	Welsh, M. J.,
Dolon,	Jones, G. E.,	O'Neill,	Wilkinson,
D'Ortona,	Jones, P. N.,	Owens,	Williams,
Dr. Ly,	Keenan,	Petrosky,	Wolf,
Early,	Kenehan,	Pettit,	Woodring,
Elder,	Kline,	Polaski,	Wright,
Elliott,	Knoble,	Polen,	Yester,
Ely,	Kolankiewicz,	Powers,	Young,
Falkenstein,	Komorowski,	Prosen,	Kilroy,
	Lee, E. A.,	Rausch,	Speaker.

NAYS—17

Bretherick,	James,	Turner,	Winner,
Foor,	McKinney,	Van Allsburg,	Wood, L. H.,
Habbyshaw,	Reese, D. P.,	Wagner,	Wood, N.,
Hall,	Royer,	Weingartner,	Woodside,
Hare,	Snyder,		

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.

QUESTION OF PERSONAL PRIVILEGE

Mr. WALTER E. ROSE. Mr. Speaker, I rise to a question of personal privilege.

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

Mr. WALTER E. ROSE. Mr. Speaker, I refrained from raising this point during the debate on the bill just passed, lest I offer further complications in an already confused situation.

The point I make is one I mentioned once before on the floor of the House, and is one which I have taken up privately with the Sergeant-at-Arms and with the Page boys, and that is that the bills are not being placed on the Members' desks. This bill in particular is not in my desk or the desks of other members around me. They skip from 483 to 527. I know the men who put these bills on the Members' desks have an endless job in handing out the bills but there is no reason why they cannot look at the last bill number on the Member's desk to insure that there is not a gap. This bill is not on my desk or on the desk of many of the Members here. All these bills should be on the Members' desks during the debate so that we may go over them.

The SPEAKER. The Chair thanks the gentleman from Cambria for calling this important matter to the Chair's attention.

The Chair requests the Chief Clerk to take notice of the question raised by the gentleman from Cambria, Mr. Rose.

The Chair would also request Members who find bills are not in their files to please notify the Chair when the bill comes before the House, or at any other time.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 124, as follows:

An Act to amend the title and the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417) entitled "An act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" by adding the term "handler" as a synonym for the term "milk dealer" defining the terms "handle" and "handler" extending the provisions of the act to those who handle milk by bailment brokerage consignment or purchase by giving certain additional rights to producers' and farmers' unions or organizations producing milk setting up a price fixing procedure restricting powers of the Governor and providing for the payment of funds in the hands of the commissioner owing to producers and handlers

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

Section 1. The title and sections 103 203 301 304 305 307 308 310 311 401 402 403 404 405 410 501 502 503 505 506 508 510 511 512 513 703 801 802 803 804 807 808 809 904 1003 and 1101 of the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417) entitled "An act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the is-

suaunce of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" are hereby amended to read as follows

An Act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery handling bailment brokerage consignment purchase and sale of milk and certain products thereof providing for the licensing of milk dealers or handlers and the payment of fees therefor requiring milk dealers or handlers to file bonds to secure payment for milk to producers and certain milk dealers or handlers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon the courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers or handlers and producers requiring the keeping of records and the filing of reports by milk dealers or handlers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products [subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto] setting-up a price fixing procedure restricting powers of the Governor providing for the payment of funds in the hands of the commission owing to producers and handlers providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations

Section 103 Definitions Construction The following terms shall be construed in this act to have the following meanings except in those instances where the context clearly indicates otherwise

"Books and records" or "books or records" shall include all pertinent books ledgers journals records papers memoranda correspondence vouchers bills receipts cancelled checks accounts exhibits photographs and other documents

"Commission" means the State agency created by this act to be known as the "Milk Control Commission"

"Consumer" means any person other than a milk dealer or handler who purchases milk for his own consumption or use

"Handle" to handle means the doing of any one or several or all of the following acts to buy sell barter acquire store process consign receive transport control as owner buyer seller consignee consignor bailee bailor broker or factor

"Milk Dealer" or "Handler" means any person including any store or subdealer or subhandler as hereinafter defined who on his own behalf or on behalf of others purchases or receives within the Commonwealth milk from producers associations of producers or other handler who handles milk within the Commonwealth for sale shipment marketing storage processing manufacture consignment or brokerage whether as owner consignee consignor bailee bailor buyer seller broker or factor A producer who delivers milk to a milk dealer or handler only shall not be deemed a milk dealer or handler A cooperative agricultural association or corporation of producers of milk organized under the laws of this Commonwealth or of any other state and engaged in making collective sales of milk for producers under contract with it shall not be deemed a milk dealer or handler but shall be deemed a producer Provided however That if such association or corporation distributes milk within this Commonwealth to stores as defined in this act or to consumers as defined in this act it shall be deemed to be a milk dealer or handler as to that part of its business and shall be governed by the provisions of this act applicable thereto And provided further That such cooperative agricultural association or corporation shall be governed by the applicable provisions of this act as to the prices at which it sells markets or bargains to sell milk within this Commonwealth to milk dealers or handlers and others

"Licensee" means a licensed milk dealer or handler

"Market" includes any county city borough incorporated town or township in the Commonwealth or any two or more such cities boroughs incorporated towns or townships or any portions thereof or any other land within the territorial limits of the Commonwealth designated by the commission as a marketing area

"Milk" includes fluid milk and cream fresh sour or storage skimmed milk flavored milk or milk drink buttermilk ice cream mix and condensed or concentrated whole or skimmed milk except when contained in hermetically sealed cans

["Milk dealer" means any person including any store or subdealer as hereinafter defined who purchases or handles milk within the Commonwealth for sale shipment storage processing or manufacture within or without the Commonwealth A producer who delivers milk to a milk dealer only shall not be deemed a milk dealer A cooperative agricultural association or corporation of producers of milk organized under the laws of this Commonwealth or of any other state and engaged in making collective sales of milk for producers under contract with it shall not be deemed a milk dealer but shall be deemed a producer Provided however That if such association or corporation distributes milk within this Commonwealth to stores as defined in this act or to consumers as defined in this act it shall be deemed to be a milk dealer as to that part of its business and shall be governed by the provisions of this act applicable thereto And provided further That such cooperative agricultural association or corporation shall be governed by the applicable provisions of this act as to the prices at which it sells markets or bargains to sell milk within this Commonwealth to milk dealers and others]

"Person" includes an individual corporation association partnership limited partnership or other unincorporated enterprise owned [by two or more individuals] or conducted by or on behalf of two or more individuals or other persons

"Price" includes the amount paid or to be paid and the proceeds returned or to be returned whether the transaction be one of purchase sale consignment sale or return accounting or otherwise

"Producer" means a person producing milk

"Store" includes a grocery store hotel restaurant soda

fountain dairy products store or any similar mercantile establishment which sells or distributes milk

"Subdealer" or subhandler" means any milk dealer or handler handling milk within the Commonwealth who sells or delivers all such milk to consumers or stores in the same containers as those in which he acquired it from other milk dealers or handlers

Any reference in this act to quantity of milk shall be construed to include its whole milk equivalent

Article or section headings shall not be construed to affect in any manner the scope or meaning of any article or section of this act

The singular shall be construed to include the plural The masculine shall be construed to include the feminine and the neuter and conversely the neuter shall be construed to include the masculine and the feminine

Section 203 Secretary Administrative Code The commission may appoint a secretary to hold office at its pleasure The secretary if appointed shall have such powers and shall perform such duties not contrary to law as the commission shall prescribe and shall receive such compensation as the commission [with the approval of the Governor] shall determine The secretary shall have power and authority to designate from time to time one of the clerks appointed by the commission to perform the duties of the secretary during his absence and the clerk so appointed shall exercise for the time so designated the powers of the secretary of the commission

Except as otherwise specifically provided in this act the commission and its employes shall be subject to all the provisions of The Administrative Code of one thousand nine hundred twenty-nine approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) its amendments and supplements which apply generally to independent administrative boards or commissions

No person employed in the work of the commission shall for a period of two years after leaving the service of the commission be eligible to appear before the commission representing any person interested in any proceeding pending before the commission

Section 301 Regulation of Milk Industry The commission is hereby declared to be the instrumentality of the Commonwealth for the purpose of administering the provisions of this act and to execute the legislative intent herein expressed and it is hereby vested with power to supervise investigate and regulate the entire milk industry of this Commonwealth including the production transportation disposal manufacture of food products made from or with milk processing storage distribution delivery handling bailment brokerage consignment purchase and sale of milk and milk products in this Commonwealth and including the establishment of reasonable trade practices systems of production control and marketing area committees in connection therewith Provided however That nothing contained in this act shall be construed to alter amend or repeal any of the laws of this Commonwealth relating to the regulation of public utilities or to the public health or to the prevention of fraud and deception except as herein otherwise specifically provided

Section 304 Hearings Witness Fees Privilege and Immunity The commission [or] any member thereof [may] or any special agent or examiner designated by the commission shall hold such hearings at the Capitol or elsewhere as [it] the commission deems necessary or appropriate to carry out the provisions of this act Provided however That all hearings for the fixing of prices for milk shall be held before one or more members of the commission Each witness required to attend before the commission [or] any member thereof or any special agent or examiner under the provisions of this section shall be entitled to the fees and mileage customarily paid to witnesses in the courts of Dauphin County All such hearings [of the commission] shall be governed by such rules regulations and orders as shall be adopted and prescribed by the commission

No person shall be excused from testifying or from producing any books and records at any hearing before the commission a commissioner or any special agent or

examiner designated by the commission when ordered to do so upon the ground that the testimony or evidence books or records required may tend to incriminate him or subject him to penalty or forfeiture but no person shall be prosecuted punished or subjected to any forfeiture or penalty for or on account of any act transaction matter or thing concerning which he shall have been compelled under objection to testify or produce documentary evidence Provided That no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony

Section 305 Subpoenas Oaths In order to enable the commission to carry out the provisions of this act it shall have the power to issue subpoenas requiring the attendance and testimony of or the production of pertinent books and papers by milk dealers or handlers or their employes producers or their employes persons having business dealings with milk dealers or handlers or producers or other persons whom the commission believe to have information books or papers of importance to it in carrying out the purposes and intent of this act [The commission] Each member of the commission and such officers employes or others employed in the work of the commission designated by the chairman of the commission also shall have the power to administer oaths and affirmations to question witnesses thereunder and to examine such books and papers The commission may issue commissions letters rogatory or other appropriate processes outside the Commonwealth

Section 307 Adoption of Rules Regulations and Orders [Subject to the approval of the Governor where such approval is hereinafter expressly required the] The commission [may] shall adopt and enforce all rules and regulations and orders necessary or [desirable] appropriate to carry out the provisions of this act and not inconsistent with law

Section 308 Posting and Service of Rules Regulations and Orders Every general rule regulation or order of the commission shall be posted for public inspection in the main office of the commission at least six days before it shall become effective where it shall remain conspicuously posted until twenty days after its effective date and shall be given such further publicity by advertisement or announcement in a newspaper or otherwise as the commission shall deem advisable At least three days before it shall become effective copies of such general rule regulation or order shall be mailed to all licensees and producers groups and organizations affected thereby Provided however That such mailing shall not be construed as a condition upon which the validity of any such rule regulation or order depends A certified copy of an order applying only to the particular person or persons named therein shall be served on the person or persons affected

An order herein required to be served shall be (1) served in the manner now or hereafter established by law for the service of writs of summons except that such service need not be made by the sheriff or (2) mailed registered and charges prepaid (a) in the case of an individual to his last known residence or place of business (b) in the case of an unincorporated association or a corporation formed under the laws of this Commonwealth to its principal office and (c) in the case of a corporation formed under the laws of any other state to the office of its duly authorized agent in Pennsylvania or if there be no duly authorized agent in Pennsylvania to its home office in the state of incorporation or in any other state

The posting in the main office of the commission of any rule regulation or order not herein required to be served and the giving of such further publicity thereto as the commission deems advisable or the proper service of any rule regulation or order required to be served shall constitute due and sufficient notice to all persons affected by such rule regulation or order A rule regulation or order of the commission when duly posted and so publicized or when properly served as provided in this section shall have the force and effect of law The commission shall upon request mail to any person a copy of any general rule regulation or order of the commission

The mailing or service by mail herein required shall

be by deposit in a United States Post Office or in any receptacle thereof Service by registered mail as provided in this section shall be effective notwithstanding the refusal of the addressee to accept or receive an order so served

