

that end I feel that Hess, with a keen realization of final defeat for Germany, tried to instill that feeling into the Germans and aroused the ire of Hitler. I cannot but believe that it was life in England or death in Germany for Hess, and he took a chance on England.

For a time I felt that Hess would not neglect his wife and son but I have learned that his married life was unhappy; he did not care for his wife and she had been shoved into the background. His son is too young to be punished except for the effect it would have on Hess. But I feel these things were weighed by the Nazi No. 3.

So I take it the flight of Hess is a straw showing that the zephyrs that have been wafted through Germany are becoming gentle breezes, that some of these days, under the pounding of Germany by the RAF will grow into a gale. Pray God that day may be hastened.

Pray, too, that the men and women of America will get behind their government and make haste with all possible aid to Britain and will turn a deaf ear to the Tories and copperheads who are endeavoring to obstruct the plans of our nation to be strong. Rumania tried a negotiated peace but the efforts broke down and they were engulfed and now Turkey is facing the honeyed smiles of Von Ribbontrop, and will soon be under the iron heel of the Nazi goose-steppers.

Negotiated peace cannot be made with any person who is devoid of honor, devoid of a sense of decency; devoid of a sense of the righteousness of mankind. Let us not make the mistake of following a will o' the wisp that will eventually lead us into chaos and the loss of the things which we hold dear.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Tuesday, May 20, 1941, at 1:00 o'clock p. m., Eastern Standard Time.

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

The motion was agreed to.

The Senate adjourned at 6:05 o'clock, p. m., Eastern Standard Time, until Tuesday, May 20, 1941, at 1:00 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

MONDAY, May 19, 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:

Eternal God, at the opening of this legislative session, we pause to express our thanks to Thee for another week-end of rest and relaxation; of communion and meditation within Thy House. May we have returned better fitted to carry on the work of State. May each hand that holds the instrument whereby acts become laws be dedicated to the best interests of the people within this Great Commonwealth. Keep before each Representative not only the honor which is his to represent his State, but more so the privilege that comes to him to assist in the

enactment of such laws that will vouch safe the democracy of the State and Nation of tomorrow.

Pour out Thy blessing of wisdom and understanding upon the President of these United States and those in authority with him; upon the Governors of the States; upon the legislative bodies; yea, even upon the least of those who endeavor to preserve peace. In Thy name we pray. Amen

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, May 15, 1941.

The Clerk proceeded to read the Journal of Thursday, May 15, 1941, when, on motion of Mr. ROONEY, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. REAGAN.

HOUSE BILL No. 1610.

An Act to further amend clause six of section one of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes; defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," further defining "State employe" so as to exclude judges hereafter elected or appointed from participation in the benefits of the retirement system.

Referred to the Committee on State Government.

By Mr. FRENCH.

HOUSE BILL No. 1611.

An Act creating a presumption of release or discharge of certain mortgages held by the Commonwealth; and requiring the Department of Justice to enter satisfaction thereof at the cost of the property owners.

Referred to the Committee on Judiciary General.

By Mr. GEORGE E. JONES.

HOUSE BILL No 1612.

An Act to further amend section three of the act, approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1116), entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture, sale, offering for sale, exposing for sale, and having in possession with intent to sell, of adulterated or deleterious ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet, ice and fruit ice, including coated ice cream and the coating thereof; fixing standards for ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet, ice and fruit ice, and to prevent the sale of imitation ice cream and defining said imitation ice cream; providing penalties for the violation thereof; and providing for the enforcement thereof," by further defining adulterated ice cream.

Referred to the Committee on Public Health and Sanitation.

By Mr. GOODWIN.

HOUSE BILL No. 1613.

An Act authorizing counties, cities, boroughs, towns, townships, school districts and county institution districts to install a system for the collection and payment of cur-

rent taxes by the purchase at any time during the fiscal year of tax payment certificates by the taxpayers.

Referred to the Committee on Municipal Corporations.

By Mr. JEFFERSON. HOUSE BILL No. 1614.

An Act requiring all persons operating motor vehicles on the public highways of the Commonwealth, to stop and render reasonable assistance to all persons injured on or near such public highways; providing for the reimbursement to such operators for property damage sustained by them while rendering such assistance, and imposing penalties.