Section 310 Entry and Inspection Pursuant to the purposes of this act any member of the commission or any employe designated for the purpose shall have access to and may enter and inspect at all reasonable hours all places and equipment where milk or any product thereof is being produced stored bottled processed manufactured sold weighed tested consigned or otherwise handled Any member of the commission or any designated employe thereof also shall have power at all reasonable hours to inspect mark or stamp for identification audit and copy all books papers records or documents in any place within the Commonwealth for the purpose of ascertaining facts to enable the commission to administer this act The information obtained regarding any person by any such inspection auditing or copying or by reports or statements required or authorized by this act shall be for the confidential use of the commission and the various administrative departments boards and commissions of the State government and shall not be disclosed by any person except as may be required in the enforcement of law or by order of court and any member or employe of the commission or other person disclosing such information except as herein required shall be subject to the penalties herein provided for a violation of this act Nothing contained in this act shall prevent the use of any information by the commission in the compiling and dissemination of general statistical data

Section 311 Interstate and Federal Compacts The commission is hereby vested with authority to confer with legally constituted authorities of other states and of the United States with respect to uniform milk control within the states and as between states The commission is authorized to join with such authorities of other states and with the authorities of the United States to conduct joint investigations to exchange information hold joint hearings and issue joint complementary or concurrent orders and to enter into a compact or compacts for such uniform milk control subject to such Federal approval as may be authorized or required by law

Section 401 Milk Dealers or Handlers Required to be Licensed Except as herein otherwise specifically provided a milk dealer or handler as defined in this act shall not buy [milk] or handle milk whether as a broker from producers within this Commonwealth for storage consignment brokerage manufacture processing distribution or sale within or without this Commonwealth or manufacture process handle sell or distribute milk within this Commonwealth unless such dealer or handler be duly licensed as herein provided and it shall be unlawful for a milk dealer or handler to buy or receive milk from or sell or consign milk to or handle as broker factor consignee or otherwise milk for a milk dealer or handler who is not either licensed or exempted as herein provided or in any way to deal in or handle milk which he has reason to believe has previously been dealt in or handled in violation of the provisions of this act

Section 402 Milk Dealers or Handlers Subject to Exemption The commission may by official order exempt from the license requirements provided by this act milk dealers or handlers who purchase or handle milk in a total quantity not exceeding one thousand five hundred pounds in any month and milk dealers or handlers selling milk in any quantity only in markets of a population of one thousand or less for local consumption The commission may by official order exempt stores or any class thereof from the license requirements provided by this act and shall exempt stores selling milk all of which has been purchased from a licensed milk dealer or handler However milk dealers or handlers exempted by this section from the license requirements of this act shall continue to be subject to all the other provisions of this act relating to milk dealers or handlers Provided however That in cash sales of milk at the farms of producers to consumers in containers owned and provided by the consumer the producers so selling milk shall be exempt from the provisions of this act

Section 403 Applications An application for a license to operate as a milk dealer or handler shall be completed and filed by the dealer or handler with the commission within thirty days after this act takes effect or prior to his engaging in business and annually thereafter on or before April fifteenth by mail or otherwise upon a form prescribed by the commission Such application shall be accompanied by the fee required by this act and by a bond when so required by this act in order to be complete The license year shall commence May first and shall end April thirtieth following The applicant shall state under oath or affirmation upon a form prescribed by the commission the following

(1) The nature of the business to be conducted
(2) The full name of the person applying for the license If the applicant is a copartnership or association the full name of each member shall be stated If the applicant is a corporation the names and addresses of all officers and directors shall be stated

(3) The city borough incorporated town or township and the street number if any at which the business is to be conducted

(4) The financial condition of the applicant including a comprehensive financial statement of his affairs

(5) Facts showing that the applicant has adequate technical personnel and adequate technical and physical facilities properly to conduct the business of receiving and handling milk that he has complied with all rules regulations and orders of the commission filed or served as required in this act the quantity source and outlet of milk handled within the Commonwealth during the calendar year preceding the period for which the license is desired and such other facts with respect to the applicant's business as may be required by the commission pursuant to this act

Section 404 Grounds for Refusal Suspension or Revocation The commission shall grant a license to an applicant complying with the provisions of this act and the rules regulations and orders issued by the commission pursuant thereto The commission may decline to grant a license to an applicant or may suspend revoke or refuse to transfer a license already granted to a milk dealer or handler or may prohibit a milk dealer or handler exempted from the license requirements of this act from continuing to operate as a milk dealer or handler after determination by the commission that the dealer or handler

(1) Has rejected without reasonable cause any milk purchased or acquired from a producer or has rejected without either reasonable cause or reasonable advance notice milk delivered or made available by or on behalf of a producer in ordinary continuance of a previous course of dealing except where the contract has been lawfully terminated Provided however That in the absence of an express or implied fixing of a longer period in the contract "reasonable advance notice" shall not be construed to mean notice of less than one [week] month nor more than [two weeks] three months

(2) Has [without reasonable cause failed to account and make payment for any milk purchased from a producer] if a milk dealer other than a subdealer failed to account and make payment for any milk purchased or received on consignment or otherwise from a producer or producers or has if a subdealer failed to account and make payment for any milk purchased or received on consignment or otherwise from a milk dealer Provided however That if it be shown that there was reasonable cause for any such failure to account and make payment and that such accounting and payment can and will be made promptly in addition to currently accounting and paying for milk purchased or received as aforesaid the commission shall not refuse to grant or suspend revoke or refuse to transfer a license solely for such failure to account and make payment until a reasonable opportunity has been afforded to make such accounting and payment

(3) Has committed any act injurious to the public health or public welfare or has committed any act injurious to trade or commerce in demoralization of the price structure of milk to such an extent as to interfere with an ample supply thereof for the inhabitants of the Commonwealth affected by this act It is hereby declared that such

demoralization is injurious to the public health public welfare and to trade and commerce and that evidence thereof shall include any course of conduct on the part of the milk dealer or handler in violation of the terms of this act or any valid rules regulations and orders of the commission

(4) Has made a general assignment for the benefit of creditors or has been adjudged a bankrupt or there has been entered against him a judgment upon which an execution remains wholly or partly unsatisfied

(5) Has been a party to a combination to fix prices contrary to law A cooperative agricultural association organized under the laws of this Commonwealth or a similar association or corporation organized under the laws of this or any other state and engaged in making collective sales or marketing for its members or shareholders or any producers' or farmers' union or organization shall not be deemed or construed to be a conspiracy or combination in restraint of trade or an illegal monopoly nor shall the contracts agreements arrangements or combinations heretofore or hereafter made by such association corporation or the members officers or directors thereof in making such collective sales and marketing and prescribing the terms and conditions thereof be deemed or construed to be conspiracies or to be injurious to public welfare trade or commerce

(6) Has continued in a course of [dealing] conduct of such nature as to [satisfy] the commission of an intent of the manifest an intention on the part of such milk dealer or handler to deceive or defraud producers or consumers

(7) Has failed either to keep records or to furnish accurately the statements or information required by the commission to be supplied to it or to producers or consumers

(8) Has made any statement upon which the license was issued which statement is found to have been false or misleading in any material particular

(9) Is a partnership association or corporation and any individual holding any position owning any substantial interest or having any power of control therein has previously been responsible in whole or in part for any act on account of which a license may be denied suspended or revoked pursuant to the provisions of this act

(10) Has violated any of the provisions of this act or any of the rules regulations or orders of the commission or any stipulations entered into between the said dealer or handler and the commission in the course of any proceeding before the commission

(11) Has violated any provisions of acts repealed hereby or of rules regulations or orders issued thereunder

(12) Has previously been refused a license or has previously held a license that the commission revoked or that the commission suspended and the event upon which the suspension of the license would terminate under the order has not occurred

(13) Has rejected milk sold or delivered or made available on consignment or otherwise by or on behalf of a producer in ordinary continuance of a previous course of dealing because the producer or his employe agent or representative testified in any proceeding before the commission or in any civil or criminal case in any court whether or not of record in which any provision of this act or any order of the commission was concerned and it shall be no defense that reasonable advance notice was afforded the producer before the milk was rejected

The burden of proving reasonable cause under any provisions of this section shall be upon the milk dealer

The issuance or renewal by the commission of a license hereunder shall not preclude the commission from suspending or revoking such license for a violation committed by the licensee prior to the license period [unless] except where the commission or its predecessor board had proceeded against the licensee for such violation and any valid order thereon has been complied with by the licensee

The commission shall grant a provisional and temporary license to a prior licensee when if for any cause the action of the commission with respect to an application seasonably filed has not become final prior to the expiration of the period of such prior license Such a temporary and provisional license may be issued on such terms and condi-

tions as the commission may impose and shall authorize the licensee to continue in business until final action with respect to his pending application has been taken and no longer

Section 405 Hearings and Orders Before refusing to grant or to reissue or before suspending revoking or refusing to transfer a license the commission shall afford the applicant or the licensee respectively an opportunity to be heard It shall direct a citation to such applicant or licensee by registered mail sent to his last known address giving therein at least five days' notice of such hearing and a statement of the matters complained of The direction of such citation by registered mail as aforesaid shall be sufficient notice of such hearing notwithstanding any refusal of the addressee to accept or receive said citation The five days' notice shall be computed as from the time that the addressee accepts or receives or refuses to accept or receive said citation After such hearing and upon entry of any order thereon the commission shall serve a certified copy of such order upon the applicant or licensee filing at its office the original and a statement in writing of the findings of fact in support thereof

Section 410 Computation of License Fees Milk sold and distributed outside of this Commonwealth in any state which charges milk dealers or handlers a license fee may be deducted in the determination of the amount of the license fee required by this act Provided That such quantity of milk is actually computed in determining the amount of such license fee in such other state in computing the license fee to be charged by the commission the fluid milk equivalent of milk other than fluid milk shall be ascertained and fixed in such manner as the commission shall prescribe except in the case of farm-separated sour cream used exclusively in making butter in which case the daily average total quantity of such milk shall be computed according to pounds of sour cream rather than the fluid milk equivalent thereof Nothing herein is to be construed as requiring in the computation of the license fee the inclusion of milk which is received by the applicant milk dealer or handler from another milk dealer or handler subject to license hereunder which milk has been included in the computation of such other dealer's fee or milk which is produced by the applicant dealer or handler and not sold by him to stores or consumers Applicant milk dealers or handlers other than subdealers or subhandlers receiving their entire supply from milk dealers or handlers who have paid a license fee thereon to this commission shall pay the license fee of ten dollars (\$10.00)

Section 501 Milk Dealers or Handlers Required to File Bonds It shall be unlawful for a milk dealer or handler to purchase acquire or receive on consignment or otherwise milk from producers unless the milk dealer or handler shall file with the commission a corporate surety individual surety or collateral bond approved by the commission Except as otherwise herein provided the bond shall be in a sum equal to the value of the highest aggregate amount of milk purchased acquired or received by the dealer or handler from producers in any one month during the preceding calendar year which value shall be computed according to lawful prices and shall not in any event exceed one hundred thousand dollars (\$100,000.00) The bond shall be upon a form prescribed by the commission conditioned for the payment by the milk dealer or handler of all amounts due including amounts due under this act and the orders of the commission for milk [sold] by such producers to] purchased or otherwise acquired from producers by the milk dealer or handler during the license year upon such terms and conditions as the commission may prescribe

In the case of a milk dealer or handler who pays producers in full each week for milk purchased acquired or received by him from such producers the bond shall be in the sum equal to fifty per centum of the value of the highest aggregate amount of milk purchased acquired or received by the dealer or handler from producers in any one month during the preceding calendar year which value shall be computed according to lawful prices and shall not in any event exceed fifty thousand dollars (\$50,000.00)

Section 502 Computation of Amount of Certain Bonds

Milk purchased acquired or received by a milk dealer or handler from producers outside the Commonwealth and sold or distributed by such dealers or handlers as fluid milk within the Commonwealth shall be included in computing the amount of such dealer's or handler's bond except where such dealer or handler has filed a bond for the protection of such producers with the state wherein the milk is purchased acquired or received or with such producers. In such computation the amount due for such milk shall be determined according to any applicable official prices or any lawful contact price.

A milk dealer purchasing or handler purchasing acquiring or receiving or intending to purchase acquire or receive milk from producers but not so engaged during any month of the preceding calendar year shall file a bond in a reasonable sum to be fixed by the commission and within the time for filing his application such dealer or handler shall request the commission to fix such sum.

Section 503 Time of Filing Effective Period of Bond The bond herein required shall be filed with the dealer's or handler's application for a license and shall be filed within the time for filing such application. The bond shall become effective upon its being filed with the commission for the entire license year or for that part of the license year in which the milk dealer or handler became engaged in the milk business. Any bond filed with the commission shall become effective upon being filed whether or not it is approved by the commission and shall no longer be of effect during the license year only when it has been replaced by a bond approved by the commission to be substituted therefor. The bond herein required shall be an obligation independent of the granting of a license and shall remain in full force and effect for and during the license year designated as long as the dealer or handler purchases or receives milk from producers or is indebted to pay producers for any milk delivered during said license year whether or not a license is granted the milk dealer or handler or a license granted the milk dealer or handler remains in force. The commission shall determine within a reasonable time after the close of a license year which milk dealers or handlers have paid all amounts protected by their bonds filed with the commission and if the commission finds that all amounts protected by the bond of a milk dealer or handler have been paid it shall thereafter return the bond for said past license year to each such milk dealer or handler.

Section 505 Financial Statement A milk dealer or handler shall from time to time when required by the commission make and file with the commission a verified statement of his disbursements or of any other facts in connection with his business during a period to be prescribed by the commission which financial statement shall contain the names of the producers from whom milk was purchased acquired received or handled on consignment or otherwise the amount due to the producers and any other relevant facts required by the commission pertinent to the dealer or handler or the dealer's or handler's surety or sureties.

Section 506 Increase of Decrease of Bond If it shall appear from the dealer's or handler's financial statement or from facts otherwise ascertained by the commission that the bond afforded to producers selling supplying or making available on consignment or otherwise milk to such milk dealer or handler does not adequately protect such producers the commission may require such milk dealer or handler to procure an additional surety or to give an additional bond or additional security for the collateral bond in a sum to be determined by the commission which (1) shall not exceed more than fifty per centum of the value of the highest aggregate amount of milk purchased acquired or received on consignment or otherwise by the dealer or handler from producers in any one month during the preceding or current year which value shall be computed according to the prices applicable [and] or which (2) shall be a sum not exceeding by more than fifty per centum the amount found to be due and owing producers by such dealer on a particular date determined by the commission whichever sum is greater but the total increase shall not in any event exceed fifty thousand dollars (\$50,000.00). In the case of a milk dealer or handler who pays producers in full each week for milk purchased ac-

quired or received or handled on consignment or otherwise by him from such producers any increase required hereunder shall not exceed more than twenty-five per centum of such value [and] or amount but the total increase in any event shall not exceed twenty-five thousand dollars (\$25,000.00).

The commission may grant a reduction of the bond or the collateral or release an additional surety if it shall appear that owing to a decrease in the milk [purchases of the milk dealer] purchased received or handled by the dealer or handler or to other causes a bond in a lesser amount or with fewer sureties will protect producers selling supplying or making available milk to such milk dealer or handler.

Section 508 Interest or Dividends upon Securities The milk dealer or handler shall be entitled to all moneys received by the State Treasurer as interest or dividends upon any security or securities deposited by such milk dealer or handler with the commission and transmitted by the commission to the State Treasurer for safekeeping in accordance with the provisions of this act. Provided however That the milk dealer or handler shall not be entitled to interest or dividends if there is on file with the commission a valid unpaid claim of a producer against the milk dealer or handler based on milk sold supplied or made available by such producer to the milk dealer or handler.

Section 510 Effect of Order by Commission If by valid formal order refusing suspending or revoking a license after hearing with due notice to all those liable on the bond the commission has found a milk dealer or handler to be indebted thereunder such order and the findings of fact in support thereof shall be conclusive evidence of the amount due under such bond in a suit thereon by the commission unless an appeal therefrom is pending and a supersedeas granted.

Section 511 Procedure for Disbursing Proceeds The commission [may] shall prescribe the procedure for the payment out of the proceeds of any bond or collateral required by this article of the amounts found due to producers or handlers or dealers based on sales or deliveries of milk by them to a milk dealer or handler who has posted a bond or collateral. Provided however That if the proceeds of a bond or of collateral which has been posted by a milk dealer or handler shall be insufficient to pay in full the amounts due to producers who have sold or supplied milk to such milk dealer or handler the moneys available shall be divided pro rata among such producers.

Section 512 Cooperatives A cooperative agricultural association or corporation organized under the laws of this Commonwealth or a similar association organized under the laws of this or any other state or any producers' or farmers' union or organization shall be deemed a producer within the provisions of this article and shall be entitled to its benefits. Such an association or corporation if operated for the benefit of producers under contract with it and not conducted for profit shall not be required to file a bond under the provisions of this article.

Section 513 Subdealers' or Subhandlers' Bonds It shall be unlawful for a subdealer or subhandler to buy acquire receive or handle milk from a milk dealer or handler who purchases acquires or receives milk from producers unless the subdealer or subhandler shall file with the commission a corporate surety individual surety or collateral bond approved by the commission. Such bond shall be executed to the Commonwealth in a sum equal to three hundred dollars (\$300.00) for each route owned or operated by the subdealer or subhandler and shall be conditioned for the payment by the subdealer or subhandler of all amounts due under this act and the orders of the commission for milk purchased acquired or received from such milk dealer or handler or dealers or handlers during the license year subject however to the further condition that if at any time of default such milk dealer or handler or dealers or handlers are indebted or in arrears in their payments to producers the proceeds thereof shall be held on the account of such dealer or handler or dealers or handlers for the benefit of such

producers Such bond shall be filed annually with the subdealer's or subhandler's application for a license and shall in all applicable particulars not herein specifically mentioned be subject to terms and conditions such as are provided in the other sections of this article for the bonds of other milk dealers or handlers and for suits thereon except where the protection of such milk dealers or handlers selling delivering or making available milk to the subdealer or subhandler or of producers selling delivering or making available milk to such milk dealers or handlers requires the substitution of such dealers or handlers and producers in applying such terms and conditions to the bonds of subdealers or subhandlers

Section 703 Dissemination of Information Conferences Licensees under this act and associations or corporations thereof producers of milk producers' or farmers' unions or organizations and cooperative agricultural associations or corporations engaged in collectively processing preparing for market handling or marketing milk may acquire exchange interpret and disseminate past present and future market statistical economic and educational information pertaining to milk by direct exchange between such persons or such associations or corporations or by and through a common agent created or selected by them which agent may be the commission if it consents to be such Any such licensees producers and associations or corporations may confer and discuss the cost of production marketing market conditions and prices for [the sale of] milk

Section 801 Requisites of Orders Fixing Price of Milk The commission shall ascertain after a hearing in which all interested [parties] persons shall be given reasonable opportunity to be heard the logical and reasonable milk marketing areas within the Commonwealth shall describe the territorial extent thereof shall designate such areas by name or number and shall ascertain and maintain such prices for milk in the respective milk marketing areas as will be most beneficial to the public interest best protect the milk industry of the Commonwealth and insure a sufficient quantity of pure and wholesome milk to inhabitants of the Commonwealth having special regard to the health and welfare of children residing therein

The commission shall base all prices upon all conditions affecting the milk industry in each milk marketing area including the amount necessary to yield a reasonable return to the producer [and] which return shall not be less than the cost of production and a reasonable profit to the producer milk dealer or handler

The commission shall file at its office with each order issued a general statement in writing of the findings of fact in support of and the reasons for such order

The commission may upon its own motion or upon application in writing from time to time alter revise or amend an official order defining milk marketing areas or fixing prices to be charged or paid for milk Before making revising or amending any order defining milk marketing areas or fixing prices to be charged or paid for milk the commission shall hold a hearing after giving reasonable [notice thereof] opportunity to be heard to interested persons of whom the commission has notice and in the case of any order affecting the public after giving reasonable notice thereof to the public in such newspaper or newspapers as in the judgment of the commission shall afford sufficient notice and publicity Provided however That upon application in writing from a person aggrieved by an order of the commission hereunder filed within fifteen (15) days after the issuance of the order complained of or upon its own motion the commission may within twenty (20) days after the effective date of such order issue an order revising or amending such order without a further hearing if such revision or amendment is based on the record of the hearing held prior to the issuance of such order

"Interested persons" as used in this section means all persons who may be affected by an order of the commission fixing prices and who have signified to the commission in writing their desire to be notified of such hearings concerning a particular milk marketing area or areas within the Commonwealth "Reasonable opportunity to be heard" may be afforded by written notice addressed to the last known address of an interested party by mail

postage prepaid by deposit in a United States post office or any receptacle thereof Nothing contained in this section shall be construed to limit or modify the provisions of section three hundred eight of this act relating to the posting and publicizing of orders of the commission including orders made under this article and the force and effect thereof

At any hearing provided for herein the commission may receive as evidence on any subject material relevant to fixing any price or prices under this article and any printed typewritten duplicated mimeographed or other written treatise report or statistical data by an expert not present as a witness if and to the extent that the treatise report or statistical data is approved and read aloud or the contents thereof made known by an expert witness at the hearing

All provisions of all price-fixing orders of the commission shall be presumed to be valid and the burden of proving any invalidity of any provisions thereof shall be upon the person asserting the same Any determination by the commission or a court to which an appeal has been taken that the wholesale or retail prices provided are invalid shall not prevent the enforcement of prices to producers but any determination that prices to producers are unreasonable shall require the redetermination by the commission of wholesale and retail prices as well as prices to producers

[Every order made pursuant to this article and any revision or amendment thereof in which the commission fixes or changes the price of milk to producers or to consumers or both shall be subject to the approval of the Governor]

Section 802 Wholesale and Retail Prices The Commission shall fix by official order (except as hereinafter provided in this section) the minimum wholesale and retail prices and may fix by official order the maximum wholesale and retail prices to be charged and received by milk dealers or handlers for milk sold delivered handled or consigned within any milk marketing area of the Commonwealth wheresoever produced including milk sold delivered or consigned by

(1) Milk dealers or Handlers to other milk dealers or handlers

(2) Milk dealers or Handlers to consumers

(3) Milk dealers or Handlers to stores either for consumption [on the premises or resale] at the stores or sale to consumers

(4) Stores to consumers except for consumption [on the premises] at the store where sold

Nothing herein contained shall be construed to empower the commission to fix the price at which milk may be sold by any milk dealer or handler or producer to consumers for consumption on the premises of such milk dealer or handler or producer

The fixing of minimum wholesale or retail prices for skimmed milk condensed or concentrated whole or skimmed milk bulk cream handled between milk dealers or handlers other than stores and ice cream mix shall be discretionary with the commission

Section 803 Prices to Producers The commission shall fix by official order the minimum prices to be paid by milk dealers or handlers to producers for milk sold or delivered or made available on consignment or otherwise by producers to dealers or handlers Provided however That the fixing of prices to be paid by milk dealers or handlers to producers for milk to be used solely in manufacturing shall be discretionary with the commission

Section 804 Classification When pursuant to any statute or regulations or orders adopted thereunder or any ordinance or reasonable trade practice various grades of milk are specified orders of the commission fixing minimum or maximum prices may be applicable to each grade Orders of the commission fixing minimum or maximum prices may vary in different markets and shall designate the markets to which applicable Such orders may likewise classify milk and milk dealers or handlers in any reasonable manner which the commission deems advisable and may vary according to the classes to which they are applicable The orders of the commission with respect to the minimum

prices to be paid to producers and others shall apply to the area in which the milk is produced or to the area in which the milk so produced is manufactured sold or distributed as the commission shall provide and may vary in different areas according to varying uses grades and conditions Each such order may classify such milk by forms classes grade or uses as the commission may deem advisable and may specify the minimum prices therefor Other reasonable methods of classification may be prescribed by the commission

Section 807 Violations After the commission shall have fixed prices to be charged or paid for milk whether by class grade use or otherwise it shall be unlawful for a milk dealer or handler or producer [to sell or buy or offer to sell or buy] knowingly or unknowingly or any other person knowingly by himself or through another to sell or deliver or make available on consignment or otherwise or buy or receive or handle on consignment or otherwise or offer to sell or deliver or make available on consignment or otherwise or buy or receive or handle on consignment or otherwise or advertise for sale delivery purchase or receipt or hold one's self out as willing to sell deliver buy or receive milk at any price below the minimum price or above the maximum price applicable to the particular transaction