Referred to the Committee on Motor Vehicles.

By Mr. KENEHAN. HOUSE BILL No. 1615.

An Act to further amend subsection (a) of section one thousand one hundred ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," requiring the Commonwealth to purchase and erect any new traffic signal lights located on State highways in cities, and providing that the Commonwealth shall pay one-half of the cost of purchasing and erecting traffic signal lights hereafter installed by cities.

Referred to the Committee on Motor Vehicles.

By Mr. O'NEILL. HOUSE BILL No. 1616.

An Act making an appropriation to the Insurance Department for the payment of certain moral claims against the Commonwealth and that department.

Referred to the Committee on Appropriations.

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. 86. (HOUSE BILL No. 1617).

An Act requiring the court in imposing sentence to include in such sentence the costs of keeping the person in the institution to which he is sentenced for the term as fixed by the court; providing such person is or shall become, during such term, financially able to pay for the same.

Referred to the Committee on Judiciary Special.

SENATE BILL No. 327. (HOUSE BILL No. 1618).

An Act to further amend paragraph six of section thir-

teen of article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, five hundred eighty-one), entitled "An act for the better government of cities of the first class of this Commonwealth," as heretofore amended by an act, approved the twelfth day of April, one thousand nine hundred and thirty-five (Pamphlet Laws, twenty-five), by authorizing the Civil Service Commission of such cities to make and establish regulations governing the reinstatement of persons who, without fault or delinquency, have resigned or have been separated from the service.

Referred to the Committee on Cities—First Class.

SENATE BILL No. 346. (HOUSE BILL No. 1619).

An Act to amend section two hundred one and to further amend sections two hundred two and four hundred four of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending revising and consolidating the law relating thereto, and repealing existing laws," making the levying of a tax on trades, occupations, professions and persons who follow no occupation or calling optional in counties.

Referred to the Committee on Counties.

SENATE BILL No. 714. (HOUSE BILL No. 1620).

An Act to further amend section fifteen of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes; directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and providing penalties," by providing for the return of a portion of moneys received for licenses to the counties for use by Societies for the Prevention of Cruelty to Animals and specifically appropriating the same for such purpose.

Referred to the Committee on Agriculture.

COMMUNICATIONS FROM THE GOVERNOR

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

APPROVAL OF HOUSE BILL No. 1087

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 16, 1941.

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

I have the honor to inform you that I have this day approved and signed House Bill No. 1087, Printer's No. 351, entitled "An act to amend clause (2) of section 3 of the act approved the sixteenth day of May one thousand nine

hundred and twenty-nine (P. L. 1784), entitled 'An act concerning newspapers creating uniformity in the publication of legal notices and advertisements defining the newspapers in which official and legal advertising shall be published prescribing methods for computing the charges therefor and providing that the expenses for publishing legal advertising or notices shall be taxable and collectible as court costs are now taxed and collected in all matters and proceedings' by changing the definition of daily newspaper."

ARTHUR H. JAMES.

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

APPROVAL OF HOUSE BILL No. 646

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 19, 1941.
To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 646, Printer's No. 162, entitled "An act establishing certain public roads and streets as a State highway and providing for their construction reconstruction and maintenance by the Department of Highways subject to certain terms and conditions."

ARTHUR H. JAMES.

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

APPROVAL OF HOUSE BILL No. 1187

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 19, 1941.
To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1187, Printer's No. 286, entitled "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."

ARTHUR H. JAMES.

REPORT OF CAPITOL GROUNDS EXTENSION
PLANNING COMMITTEE

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

Commonwealth of Pennsylvania,
State Planning Board, Room 129, Capitol,
Harrisburg, May 19, 1941.

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

Dear Mr. Speaker:

The Capitol Grounds Extension Planning Committee, a Sub-Committee of the Pennsylvania State Planning Board, respectfully submits to the General Assembly its report on "The Proposed Extension of the State Capitol Grounds at Harrisburg, Pennsylvania," a copy of which is attached hereto.

Very truly yours,

(S) F. A. PITKIN,
Executive Director

The SPEAKER. The communication will be noted upon

the Journals of the House and the report will be printed in the Appendix to the Legislative Journal.