No method or device shall be lawful whereby milk is bought [or sold or offered to be bought or sold] or received or handled on consignment or otherwise or sold or handled or delivered or made available on consignment or otherwise or offered to be bought or received or handled on consignment or otherwise or sold or handled or delivered or made available on consignment or otherwise at a price less than the minimum price applicable to the particular transaction whether by any discount premium rebate free service trading stamps advertising allowance or extension of credit or by a combined price for such milk together with another commodity or a service which is less or is represented to be less than the aggregate of the price of the milk and the price or value of such commodity or service when [sold or offered for sale] bought or received or handled on consignment or otherwise sold or delivered or made available on consignment or otherwise or offered for sale delivery purchase handling or receiving separately or otherwise

It shall be unlawful for any milk dealer or handler to store manufacture process sell or handle or deliver or make available on consignment or otherwise any milk for which he has paid or agreed to pay a price lower than that fixed by the commission for milk of that class or grade

It shall be unlawful for a milk dealer or handler [to sell or buy or offer to sell or buy] knowingly or unknowingly or any other person knowingly by himself or through another to store manufacture process sell or deliver or make available on consignment or otherwise or buy or receive or handle on consignment or otherwise or offer to sell or deliver or make available on consignment or otherwise or buy or receive or handle on consignment or otherwise milk at a price computed upon false or erroneous weight butterfat test grade or classification or at a price from which have been made deductions not authorized by law or in excess of any deductions so authorized whether such illegal deductions be in the form of excessive transportation charges or otherwise

The act of a director officer agent or other person acting for or employed by a milk dealer shall be deemed the act of such milk dealer

Section 808 Prices of Certain Milk It is hereby declared to be the legislative intent that the instant (whenever that may be) that the handling by a milk dealer or handler of milk produced outside of the Commonwealth becomes a subject of regulation by the Commonwealth in the exercise of its police powers the restrictions set forth in this act respecting such milk so produced shall apply and the powers conferred on the commission by this act and particularly by this article shall attach but such restrictions shall not apply to condensed or concentrated whole milk contained in hermetically sealed cans

It is also hereby declared to be the legislative intent that the prices prescribed by the commission for milk produced in this Commonwealth and sold or delivered or

made available on consignment or otherwise in this Commonwealth for shipment into and ultimate sale in another state shall not be destructive of the price structure of producers in such other state

Section 809 Cooperatives. It is hereby declared to be the legislative intent that no provision of this act shall prevent and no provision contained herein shall be deemed or construed to prevent any cooperative agricultural association or corporation organized under the laws of this Commonwealth or a similar association or corporation organized under the laws of this or any other state and engaged in making collective sales or in the marketing of milk for the producers thereof from blending the net proceeds of its sales or consignments or deliveries in all its markets or of its sales or deliveries within any particular market in various classes and whether in fluid form or as manufactured products both within and without the Commonwealth and paying its producers such blended price with such deductions and differentials as may be authorized under contract between such association or corporation and its producers or from making collective sales of the milk of its members and other producers represented by it or from making such sales or deliveries at a blended price based upon sales or deliveries thereof in the various classes and whether in fluid form or as manufactured products both within and without the Commonwealth which price is to be paid either directly to the producers or to the cooperative agricultural association or corporation. Nothing herein contained shall prevent any milk dealer or handler from contracting for his milk with such cooperative agricultural association or corporation upon such basis but all such contracts shall be upon the basis of the prices fixed by the commission with the result that the net price received for milk by such cooperative association or corporation shall be commensurate with such prices. No milk [dealer] dealers or handlers or agents thereof shall receive from any producer or from such cooperative association or corporation directly or indirectly any discounts rebates free service or compensation through rentals extension of credit or otherwise for the purpose or with the effect of reducing the net cost to the dealer or handler for milk purchased or received by or through such cooperative association or corporation.

No provision of this act shall be deemed or construed to affect the contracts of such cooperative agricultural association or corporation with its producers except as hereinafter specifically provided nor to affect or abridge the rights and powers of such an association or any of its operations Provided however, that the powers of subpoena entry and inspection vested in the commission under this act shall apply for the purpose of examining and auditing books and records of any such cooperative agricultural association or corporation at reasonable intervals for the purpose of administering this act. This section shall not however be construed to exempt such association or corporation from the jurisdiction of the commission over the prices at which it may sell milk to milk dealers or handlers, stores or consumers.

Any cooperative agricultural association or corporation organized after the effective date of this act or within ninety (90) days prior to the effective date hereof or which if organized over ninety (90) days prior to the effective date of this act was not marketing milk for producers upon the effective date of this act or ninety (90) consecutive days prior thereto shall not be entitled to avail itself of the benefits of this section if it pays or distributes to its producers a price which is more than one and one-half per centum (1½%) lower than the prices prescribed by the commission unless such association or corporation shall furnish reasonable proof to the commission that such one and one-half per centum (1½%) is insufficient to pay such lawful expenses and charges for its operations and maintenance as may be authorized under the contracts between the association or corporation and its producers.

Every cooperative agricultural association or corporation operating under the provisions of this section shall file with the commission a copy of its certificate of incorporation and by-laws and a copy of each form of contract employed in its relations with producers within sixty (60) days after the effective date of this act.

Section 904 Pleading and Service. The appeal provided by this article from action of the commission shall be by petition against the commission officially as defendant alleging therein in brief detail the action and decision complained of and praying for a reversal thereof. Such petition shall specify the petitioner's objections to the action and decision of the commission and shall state facts in support of such objections sufficient to constitute a prima facie case and any objection not so specified and supported by facts shall not be considered by the court. Every such petition reciting facts shall be supported by oath or affirmation and the petition shall include as part thereof under oath or affirmation an averment that the appeal is not filed merely for purposes of delay.

Upon service of a summons upon the commission returnable at least ten (10) days from the date of service the commission may on or before the return day file a motion to dismiss the appeal raising questions of law or attacking the form or sufficiency of the petition. If such motion is not sustained the commission shall be given leave to file an answer within not less than ten (10) days after the order of the court overruling the motion.

On or before the return day of such summons served upon the commission or within the time allowed in an order of the court denying a motion to dismiss an appeal the commission [shall] may file an answer which shall deny or admit the allegations of fact in the petition and which may also allege by way of defense the grounds for its action or decision. If no answer is filed by the commission the case shall be at issue without further pleadings as though an answer had been filed denying all the allegations of fact in the petition.

Upon the filing of an answer by the commission or if no answer is filed then on the return day or at the expiration of the time allowed for answer by an order of court the case shall be at issue without further pleadings and upon application of either party the case shall be advanced and heard without further delay.

Section 1003 Actions to Enforce Compliance. The commission or any person marketing committee union or association composed of persons affected by the orders, rules or regulations of the commission may institute such action at law or in equity as may appear necessary to enforce compliance with any provision of this act or to enforce compliance with any rule regulation or order of the commission made pursuant to the provisions of this act.

Section 1101 Milk Control Fund. All moneys collected or received by the commission arising from license fees penalties permits or any other source shall be paid by the commission into the State Treasury through the Department of Revenue and shall by the State Treasurer be placed in a separate fund to be known as the "Milk Control Fund." Fines imposed under this act shall be payable to and collected by the commission and similarly placed in the Milk Control Fund.

Moneys collected or received by the commission that are not funds of the Commonwealth but are due to producers, dealers or handlers for or on account of milk acquired or received by dealers or handlers from producers or other dealers or handlers and placed in the Milk Control Fund shall be paid to the persons entitled thereto by the State Treasurer as directed by the commission.

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

On the question,

Shall the bill pass finally?

Mr. GATES. Mr. Speaker, I desire to interrogate the gentleman from Westmoreland, Mr. Haberlen.

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

Mr. HABERLEN. I shall, Mr. Speaker.

Mr. GATES. Mr. Speaker, for the purpose of gathering information so I may vote on this bill intelligently, I would like to ask the sponsor if the producers in Western Pennsylvania or in the counties of Armstrong, Jefferson, Clarion, Lawrence and Mercer, the Keystone Milk Producers Asso-

ciation has O.K'd this bill?

Mr. HABERLEN. They have, Mr. Speaker.

Mr. GATES. I thank the gentleman from Westmoreland, Mr. Haberlen.

QUESTION OF INFORMATION

Mr. VAN ALLSBURG. Mr. Speaker, I rise to a point of information.

The Speaker. The gentleman from Erie will state his point of information.

Mr. VAN ALLSBURG. Mr. Speaker, this bill, House Bill 124 was introduced as Printer's No. 149, and contained 82 pages. When it was next reported out after being recommended on April 21st, under Printer's No. 337 it had increased its number of pages from 82 to 92. Then as reported on May 6, the bill contained 46 pages. This is an amended bill and in reading it yesterday I was at a loss in getting the last Printer's No., as now on the calendar, to know what had transpired and what had happened to the bill in committee, why it was increased from 82 to 92 pages and then finally reduced to 46. I could not tell by the bill what had been done by the committee, how it was possible.

The SPEAKER. Will the gentleman from Erie yield?

Mr. VAN ALLSBURG. I shall, Mr. Speaker.

The SPEAKER. For information of the gentleman from Erie when matter is stricken from a bill by amendment it is removed from the subsequent print entirely. There were a number of pages which the committee amended by striking them from the bill. The reprint would then show a lesser number of pages. If the gentleman will refer to the prior print he will find the matter eliminated enclosed in heavy faced brackets. Does that answer the gentleman's question?

Mr. VAN ALLSBURG. Partly, Mr. Speaker, but it seems to me, as I recall it, that I was always able to tell on the final reading of a bill what had taken place in committee, what changes had been made, inserting brackets, the next time putting them back and so forth. I would like to inquire of the Chair whether or not those do not remain in the bill in its final form?

The SPEAKER. The Chair recognizes the gentleman from Monroe, Mr. Achterman, and suggests the gentleman from Erie to interrogate the gentleman from Monroe, who is Chairman of the Committee on Rules.

Mr. ACHTERMAN. Mr. Speaker, I think I can clarify the situation for the gentleman. Early in the session there was an agreement between the House and the Senate, that is, between the majority and minority leaders in both Houses, that we would adopt a new system of printing and if we found the system worked satisfactorily we would finally pass rules putting into effect the new system. It is aimed, of course, at expediency in reading bills and it has economy as its background. This particular bill is an excellent example of not only the ease with which you can read a bill when it comes up for final passage, but also it discloses the amount of saving in money to the State.

In this particular instance the sponsor of the bill had in mind amending certain sections of the Milk Control Act. Subsequently during the course of its history it was decided that those particular sections would not be amended. As a result of the practice of cutting out the amendments that had been inserted the sections remained as they were originally in the law. Therefore, it no longer appears in

print because no change takes place in any section other than those which now appear before you and upon which you are voting. Does that help clarify the situation?

Mr. VAN ALLSBURG. Mr. Speaker, in a measure it does. I merely wish to say to the gentleman from Monroe that while I realize there is a saving, of course, in the cost of printing, nevertheless it seems to me it is very unsatisfactory, especially in a bill of this kind to find that forty-six pages have been dropped in the few days the bill has been in committee. One naturally suspects that probably they have dropped some portions of the original bill, that they may not even have been amended but dropped out in committee. That is what I am in doubt about.

Mr. ACHTERMAN. Mr. Speaker, that is not correct in its entirety. The gentleman has before him the entire subject that is before the House at the present time. In other words, he knows that a basic law, that is, the law now enforced will be unchanged in the event of the passage of this bill, except as to the details now before you in the bill containing forty-five (45) pages. He also knows at the same time that it has been contemplated by the sponsors or someone else in this bill to change certain sections in the original bill, but that thought has been dropped, so that he knows and every Member of the House will know that the only changes to the present milk control act are those that are set forth in this particular bill. No other sections are affected by the contemplated legislation.

Mr. MOUL. Mr. Speaker, I desire to interrogate the gentleman from Westmoreland, Mr. Haberlen.

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

Mr. HABERLEN. Mr. Speaker, due to the fact that I am just an ordinary farmer and not an attorney, I yield to the gentleman from Allegheny, Mr. Brown.

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

Mr. MOUL. Mr. Speaker, I would like to have the gentleman from Allegheny, Mr. Brown, explain lines 16 to 29 inclusive on page 12.

Mr. BROWN. Mr. Speaker, I hope I have not gone out into deep water by assuring the gentleman from Westmoreland, Mr. Haberlen, that I would try to explain this particular section of the bill which has been inserted as an amendment.

For the benefit of the Members, I think it would be wise to read this amendment and for us to be certain that the amendment is proper, or else the whole bill may be invalidated. I quote the section concerning which the question has been asked. Beging on page 12, line 16:

"No person shall be excused from testifying or from producing any books and records at any hearing before the commission a commissioner or any special agent or examiner designated by the commission when ordered to do so upon the ground that the testimony or evidence books or records required may tend to incriminate him or subject him to penalty or forfeiture but no person shall be prosecuted, punished or subjected to any forfeiture or penalty for or on account of any act transaction matter or thing concerning which he shall have been compelled under objection to testify or produce documentary evidence. Provided that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony."

I presume the gentleman has reference to the constitutionality of this particular section. If the gentleman has that in mind, I would be very happy to give him a cursory examination of the records so that we may ascertain whether or not such a provision is constitutional. If the gentleman asks the interrogation on the effect that this amendment will have on the bill, I do not think I am qualified to answer that. I can only answer the question as to the constitutionality of the bill. I should like to ask him whether or not he wishes the question of the constitutionality of the amendment discussed.

Mr. MOUL. Mr. Speaker, what I am primarily interested in knowing is whether or not if this provision is permitted to remain in the bill, it will be possible for the attorneys of milk companies to go into court and have an injunction issued against any orders that might be in effect and thereby spoil the affectiveness of the act.

I might explain that in every instance in the last eight years in laws of this kind, the attorneys for the milk companies have found something in the act that permitted them to go into court and have an injunction issued and hold up the effectiveness of the act, so that they were able to operate outside of the act. We, in York County have had the experience of going along with the consignment purchase plan during the past two years which we have had to contend with. What I would like to know is whether or not at this time it would be possible for the attorneys to jump in and use this new provision in order to spoil the effectiveness of the act.

Mr. BROWN. Mr. Speaker, I might say to the gentleman from York, Mr. Moul, that this is a new provision in this act but not new in law. This provision has been used rather extensively by the Federal Government. I call the gentleman's attention to the Federal anti-trust laws, 1938 statutes, 723, and the Interstate Commerce Act 1927 statute laws, 443, where similar provisions are made as to what we call self incriminating statutes. I believe it is a valid exercise of the power of this legislature to pass such a statute. These statutes have helped tremendously in the prosecution of cases, particularly in the Federal courts and I believe they will likewise be of benefit if used in the same connection in this act. I might say to the gentleman it seems to me that the statute is entirely constitutional. The question has been raised several times in this state and is now a part of our public utility code as found in the act of May 28, P. L. 1053—1937, Art. X, Sec. 1012.

I should like to read a part of the decision in Dole versus Philadelphia, 337 Pa. 385, which was the case regarding the constitutionality of an ordinance of the city of Philadelphia imposing a tax for general revenue purposes on salaries and wages.

"It is also urged that the ordinance is invalid because it requires the production of books for examination without granting immunity to the taxpayer who produces them."

The language "without granting immunity" is significant in that it is reasonable to assume that where immunity is granted, as is the case with the present amendment, the constitutionality of such a statute would not be doubted.

We also find a reference to the question in Kelly's Contested Election reported in 200 Pa. 430, wherein, Art. VIII,

Sec. 10 of the State Constitution was attacked and the court has this to say on the subject:

"In trials of contested elections and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony upon the ground that he might incriminate himself or subject him to public infamy, but such testimony shall not afterwards be used against him in any judicial proceedings except for perjury in giving such testimony.

"The argument that section 10 is fatally repugnant to section 9 of the Bill of Rights and that the latter must prevail is without force; assuming that witness' answer would disclose the fact that he used money to purchase the votes of certain electors, his answer could not be used against him in any legal proceeding, therefore he would be subject to no penalty or fine involving deprivation of liberty or forfeiture of land or goods."

There is only one query that might be raised in this particular section of the act, and that is whether it would inure to the benefit of the agents. I have made some examination of the federal acts in the short time at my disposal and I find no case where agents can compel a witness to testify on self-incriminating facts. However, it seems to me if the agent, as used in this act we are now discussing, is to hold a hearing and have the authority from the Commission to go out and conduct a proper investigation the agent would be entitled to use the provisions of this act. As long as immunity is granted, and as long as a man shall not be subject to any penalty, I do not believe the Amendment violates section 9 of the Bill of Rights of the Constitution of Pennsylvania, or that it violates the 14th amendment to the Constitution of the United States, which prohibits the states from making or enforcing any laws which abridge the privileges or immunities of citizens of the United States.

Mr. MOUL. Mr. Speaker, in the opinion of the gentleman from Allegheny, Mr. Brown, is there any possibility of using this portion of the act to hold up the process of the act as has been done in numerous cases and numerous occasions such as in the consignment purchase plan under the present act?

Mr. BROWN. Mr. Speaker, that is such an indefinite question that I think it could not be answered categorically. Any provision of the act is subject to court procedure and this provision or any other provision would be subject to the regular and orderly processes of court procedure. I do not think this provision in itself will create any more difficulty than any of the other provisions so far as relates to the proper enforcement of this act. It is a question of relatively, and I do not think anybody in this House or any place else can answer the question categorically.

Mr. MOUL. Mr. Speaker, will the gentleman from Allegheny be willing to give us reasonable assurance that this would not provide a loophole that would be larger than we might expect from any other portion of the bill?

Mr. BROWN. That again, Mr. Speaker, is just a question of relativity. Any laws we pass are subject to every procedural defect or benefit as the case might be of the whole law of procedure. I cannot see why this provision would either enhance or decrease the obvious methods of court procedure, and the gauntlet that this bill necessarily

will have to run through the courts of the land. However, I can say this, I can see nothing in this particular section that would either expedite the purpose of the act or defeat it. I think the whole question is one of relativity.

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—191

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

NAYS—2

McKinney,	Woodside,	Habbyshaw,
-----------	-----------	------------

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 ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 1172, as follows:

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 or gift for use as fairground

authorizing county commissioners to do all things necessary for the establishment and maintenance of county agricultural fair 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.

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

Section 1 The subdivision heading of subdivision (i) of Article 8 of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended to read as follows:

(i) Fairgrounds, Parks, Parkways, Bridle Paths Foot Paths, Playgrounds, Playfields, Gymnasiums, Baths, Swimming Pools and Indoor Recreation Centers.

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:

Section 650 Power to Acquire Land and Buildings. The county commissioners of any county may designate and set apart for use as agricultural fairgrounds, parks, parkways, bridle paths, foot paths, playgrounds, playfields, gymnasiums, public baths, swimming pools or indoor recreation centers any lands or buildings owned by such county and not dedicated or devoted to other public use. The county commissioners may also acquire lands or buildings for such purposes by gift (or) purchase or may lease lands or buildings in such county for temporary use for such purposes.

Section 651 Equipment and Maintenance. The authority to supervise, build and maintain fairgrounds, parks, parkways, bridle paths, foot paths, playgrounds, playfields, gymnasiums, public baths, swimming pools or indoor recreation centers may be vested in any existing body or board or in a fair board, park board or recreation board as the county commissioners may determine. The county commissioners of the county may equip, operate and maintain the fairgrounds, parks, parkways, bridle paths, foot paths, playgrounds, play fields, gymnasiums, swimming pools, public baths or indoor recreation centers as authorized by this act and may for the purpose of carrying out the provisions of this act employ play leaders, recreation directors, supervisors, superintendents or any other officers or employees as they deem proper.

Section 652 Fair Park and Recreation Boards. If the county commissioners shall determine that the power to supervise fairgrounds, parks, parkways, bridle paths, foot paths, playgrounds, playfields, gymnasiums, public baths, swimming pools or recreation centers shall be exercised by a fair board, park board or recreation board they may establish in said county such fair board, park board or recreation board which shall possess all the powers and be subject to all the responsibilities of the respective county commissioners. Entire such boards when established shall consist of not less than five persons. The members of such boards shall be appointed by the commissioners of such county and shall serve for terms of five years or until their successors are hereby further amended to read as follows: First appointed shall be appointed for such terms that the terms of all the members shall not expire in the same year. Members of such board shall serve without pay. Women shall be eligible for appointment. Vacancies in such board occurring otherwise than by expiration of term shall be for the unexpired term and shall be filled in the same manner as original appointments.

Section 3 Section six hundred fifty-three of said act is hereby amended to read as follows:

Section 653 Officers of Board. The members of a fair board, park board or recreation board established pursuant to this act shall elect their own chairman and secretary and select all other necessary officers to serve for a period of one year and may with the consent and approval of the county commissioners employ such persons as may be needed as authorized by this act. Such boards shall have

power to adopt rules and regulations for the conduct of all business within their jurisdiction.

Section 4 Sections six hundred fifty-four six hundred fifty-five and six hundred fifty-six 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 appointed except that the members of such board.

Section 654 Joint Action. Any county may jointly with any other county or any city, borough, township or school district acquire property for and operate and maintain any fairgrounds, parks, parkways, bridle paths, foot paths, playgrounds, playfields, gymnasiums, public baths, swimming pools or indoor recreation centers.

Section 655 Indebtedness. The county commissioners may issue bonds for the purpose of acquiring lands or buildings for fairgrounds, parks, parkways, bridle paths, foot paths, playgrounds, playfields, gymnasiums, swimming pools, public baths or indoor recreation centers and for the equipment thereof.

Section 656 Payment of Expenses, Taxation Annual Fairs State Contributions. All expenses incurred in the operation of such fairgrounds, parks, parkways, bridle paths, foot paths, playgrounds, playfields, gymnasiums, swimming pools, public baths and indoor recreation centers established as herein provided shall be payable from the treasury of such county. The county commissioners may annually appropriate and cause to be raised by taxation such tax not to exceed two mills on the dollar of the assessed valuation of taxable property in such county for the purpose of maintaining and operating fairgrounds, parks, parkways, bridle paths, foot paths, playgrounds, playfields, gymnasiums, public baths, swimming pools and recreation centers.

The county commissioners or the fair board if there be one may provide for and hold an annual fair or agricultural exhibition on the fairgrounds acquired or maintained as aforesaid and may accept aid or contributions from the Commonwealth under any act of Assembly for the payment of premiums at any such fair or exhibition.

Section 5 The provisions of this act shall become effective immediately upon final enactment.

On the question,

Shall the bill pass finally?

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

YEAS—193

Achterman,	Fleming,	Leydic,	Rooney,
Allmond,	Fletcher,	Lichtenwalter,	Rose, S.,
Auker,	Flynn,	Longo,	Rose, W. E.,
Baker,	Foor,	Lovett,	Rosenfeld,
Balthaser,	French,	Lyons,	Rush,
Baugher,	Gallagher,	Marks,	Sarraf,
Bentzel,	Gates,	Maxwell,	Scanlon,
Boles,	Gerard,	McClanaghan,	Schwab,
Boney,	Gillette,	McClester,	Shaffer,
Boorse,	Goodwin,	McDermott,	Shaw,
Bower,	Greenwood,	McDowell,	Shepard,
Bradley,	Gross,	McFall,	Simons,
Breth,	Gryskewicz,	McGrath,	Skale,
Bretherick,	Gyger,	McIntosh,	Snyder,
Brown,	Habbyshaw,	McKinney,	Sollenberger,
Brunner, C. H.,	Haberlen,	McLanahan,	Stambaugh,
Brunner, P. A.,	Haines,	McLane,	Stank,
Burns,	Hall,	McMillen,	Stine,
Burriss,	Hamilton,	McSurdy,	Tarr,
Cadwalader,	Hare,	Melchiorre,	Tate,
Chervenak,	Harkins,	Mihm,	Taylor,
Chudoff,	Harmuth,	Modell,	Thompson, E. F.,
Cochran,	Harris,	Monks,	Thompson, R. L.,
Cohen, M. M.,	Heatherington,	Mooney,	Trout,
Cohen, R. E.,	Helm,	Moran,	Turner,
Cook,	Hering,	Moul,	Van Allsburg,
Cooper,	Herman,	Muir,	Verona,
Cordier,	Hersch,	Munley,	Vincent,
Cordigan,	Hewitt,	Nunemacher,	Vogt,
Croop,	Hirsch,	O'Brien,	Voidow,
Cullen,	Holland,	O'Connor,	Voorhees,
Dairympie,	Huntley,	O'Dare,	Wagner,
Dennison,	Imbrie,	C'Mullen,	Watkins,
DiGenova,	James,	O'Neill,	Weingartner,
	Jefferson,	Owens,	Weiss,

Dix,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Dolon,	Jones, P. N.,	Pettit,	Welsh, M. J.,
D'Ortona,	Keenan,	Polaski,	Williams,
Duffy,	Kenehan,	Polen,	Wolf,
Early,	Kline,	Powers,	Wood, L. H.,
Eckels,	Knobie,	Prosen,	Wood, N.,
Elder,	Kolankiewicz,	Rank,	Woodring,
Elliott,	Komorowski,	Rausch,	Woodside,
Falkenstein,	Krise,	Readinger,	Wright,
Finestone,	Lee, T. H.,	Reagan,	Yeakel,
Finnerty,	Lelsey,	Reese, D. P.,	Yester,
Fisher,	Leonard,	Reese, R. E.,	Young,
Fiss,	Lesko,	Reynolds,	Kilroy,
	Levy,	Rhea,	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 ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1270, as follows:

An Act to further amend sections one, two and seven of the act approved the twelfth day of June one thousand nine hundred and thirty-one (P. L. 510) entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals conferring certain powers and duties upon the Department of Welfare and providing penalties" limiting the provisions of said act to exclude nursing homes and hospitals operated on a non-profit basis.