COMMUNICATION

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

Headquarters 28th Division,
Indiantown Gap Military Reservation,
Pennsylvania, May 19, 1941.
02/b

Members of the General Assembly,
Commonwealth of Pennsylvania,
Harrisburg, Pennsylvania.

My dear Sirs:

May I express the gratitude of all of the officers and men of the 28th division and of the 104th Cavalry now training at Indiantown Gap Military Reservation for your action in making an appropriation of \$125,000.00 for the construction of an auditorium at the Reservation.

There has been evident through these early months of the training year of the troops now at the Reservation a great need for such a building. Its construction will permit the assembly of an entire brigade in one place in any kind of weather for instructional or recreational purposes. It will as well permit the assembly for similar purposes of all officers or of all non-commissioned officers on duty at the Reservation. When this building is completed it will be an ornament to the Reservation, a facility of great service to the troops, and a credit to the Commonwealth.

Most sincerely,

(signed) EDWARD MARTIN,
Major General, Commanding.

FORMER MEMBER WELCOMED

The SPEAKER. The Chair welcomes to the House this evening a former member from Washington County, Mr. John L. Post.

COMMUNICATIONS AND PETITIONS

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

ADMINISTRATIVE CODE

A communication from Mr. and Mrs. Charles B. Story, Jr., Philadelphia, addressed to the Speaker, favoring passage of House Bill No. 777.

Referred to the Committee on Appropriations.

SCHOOL CODE

A communication from P. C. McHale, addressed to the Speaker, requesting support of House Bill No. 1.

Referred to the Committee on Education.

SCHOOL CODE

A communication from the Public Education and Child Labor Association of Pennsylvania, addressed to the Speaker, opposing passage of Senate Bill No. 302.

Referred to the Committee on Education.

TEACHERS TENURE

Communications from citizens of Pennsylvania, protesting passage of House Bill No. 1357.

Referred to the Committee on Education.

SCHOOL CODE

Communications from citizens of Pennsylvania, addressed to the Speaker, favoring passage of House Bill No. 1371.

Referred to the Committee on Education.

BUILDING AND LOAN INSURANCE BOARD

A communication from Home Circle Building and Loan Association, addressed to the Speaker, requesting support of Senate Bill No. 512.

Referred to the Committee on Banking.

HIGHWAYS

A communication from the Commissioners of Erie County, addressed to the Speaker, recommending passage Senate Bill abandoning state highway route 25008 and establishing route 3346 and 3347.

Referred to the Committee on Highways.

COLLATERAL INHERITANCE TAX

A communication from Civic Club of Allegheny County, endorsing passage of House Bill No. 365.

Referred to the Committee on Judiciary General.

UNIFORM TRUST RECEIPTS

A communication from Tradesmen National Bank and Trust Company, addressed to the Speaker, favoring passage of Uniform Trust Receipts Bill.

Referred to the Committee on Judiciary General.

WEST PENN HOSPITAL

A communication and resolution from Steel City Industrial Union Council, Pittsburgh, endorsing the adoption of the Moran Resolution providing for the appointment of five members of the Legislature to investigate the West Penn Hospital.

Referred to the Committee on Labor.

LIQUOR LICENSES

A petition from the Community Betterment Association Wilkensburg, opposing passage of legislation which does not raise moral and economic standards.

A Petition from citizens of Pittsburgh protesting passage of Legislation extending hours in which alcoholic beverages may be sold, legalizing gambling.

Referred to the Committee on Liquor Control.

VEHICLE CODE

A communication from Honorable D. W. Dalrymple, addressed to the Speaker, in behalf of volunteer firemen, urging passage of House Bill No. 26.

Referred to the Committee on Motor Vehicles.

PRINTING

A communication and resolutions from Union Employing Printers Association of Pittsburgh, addressed to the Speaker, favoring passage of House Bill Nos. 1458, 1459 and 1460.

Referred to the Committee on State Government.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Owens for Mr. CHERVENAK for tonight's session.
The Speaker for Mr. SKALE for tonight's session.

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. 217.

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.