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

Section 1 Sections one, two and seven of the act approved the twelfth day of June one thousand nine hundred and thirty-one (P. L. 510) entitled "An Act providing for the licensure and regulation of certain private nursing homes and private hospitals conferring certain powers and duties upon the Department of Welfare and providing penalties" as amended by the Act approved the nineteenth day of June one thousand nine hundred and thirty-nine (P. L. 438) are hereby further amended to read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That after the effective date of this act it shall be unlawful for any person, co-partnership association or corporation to operate for profit within this Commonwealth a private nursing or private hospital for persons requiring care, treatment or nursing by reason of sickness, injury, infirmity or other disability without a license as hereinafter required but this act shall not be construed to apply to any State or State-aided institution or any institution licensed by the Department of Welfare under other statutes.

Section 2 Every person, copartnership, association or corporation desiring to operate for profit such a private nursing home or private hospital shall file an application for a license with the Department of Welfare. The application shall be on a form prescribed prepared and furnished by the Department of Welfare and together with such other information as the department shall require shall state.

(a) The name and address of the applicant and the person to be in charge of said home or hospital. If the applicant is a co-partnership, association or corporation the application shall state the names and address of all the partners and officers as the case may be.

(b) The location of the private nursing home or hospital and if the applicant is a corporation, association or partnership the state of incorporation or organization,

(c) The facilities of the private nursing home or hospital for the care, treatment or nursing of patients or inmates including sanitary and fire protection facilities.

Section 7 Any person or any or all officers or partners of any partnership association or corporation maintaining or operating for profit within this Commonwealth a private nursing home or private hospital without a license required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000) or to undergo imprisonment not exceeding one year or both.

Section 2 Nothing contained in this act or any other act shall be construed to provide for the licensure and regulation of nursing homes and hospitals operating on a non-profit basis.

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—192

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

NAYS—1

McKinney,

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 third reading and consideration of House Bill No. 979, as follows:

An Act to amend section one thousand seven hundred and one of article seventeen 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 further regulating the recount of ballots in cases of suspected fraud or error and governing the return of the moneys deposited in such cases.

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

Section 1 Section one thousand seven hundred and one of article seventeen 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" is hereby amended to read as follows:

Section 1701 Opening Ballot Boxes Upon Petition of Electors Alleging Fraud or Error Deposit or Bond (a) The court of common pleas or a judge thereof of the county in which any election district is located in which ballots were used shall open the ballot box of such election district used at any general, municipal, special or primary election held therein and cause the entire vote thereof or the vote for any office specifically designated in the petition as in question to be correctly counted by persons designated by such court or judge if three qualified electors of the election district shall file as hereinafter provided a petition duly verified by them alleging that upon information which they consider reliable they believe that fraud or error although not manifest on the general return of votes made therefrom was committed in the computation of the votes cast for all offices or for any particular office or offices in such election district or in the marking of the ballots or otherwise in connection with such ballots. Said petition shall request a recount of the votes for all offices or for one or more offices if all be not in question. It shall not be necessary for the petitioners to specify in their petition the particular act of fraud or error which they believe to have been committed nor to offer evidence to substantiate the allegations of their petition.

(b) Every petition for the opening of a ballot box under the provisions of this section shall be filed in the office of the prothonotary of the proper county accompanied by a deposit of cash in the amount of fifty (\$50.00) dollars or by a bond signed by the petitioners as principals and by a corporate surety to be approved by the court in the amount of one hundred (\$100.00) dollars conditioned upon the payment to the county treasurer for the use of the county of the sum of fifty (\$50.00) dollars in the event that upon the opening of the ballot box it shall not appear that fraud or substantial error was committed in the computation of the votes cast [on the ballots contained therein] for the office or offices in question for which a recount was requested or fraud in the marking of the ballots [contained therein] for the said office or offices or otherwise in connection with such ballots.

(c) Before any ballot box is opened under the provisions of this section the court shall direct that notice of time and place of proposed recount be given either personally

or by registered mail to each candidate for the office or offices which are to be recounted by the order of the court and each such candidate may be present at such recount either in person or by his attorney or by his duly authorized representative under such regulations as the court may prescribe.

(d) If upon opening any such ballot box it shall appear that fraud or substantial error was committed in the computation of the votes cast [on the ballots contained therein] for the office or offices for which the vote was recounted or fraud in the marking of the said ballots [contained therein] or otherwise in connection with such ballots it shall be the duty of the court to certify such fact to the prothonotary and thereupon the prothonotary shall return to the petitioners the said sum of fifty (\$50.00) dollars or if the petitioners shall have filed a bond in lieu of cash to mark said bond canceled and notify the petitioners that he has done so.

(e) If upon opening any ballot box under the provisions of this section it shall not appear that fraud or substantial error was committed in the computation of the votes cast on the ballots contained therein or fraud in the marking of the ballots contained therein or otherwise in connection with such ballots the persons upon whose petition such ballot box shall have been opened shall forfeit to the county the sum of fifty (\$50.00) dollars. If said petitioners shall have deposited the said sum in cash with the prothonotary at the time of filing the petition the prothonotary upon certification of the court that fraud or substantial error was not discovered shall pay said sum deposited with him to the county treasurer and if the petitioners shall have filed with their petition a bond in the sum of one hundred (\$100.00) dollars it shall be the duty of the county treasurer forthwith to collect from the principals or surety on said bond the sum of fifty (\$50.00) dollars and costs of suit and for this purpose he is hereby authorized to institute any necessary legal proceedings. When so collected the said sum of fifty (\$50.00) dollars shall be paid over to the county treasurer.

(f) Ballot boxes may be opened under the provisions of this section at any time within four months after the date of the general, municipal, special or primary election at which the ballots therein shall have been cast.

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

On the question,

Shall the bill pass finally?

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

YEAS 193

Achterman,	Fletcher,	Lichtenwaler,	Rose, S.
Allmond,	Flynn,	Longo,	Rose, W. E.,
Auker,	Foor,	Lovett,	Rosenfeld,
Baker,	French,	Lyons,	Rush,
Balthaser,	Gallagher,	Marks,	Sarraf,
Baughner,	Gates,	Maxwell,	Scanlon,
Bentzel,	Gerard,	McClanaghan,	Schwab,
Boles,	Gillette,	McClester,	Shaffer,
Boney,	Goodwin,	McDermott,	Shaw,
Boorse,	Greenwood,	McDowell,	Shepard,
Bower,	Gross,	McFall,	Simons,
Bradley,	Gryskewicz,	McGrath,	Skale,
Breth,	Gyger,	McIntosh,	Snyder,
Bretherick,	Habbyshaw,	McKinney,	Sollenberger,
Brown,	Haberlen,	McLanahan,	Stambaugh,
Brunner, C. H.,	Haines,	McLane,	Stank,
Brunner, P. A.,	Hall,	McMillen,	Stine,
Burns,	Hare,	McSurdy,	Tarr,
Burriss,	Harkins,	Melchiorre,	Tate,
Cadwalader,	Harmuth,	Mihm,	Taylor,
Chervenak,	Harris,	Modell,	Thompson, E. F.,
Chudoff,	Heatherington,	Monks,	Thompson, E. L.,
Cochran,	Helm,	Mooney,	Trout,
Cohen, M. M.,	Hering,	Moran,	Turner,
Cohen, R. E.,	Herman,	Moul,	Van Allsburg,
Cook,	Hersch,	Muir,	Verona,
Cooper,	Hewitt,	Munley,	Vincent,
Cooper,	Hirsch,	Nunemacher,	Vogt,
Cordier,	Holland,	O'Brien,	Voldow,
Corrigan,		O'Connor,	Voorhees,

Croop,	Huntley,	O'Dare,	Wagner,
Cullen,	Imbrie,	O'Mullen,	Watkins,
Dalrymple,	James,	O'Neill,	Weingartner,
Dennison,	Jefferson,	Owens,	Weiss,
DiGenova,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Dix,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Dolon,	Keenan,	Polaski,	Williams,
D'Ortona,	Kenehan,	Polen,	Wolf,
Duffy,	Kline,	Powers,	Wood, L. H.,
Early,	Knoble,	Prosen,	Wood, N.,
Eckels,	Kolankiewicz,	Rank,	Woodring,
Elder,	Komorofski,	Rausch,	Woodside,
Elliott,	Krise,	Readinger,	Wright,
Falkenstein,	Lee, T. H.,	Reagan,	Yeakel,
Finestone,	Lelsey,	Reese, D. P.,	Yester,
Finnerty,	Leonard,	Reese, R. E.,	Young,
Fisher,	Lesko,	Reynolds,	Kilroy,
Fiss,	Levy,	Rhea,	Speaker.
Fleming,	Leydic,	Rooney,	

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. 1166, Printer's No. 461, was passed over at the request of Mr. Achterman.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 174, as follows:

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

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

Section 1 Section four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2045) entitled "An act relating to the support of indigent persons publicly cared for or assisted providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons providing for guardians of the person and property of such persons providing for the arrest and seizure and sale of the property of deserters and providing procedure" is hereby amended by adding thereto subsection (c) to read as follows

Section 4 Property of Indigent Persons Liable for Expenses Incurred for Support and Assistance

(c) No public body or public agency shall demand or accept a bond or judgment note from an indigent person as security for or to facilitate the future collection of expenses for his support maintenance assistance or burial before such expenses have actually been incurred by the public body or public agency

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 193

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

NAYS 0

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

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

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1313, (Senate Bill No. 528) entitled:

An Act making a deficiency appropriation to aid certain school districts

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

On the question,

Shall the bill pass finally?

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

YEAS 193

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

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 amendments.

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. 1254, entitled:

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

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMENDED

Mr. FINESTONE. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities—First Class for the purpose of further study and possible amendment. The motion was agreed to.

BILLS PASSED OVER

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

There being no objection House Bill No. 709, Printer's No. 456, was passed over at the request of Mr. ELWOOD B WELSH.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third 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

On the question,

Will the House agree to the bill on third reading?

Mr. WEISS. 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 the title, page 1, first line of title by inserting after the word "lock-ups" the following: "jails and other places where persons are incarcerated."

Amend sec. 1, page 1, line 1, by inserting after the word "lock-ups" the following: "jails and other places where persons are incarcerated."

Amend sec. 1, page 1, line 4, by inserting after the word "lock-ups" the following: "jails and other places where persons are incarcerated."

Amend sec. 2, page 1, line 6, by inserting after the word "lock-up" the following: "jail or other place where persons are incarcerated."

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.

BILL PASSED OVER

There being no objection House Bill No. 943, Printers No. 489, 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. 724, as follows:

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 and seventh and eighth classes and revising amending and consolidating the laws relating thereto" and further regulating the form and contents of county auditors reports.

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

Section 1 That section 363 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" as amended by the act of June ninth one thousand nine hundred thirty-one (P. L. 401) is hereby further amended to read as follows:

Section 363 Audit of Accounts The auditors shall audit, settle and adjust the accounts of all county officers of the county and make report thereof annually to the court of common pleas of such county in detail showing distinctly and separately all receipts and expenditures of the several offices and all debts and accounts due and amount raised from each source of revenue and the expenditures in detail and classified by reference to the objects thereof together with a full statement of the financial conditions of the county and a statement of the balance due from or to such county officers.

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

On the question,

Shall the bill pass finally?

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

YEAS—193

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

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. 1072, as follows:

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 (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" providing for the payment of the costs of viewers by the Commonwealth in certain cases.

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

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

Section 519 Time of Appointment of Viewers Costs. The viewers provided for in the preceding section may be appointed either before or at any time after the entry upon taking appropriation or injuring of said land property or material.

The cost of said viewers and all court costs incurred including all advertising and notices in connection therewith shall be paid by the county except that when the right of eminent domain has been exercised by the county acting with the corporate authorities of any city, borough town or township then all costs shall be borne equally by the county and city, borough, town or township. Provided however That where the right of eminent domain has been exercised by the Commonwealth and the county has refused to assume the payment of damages resulting therefrom the cost of said viewers and all other costs in connection therewith shall be paid by the Commonwealth.

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

On the question,

Shall the bill pass finally?

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

YEAS—193

Achterman,	Fletcher,	Longo,	Rose, S.,
Allmond,	Flynn,	Lovett,	Rose, W. E.,
Auker,	Foor,	Lyons,	Rosenfeld,
Baker,	French,	Marks,	Rush,
Balthaser,	Gallagher,	Maxwell,	Sarraf,
Baughner,	Gates,	McClanaghan,	Scanlon,
Bentzel,	Gerard,	McClester,	Schwab,
Boies,	Gillette,	McDermott,	Shaffer,
Boney,	Goodwin,	McDowell,	Shaw,
Boorse,	Greenwood,	McFall,	Shepard,
Bower,	Gross,	McGrath,	Simons,
Bradley,	Gryskewicz,	McIntosh,	Skale,
Breth,	Gyger,	McKinney,	Snyder,
Bretherick,	Habbyshaw,	McLanahan,	Sollenberger,
Brown,	Haberlen,	McLane,	Stambaugh,
Brunner, C. H.,	Haines,	McMillen,	Stank,
Brunner, P. A.,	Hall,	McSurdy,	Stine,
Burns,	Hamilton,	Melchiorre,	Tarr,
Burriss,	Hare,	Mihm,	Tate,
Cadwalader,	Harkins,	Modell,	Thompson, E. F.,
Chervenak,	Harmuth,	Monks,	Thompson, R. L.,
Chudoff,	Harris,	Mooney,	Trout,

Cochran	Heatherington,	Moran,	Turner,
Cohen, R. E.,	Helm,	Moul,	Van Allsburg,
Cook,	Hering,	Muir,	Verona,
Cooper,	Herman,	Munley,	Vincent,
Cordier,	Hersch,	Nunemacher,	Vogt,
Corrigan,	Hewitt,	O'Brien,	Volow,
Croop,	Hirsch,	O'Connor,	Voorhees,
Cullen,	Holland,	O'Dare,	Wagner,
Dalrymple,	Huntley,	O'Mullen,	Watkins,
Dennison,	Imbrie,	O'Neill,	Weingartner,
DiGenova,	James,	Owens,	Weiss,
Dix,	Jefferson,	Petrosky,	Weish, E. B.,
Dolon,	Jones, G. E.,	Pettit,	Weish, M. J.,
D'Ortona,	Jones, P. N.,	Polaski,	Williams,
Duffy,	Keenan,	Polen,	Wolf,
Early,	Kline,	Powers,	Wood L. H.,
Eckels,	Knoble,	Prosen,	Wood, N.,
Elder,	Kolankiewicz,	Rank,	Woodring,
Elliott,	Komorowski,	Rausch,	Woodside,
Falkenstein,	Krise,	Readinger,	Wright,
Finestone,	Lee, T. H.,	Reagan,	Yeakel,
Finnerty,	Leisey,	Reese, D. P.,	Yester,
Fisher,	Lesko,	Reese, R. E.,	Young,
Fiss,	Levy,	Reynolds,	Kilroy,
Fleming,	Leydic,	Rhea,	Speaker.
	Lichtenwarter,	Rooney,	

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. 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.

On the question,

Will the House agree to the bill on third reading?

Mr. WEISS. Mr. Speaker, I ask unanimous consent to offer amendment at this time.

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

The Clerk read the amendment as follows:

Amend the title, page 1, first line of title by inserting after the word "property" the following: "in counties of the third class."

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

On the question,

Will the House agree to the amendment.

It was agreed to.

On the question,

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

It was agreed to.

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

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1458, as follows:

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

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

Section 1 The governing bodies of any city of the first second and second class A may by proper ordinance require that printing firms who are desirous of presenting bids for city printing shall be required to establish consideration as responsible bidders as follows:

(a) That the printing shall be done within the county where such city is situated

(b) That the printing firms shall file with the city clerk a sworn statement to the effect that employes in the employ of the firm or firms which are to produce such printing are receiving the prevailing wage rate and are working under conditions prevalent in the locality in which the work is produced

(c) That a collective bargaining agreement shall be in effect between an employer and employes who are represented by a responsible organization which is in no way influenced or controlled by the management

(d) That in case any dispute arises as to what is the prevailing rate of wages for such work applicable to the contract which cannot be adjusted by the head of the department requiring such printing the matter shall be referred to the city council and its decision by a majority vote thereon shall be conclusive

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

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

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

On the question,

Shall the bill pass finally?

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

YEAS—193

Achterman,	Fletcher,	Lichtenwalter,	Rose, S.,
Allmond,	Flynn,	Longo,	Rose, W. E.,
Auker,	Foor,	Lovett,	Rosenfeld,
Baker,	French,	Lyons,	Rush,
Balthaser,	Gallagher,	Marks,	Straff,
Baughner,	Gates,	Maxwell,	Swanlon,
Bentzel,	Gerard,	McClanaghan,	Schwab,
Boles,	Gillette,	McClester,	Shaffer,
Boney,	Goodwin,	McDermott,	Shaw,
Boorse,	Greenwood,	McDowell,	Shepard,
Bower,	Gross,	McFall,	Simons,
Bradley,	Gryskewicz,	McGrath,	Skale,
Breth,	Gyger,	McIntosh,	Snyder,
Bretherick,	Habbyshaw,	McKinney,	Sollenberger,
Brown,	Haberlen,	McLanahan,	Stambaugh,
Brunner, C. H.,	Haines,	McLane,	Stank,
Brunner, P. A.,	Hall,	McMillen,	Stine,
Burns,	Hamilton,	McSurdy,	Tarr,
Burriss,	Hare,	Melchiorre,	Tate,
Cadwalader,	Harkins,	Mihm,	Taylor,
Chervenak,	Harmuth,	Modell,	Thompson, E. F.,
Chudoff,	Harris,	Monks,	Thompson, R. L.,
Cochran,	Heatherington,	Mooney,	Trout,
Cohen, M. M.,	Helm,	Moran,	Turner,
Cohen, R. E.,	Hering,	Moul,	Van Allsburg,
Cook,	Herman,	Muir,	Verona,
Cooper,	Hersch,	Munley,	Vincent,
Cordier,	Hewitt,	Nunemacher,	Vogt,
Corrigan,	Hirsch,	O'Brien,	Voldow,
Croop,	Holland,	O'Connor,	Voorhees,
Cullen,	Huntley,	O'Dare,	Wagner,
Dalrymple,	Imbrie,	O'Mullen,	Watkins,
Dennison,	James,	O'Neill,	Weingartner,
DiGenova,	Jefferson,	Owens,	Weiss,
Dix,	Jones, G. E.,	Petrosky,	Weish, E. B.,
Dolon,	Jones, P. N.,	Pettit,	Weish, M. J.,
D'Ortona,	Keenan,	Polaski,	Williams,
Duffy,	Kenehan,	Polen,	Wolf,
Early,	Kline,	Powers,	Wood, L. H.,
Eckels,	Knoble,	Prosen,	Wood, N.,
Elder,	Kolankiewicz,	Rank,	Woodring,
Elliott,	Komorowski,	Rausch,	Woodside,
Falkenstein,	Krise,	Readinger,	Wright,
Finestone,	Lee, T. H.,	Reagan,	Yeakel,
Finnerty,	Leisey,	Reese, D. P.,	Yester,
	Leonard,	Reese, R. E.,	Young,

Fisher, Lesko, Reynolds, Kilroy,
 Fiss, Levy, Rhea, Speaker.
 Fleming, Leydic, Rooney,

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. 1386, Senate Bill No. 295, Printers No. 143, 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. 1036, as follows:

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 orphans 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

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

Section 1 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 orphans court in connection therewith and the fees therefor" is hereby amended to read as follows

Section 16
 * * * *

(b) The person adopted shall for all purposes of inheritance and taking by devolution be a member of the family of the adopting parent or parents The adoptive relatives of the person adopted shall be entitled to inherit and take from and through such person to the exclusion of his or her natural parents grandparents and collateral relatives but the surviving spouse of such adopted person and the children and descendants of such adopted person shall have all his her and their respective rights under this act Adopted persons shall not be entitled to inherit or take from or through their natural parents grandparents or collateral relatives but each adopted person shall have all his or her rights under this act in the estates of his or her spouse children and descendants Provided That in cases where a natural parent having a child legitimate or illegitimate has thereafter intermarried or shall hereafter intermarry with another and such other spouse adopts the child of the natural parent the natural parent shall retain his or her prior status and for purposes of inheritance and devolution the adopted child and the natural parent shall be entitled to take from and through the other and be regarded in law as the heir of the other

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—193

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

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. 192, as follows:

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

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

Section 1 That 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" is hereby amended to read as follows:

Section 4408 suspension and discharge reduction of

employees appeals by policemen. All employees subject to civil service shall be subject to suspension by the director of the department for misconduct or violation of any law of this Commonwealth any ordinance of the city or regulation of the department pending action by the city council upon the charges made against any of such employees. On the ring before the city council where they may be represented by counsel they may be fined or suspended for a period not exceeding thirty days with or without pay or they may be discharged by city council if found guilty of the charges made against them. The director of each such department may for misconduct or violation as aforesaid suspend any employe of such department for a period of ten days with or without pay without preferring charges and without a hearing of council. Provided however That if it should become necessary to reduce the number of men in said department for purposes of economy seniority rights shall prevail and any and all removals for such cause or causes shall be from the member last appointed and the member or members serving the shortest time shall be removed first but members with longer times of service may be discharged for cause.

Any policeman aggrieved by the action of the council in fining suspending or discharging him shall have the right to appeal by petition within thirty days after receipt of written notice of such action which it shall be the duty of the council to give to the court of common pleas of the county which court shall hear the charges made against the policeman de novo. The issue before the court shall be whether the action of the council shall be affirmed or be modified in any respect or whether the charges should be dismissed. Where any policeman has been suspended by action of council and the charges are dismissed on appeal the policeman shall receive full compensation for the entire period of suspension.