Whereupon,

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

Mr. TROUT IN THE CHAIR.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 492, entitled:

An Act licensing and regulating the business of mining anthracite coal; providing for the issuance and revocation of licenses by the Secretary of Mines; authorizing said Secretary to enter mines; to issue regulations governing the administration of this act, and to appoint mining engineers who are empowered to enter mines and inspect the same; requiring a corporate surety bond to accompany every application for a license; authorizing appeals to the Court of Common Pleas of Dauphin County; and prescribing penalties.

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

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 828, entitled

An Act to further amend section eight hundred two of the act, approved the first day of May, one thousand nine hundred thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising consolidating, and changing the law relating thereto," further regulating the making of contracts and purchases by the townships.

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. 788, entitled

An Act to promote the general public health and welfare by regulating the business of "strip mining" or mining coal by removing the overlying soil or strata therefrom; authorizing the Department of Mines to issue permits for "strip mining operations; requiring those proposing to engage in strip mining operations to file a bond with the Department of Mines to secure the leveling and replacement of the surface soil; imposing certain additional duties upon the Department of Mines and the various mine inspectors; and providing penalties.

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 Lancaster, Mr. Trout, for presiding.

PERMISSION GRANTED COMMITTEE TO MEET
DURING SESSION

Mr. SHAW asked and obtained permission for the Committee on Welfare to meet during the session of the House,

APPROPRIATION BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 49, entitled:

An Act making an appropriation for the maintenance, repair, and improvement of the Port of Philadelphia.

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. 61, entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property.

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. 266, entitled:

An Act making an appropriation to the Glen Mills School, situated in Delaware County, Pennsylvania.

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. 276, entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by The Pennsylvania State College with The General State Authority for the use and occupancy by such college of the various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects.

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. 280, entitled:

An Act making an appropriation to the Trustees of the College of Lincoln University, Chester County.

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. 281, entitled:

An Act making an appropriation to the Department of Labor and Industry, for the rehabilitation of the deaf

and hard of hearing and for the purpose of matching additional federal funds.

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. 284, entitled:

An Act making an appropriation, from the Motor License Fund, to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways.

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. 291, entitled:

An Act making appropriations for aid to free public non-sectarian county libraries, and for the purchase and transportation of books.

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. 301, entitled:

An Act making an appropriation to Sleighton Farm School for Girls, situated in Delaware County, Pennsylvania.

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. 305, entitled:

An Act making an appropriation to the Elwyn Training School, at Elwyn, in the County of Delaware, Commonwealth of Pennsylvania; and prescribing certain conditions upon which the appropriation will be available to the school.

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. 310, entitled:

An Act making an appropriation to the State Veterans' Commission, for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war, or their dependents.

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. 317, entitled:

An Act making an appropriation to the several fire companies of the city of Harrisburg, Pennsylvania.

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. 322, entitled:

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

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. 333, entitled:

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

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. 347, entitled:

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

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. 348, entitled:

An Act making an appropriation to the Department of Welfare to pay for the care, treatment, removal, and maintenance of the indigent insane in The Dixmont Hospital, at Dixmont, Allegheny County.

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. 351, entitled:

An Act making an appropriation to the Johnson Industrial School of Scranton, Pennsylvania.

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. 371, entitled:

An Act making an appropriation to the Department of Forests and Waters, for the use of the Valley Forge Park

Commission in payment of lands acquired by condemnation.

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. 378, entitled:

An Act making an appropriation to the Chief Clerk of the House of Representatives for the payment of expenses and compensation of the Electoral College of 1940.

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. 489, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of, and the purchase of apparatus and equipment for, the University of Pittsburgh, and for the maintenance of teaching facilities in hospitals for students in the School of Medicine.

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. 546, entitled:

An Act making an appropriation to the Department of Agriculture to advance the potato interests in this Commonwealth.

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. 572, entitled:

A Supplement to the act approved the twenty-seventh day of June, one thousand nine hundred thirty-one (Appropriation Acts, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," providing for deficiencies in certain appropriations made by the act for the fiscal biennium ending May thirty-first, one thousand nine hundred forty-one.

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. 614, entitled:

An Act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

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 954, entitled:

An Act authorizing the Department of Property and Supplies to acquire by purchase, gift, lease or condemnation on behalf of the Commonwealth of Pennsylvania, a tract of land near the present site of the Joseph T. Rothrock memorial for the purpose of erecting a new and suitable memorial to the memory of Joseph T. Rothrock thereon; providing for the selection of such a site and memorial by and with the consent of the Pennsylvania Historical Commission; providing for the control, management, supervision, improvement and preservation and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation.