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 193

- | | | | |
|-----------------|----------------|----------------|------------------|
| Achterman. | Fletcher, | Lichtenwalter, | Rose, S. |
| Allmond, | Flynn, | Longo, | Rose, W. E. |
| Auker, | Foor, | Lovett, | Rosenfeld, |
| Baker, | French, | Lyons, | Rush, |
| Balthaser, | Gallagher, | Marks, | Sarraf, |
| Baughner, | Gates, | Maxwell, | Scanlon, |
| Bentzel, | Gerard, | McClanaghan, | Schwab, |
| Boies, | Gillette, | McClester, | Shafier, |
| Boney, | Goodwin, | McDermott, | Shaw, |
| Boorse, | Greenwood, | McDowell, | Shepard, |
| Bower, | Gross, | McFall, | Simons, |
| Bradley, | Gryskewicz, | McGrath, | Skale, |
| Breth, | Gyger, | McIntosh, | Snyder, |
| Bretherick, | Habbyshaw, | McKinney, | Sollenberger, |
| Brown, | Haberlen, | McLanahan, | Stambaugh, |
| Brunner, C. H., | Haines, | McLane, | Stank, |
| Brunner, P. A., | Hall, | McMillen, | Stine, |
| Burns, | Hamilton, | McSurdj, | Tarr, |
| Burtis, | Hare, | McTchiorre, | Tate, |
| Cadwalader, | Harkins, | Mihm, | Taylor, |
| Chervenak, | Harmuth, | Modell, | Thompson, E. F., |
| Chudoff, | Harris, | Monks, | Thompson, R. L., |
| Cochran, | Heatherington, | Mooney, | Trout, |
| Cohen, M. M. | Helm, | Moran, | Turner, |
| Cohen, R. E. | Hering, | Moul, | Van Allsburg, |
| Cook, | Herman, | Muir, | Verona, |
| Cooper, | Hersch, | Munley, | Vincent, |
| Cordier, | Hewitt, | Nunemacher, | Vogt, |
| Corrigan, | Hirsch, | O'Brien, | Voidow, |
| Croop, | Holland, | O'Connor, | Voorhees, |
| Cullen, | Huntley, | O'Dare, | Wagner, |
| Dalrymple, | Imbrie, | O'Mullen, | Watkins, |
| Dennison, | James, | O'Neill, | Weingartner, |
| DiGenova, | Jefferson, | Owens, | Weiss, |
| Dix, | Jones, G. E., | Petrofsky, | Welsh, E. B., |
| | Jones, P. N., | Pettit, | Welsh, M. J., |

- | | | | |
|--------------|---------------|---------------|--------------|
| Dolon, | Keenan, | Polaski, | Williams, |
| D'Ortona, | Kenehan, | Polen, | Wolf, |
| Fly, | Kilne, | Powers, | Wood, L. H., |
| Early, | Knoble, | Prosen, | Wood, N., |
| Eckels, | Kolankiewicz, | Rank, | Woodring, |
| Elder, | Komorofski, | Rausch, | Woodside, |
| Elliott, | Krise, | Readinger, | Wright, |
| Falkenstein, | Lee, T. H., | Reagan, | Yeakel, |
| Finestone, | Lelsey, | Reese, D. P., | Yester, |
| Finnerty, | Leonard, | Reese, R. E., | Young, |
| Fisher, | Lesko, | Reynolds, | Kilroy, |
| Fiss, | Levy, | Rhea, | Speaker. |
| Fleming, | Leydic, | Rooney, | |

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. 870, Printer's No. 510, was passed over at the request of Mr. LEVY.

SENATE MESSAGE

AMENDED SENATE BILL NON-CONCURRED IN BY THE SENATE

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL NO. 253.

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

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate. The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION

RECALLING HOUSE BILL NO. 666 FROM THE GOVERNOR

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

In the House of Representatives, May 7, 1941.

Resolved (if the Senate concur), that House Bill No. 666, Printer's No. 208, entitled "An act to amend section one of the act approved the twenty-sixth day of August A. D. one thousand nine hundred thirty-two (P. L. 101) entitled 'An act authorizing collectors of delinquent taxes except in cities of the first class to accept payments of delinquent taxes or water rents or rates in installments' by including counties," be recalled from the Governor for the purpose of amendment.

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

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been pre

pared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL NO. 475

An Act to further amend section seven of the act, approved the twenty-fourth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, two hundred twelve), entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice and its relation to the Supreme Court and other courts; providing for the reports of its decisions, the compensation of the judges and other officers and the practice and costs on appeals from its judgments," as amended, to extend the original jurisdiction of the Superior Court to include mandamus and prohibition in certain cases.

HOUSE BILL NO. 1084

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same, and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

HOUSE BILL NO. 1187

An Act for conveyance to the United States of America of title in and to certain land comprising the Marcus Hook Pennsylvania Quarantine Station property and ceding to the United States jurisdiction over said land

Whereupon, the Speaker in the presence of the House, signed the same.

CONGRATULATORY RESOLUTION

Mr. GERARD 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 12, 1941.

The attainment of the age of 75 years is an occasion always worthy of note. The leading citizen of the borough of Mount Oliver in Allegheny County, Charles J. Moye, celebrates today, the three-quarter century mark of an unusually active and useful career.

Mr. Moye was born in Lower Saint Clair Township, from which he was later instrumental in creating the borough of Mount Oliver, where he served for eighteen years as councilman, followed by two terms as burgess.

After a preliminary education in the common schools of the township and at Jefferson College, Mr. Moye went to work at Brice's Glass House, and later, at the age of 23, entered the tobacco business as the head of the firm of Charles J. Moye Company, in which capacity he still serves. He was also one of the organizers and a director of St. Clair Savings and Trust Company, and a director in the Iron Glass Dollar Savings Bank of South Side, Pittsburgh.

In 1893, Mr. Moye was married to Miss Lillian C. Cready, a daughter of one of the pioneer families of South Side, Pittsburgh. The union was blessed with one child, a daughter, Louise, now assisting her father in his tobacco and cigar business.

The most trying time of his life was spent during the World War when he served in connection with every activity to benefit the service men, particularly in seeing off the many young men who might never return.

Mr. Moye has always been particularly active and interested in fraternal and beneficial organizations, a member of the Mount Oliver Fire Department, a Mason for over 50 years, an honorary life member of the Loyal Order of Moose, and most active of all as an Elk, into which order he was first initiated as a member of Pittsburgh Lodge No. 11, and thereupon, in 1910, became one of the organizers and charter members of Knoxville Lodge No. 1196, was elected Exalted Ruler of the latter Lodge in 1911, and made an honorary life member three years later.

Therefore be it Resolved, That the House of Representatives hereby extend its heartiest congratulations to this venerable lodge man, banker and manufacturer, and commend the activities of his long and useful life; and that a certified copy of this resolution be delivered to Mr. Charles J. Moye with the best wishes of this House for many more happy, prosperous and useful years.

USE OF HALL OF HOUSE GRANTED

Mr. SCANLON asked and obtained permission to use the Hall of the House tomorrow, Tuesday, at 7 p. m. for a public hearing before the Committee on Professional License on House Bill No. 1118.

REPORTS FROM COMMITTEES

Mr. MUNLEY, from the Committee on Municipal Corporations, reported as committed, House Bill No. 543, entitled:

An Act authorizing cities, boroughs, incorporated towns and townships to abate certain interest charges and penalties added to municipal claims imposed or assessed for certain improvements; prohibiting the sale of real property for the nonpayment of such claims for a certain period; preserving the liens of such claims; and providing for the extension thereof.

Mr. MONKS, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1415, entitled:

An Act validating certain acts of county commissioners, county treasurers, tax collectors and other officials in giving to delinquent taxpayers the advantages of various acts of Assembly abating penalties and interest on county city, borough, town, township, school district, poor district and institution district taxes contrary to the requirements of said acts.

Mr. LONGO, from the Committee on Municipal Corporations, reported as Committed, House Bill No. 529, entitled:

An Act to further amend section 571 of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled, "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," by providing that the tax collector shall give but one bond for the collection of township, county, school district, poor district and institution district taxes.

Mr. LONGO, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1524, entitled:

An Act to amend section one of the act, approved the first day of May, one thousand nine hundred and forty-one (Act No. 17), entitled "An act abating certain tax penalties and interest on unpaid county (except counties of the second class), city (except cities of the first and second class), borough, town, township, school district (except school districts of the first class), poor district (except in counties of the second class), and county institution district (except in counties of the second class) taxes; prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof," eliminating the provision authorizing the rejection of the provisions of the act.

Mr. GOODWIN, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1114, entitled:

An Act to further amend sections nine, fifteen, sixteen and seventeen of, and to add sections seventeen and one-tenth and seventeen and two-tenths to, the act, approved the twenty-ninth day of May, one thousand nine hundred thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," further regulating the sale of lands purchased by the county commissioners at such sales, providing for the discharge of mortgage liens by such treasurers' sales and by the sales of such lands now in the hands of the county commissioners, and providing for the distribution of the proceeds of all such sales.

Mr. MORAN, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1459, entitled:

An Act to enable the county commissioners of counties of the first, second and third classes to establish by resolution the requirements of responsible bidders for county printing, and to repeal all acts and parts of acts inconsistent with the provisions of this act.

Mr. PRESLEY N. JONES, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1113, entitled:

An Act extending the time within which county commissioners may sell seated or unseated lands purchased by them at tax sales upon which the period of redemption has expired and validating certain sales heretofore made.

Mr. JEFFERSON, from the Committee on Municipal Corporations, reported as amended, House Bill No. 253, entitled:

An Act providing for the appointment, powers and control of members of volunteer fire companies as special fire police; and conferring powers on them at fires attended by their fire companies in any city, borough, town and township.

Mr. MELCHIORRE, from the Committee on Rules, reported as committed, House Resolution No. 92.

Mr. READINGER, from the Committee on Rules, reported as committed, House Resolution No. 89.

Mr. BENTZEL, from the Committee on Municipal Corporations, re-reported as committed, House Bill No. 536, entitled:

An Act to amend section twenty of the act approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt return to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled "An act creating the Department of Health and defining its powers and duties"; approved the twenty-seventh day of April, nineteen hundred and

five, and providing penalties for violations of this act" as amended, by providing for the payment of all fees to local registrars of vital statistics by the Commonwealth.

Mr. CADWALADER, from the Committee on Municipal Corporations, re-reported as committed, House Bill No. 532, entitled:

An Act to amend section one thousand and forty-seven of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending and consolidating the law relating to boroughs," limiting the number of days for the completion of borough audits.

Mr. WILKINSON, from the Committee on Municipal Corporations, re-reported as amended, House Bill No. 525, entitled:

An Act amending, revising, consolidating and changing the law relating to the borrowing of money by certain political subdivisions, the authorization, issuance and sale of general obligation bonds, as herein defined, of bonds imposing no general obligation of debt, and of bonds not deemed to constitute a debt for certain purposes, and to the funding of debt and the refunding of bonds; regulating the keeping and use of sinking funds; imposing powers and duties upon the Department of Internal Affairs and upon corporate bodies and officers of political subdivisions; imposing penalties; and repealing existing laws.

Mr. WATKINS, from the Committee on Municipal Corporations, re-reported as amended, House Bill No. 530, entitled:

An Act to amend section three hundred and five 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 reimbursement of counties by the Commonwealth for primary and election costs incurred in even-numbered years.

QUESTION OF PERSONAL PRIVILEGE

Mr. DALRYMPLE. Mr. Speaker I rise to a question of personal privilege.

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

Mr. DALRYMPLE. Mr. Speaker, in checking the House Journal for April 29 on House Bill 101, Printer's No. 364, I find myself recorded as voting "no". I voted "yes." I desire to have my vote corrected and printed in the Journal as such.

QUESTION OF PERSONAL PRIVILEGE

Mr. WAGNER. Mr. Speaker I rise to a question of personal privilege.

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

Mr. WAGNER. Mr. Speaker, on page 1834 of the Legislative Journal for April 29, in the vote on House Bill No. 1352, I find I am recorded as voting "Aye". I distinctly voted "no".

QUESTION OF PERSONAL PRIVILEGE

Mr. HEWITT. Mr. Speaker I rise to a question of personal privilege.

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

Mr. HEWITT. On April 29, House Bill 101, Printer's No. 364, which is the bill I discussed with Mr. Williams on the floor at that time, I am recorded as having voted for the bill. I voted against it. I suppose my name was missed by the Clerk.

COMMITTEE MEETINGS

Cities-First Class, Tuesday, May 13 at 11 a. m. in Room 521.

Congressional and Judicial Apportionment, Tuesday, May 13 at 11 a. m. in Room 323.

Forestry, cancelled.

Game, Tuesday, May 13 at 11 a. m. in Room 325.

Judiciary General, Tuesday, May 13 at 9 a. m. in Room 246.

Judiciary Special, Tuesday, May 13 at 10:30 a. m. in Room 246.

Motor Vehicles, Tuesday, May 13 at 10 a. m. in Room 324.

Public Utilities, Tuesday, May 13 at 11 a. m. in Room 331.

State Government, Tuesday, May 13 at 9:30 a. m. in Room 325.

PUBLIC HEARING

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 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.

The Public Hearing before the Committee on Professional Licensure on House Bill No. 1118, Tuesday, May 13, 1941 at 7:00 p. m., E. S. T., will be held in the Hall of the House.

ANNOUNCEMENT

There will be a Public Hearing in the Hall of the House tomorrow, May 13th, before the Committee on State Government, on House Bill 1275, concerning adopting the song "The Rolling Hills of Pennsylvania" as the State song of Pennsylvania.

The hearing will start at 11:30 a. m., E. S. T. and all members are urged to attend.

ADJOURNMENT

Mr. EARLY. Mr. Speaker, I move that this House do now adjourn until Tuesday, May 13, 1941, at 12 m.

The motion was agreed to, and (at 10:53 p. m.) the House adjourned.