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. 1003, entitled:

An Act making an appropriation to the Moore Institute of Art, Science and Industry formerly Philadelphia School of Design for Women at Philadelphia, Pennsylvania.

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. 1065, entitled:

An Act making an appropriation to the National Farm School, at Doylestown, Pennsylvania.

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. 1066, entitled:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital, of Philadelphia, Pennsylvania.

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. 1068, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

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. 1083, entitled:

An Act making an appropriation to the Trustees of Temple University at Philadelphia, Pennsylvania.

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. 1106, entitled:

An Act making an appropriation to the Woman's Medical College of Pennsylvania, located at East Falls, Philadelphia, Pennsylvania.

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. 1130, entitled:

An Act making an appropriation to the Department of Commerce, towards expenses of the National Encampment in Philadelphia.

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. 1203, entitled:

An Act making an appropriation to the Jefferson Medical College, of Philadelphia, Pennsylvania, for medical education

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. 1321, entitled:

An Act making an appropriation to the Department of Property and Supplies for payment of balances due certain contractors for additions and alterations at the Harrisburg State Hospital.

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. 1330, entitled:

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

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. 1332, entitled:

An Act making an appropriation from the Motor License Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Motor License Fund.

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. 1334, entitled:

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

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. 1343, entitled:

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

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. 1344, entitled:

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

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. 1345, entitled:

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

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. 1417, entitled:

An Act making an appropriation to The General State Authority to defray the costs and expenses of the said Authority in connection with the organization, administration, and operation thereof.

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1418, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes.

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

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1419, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals.

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

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1463, entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, facilities of the Authority or for the services rendered by the Authority or its projects.

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. 1534, entitled:

An Act making an appropriation to the Joint State Government Commission.

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. 1590, entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museum, Philadelphia.

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. 1591, entitled:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art, Philadelphia.

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. 654, entitled:

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

The first section was read:

On the question,

Will the House agree to the section?

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

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 1, line 4, by inserting after the word "city" the following: "except city of the first class."

The amendment was agreed to.

The section was agreed to as amended.

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

The title was read:

On the question,

Will the House agree to the title?

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

The amendment was read by the Clerk as follows:

Amend title, page 1, line 1 of title, by inserting after the word "cities" the following: "except cities of the first class."

The amendment was agreed to.

The title was agreed to as amended.

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1264, entitled:

An Act to further amend section three hundred nine and subsection (a) of section three hundred eleven of the act approved the eleventh day of July, one thousand nine hundred and twenty-three (P. L. 998), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties," imposing the expense of clothing persons admitted to schools for mental defectives on institution districts in certain cases; giving the Commonwealth preference against the estates of such persons in such cases; permitting such persons vacations;

and prohibiting deductions from State appropriations because thereof.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

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

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

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

The first section was read:

On the question,

Will the House agree to the section?

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

The amendments were read by the Clerk as follows:

Amend sec. 1, (sec. 571), page 2, line 9, by striking out the word "[a]"

Amend sec. 1, (sec. 571), page 2, lines 10 and 11, by striking out the words "[as required under existing law or a fidelity bond as the taxing authorities may determine]"

Amend sec. 1, (sec. 571), page 2, line 19 by inserting a light-face bracket before the word "school" and after the word "district" where it appears for the second time in said line.

Amend sec. 1, (sec. 571), page 2, line 20, by striking out the words "[well and truly]"

Amend sec. 1, (sec. 571), page 2, lines 21 to 28, both inclusive, by striking out the word "and in line 21, and all of lines 22 to 28, both inclusive.

Amend sec. 1, (sec. 571), page 3 lines 1, 2 and 3, by striking out all of lines 1 and 2, and the words "collector shall be discharged" in line 3.

Amend sec. 1, (sec. 571), page 3, lines 12 and 13 by inserting a light-face bracket before the word "a" in line 12 and after the word "authority" in line 13.

Amend sec. 1, (sec. 571), page 3, lines 13, 14, and 15, by striking out the words "[This bond does not cover the collection and payment over of school taxes]" and inserting in lieu thereof the following "accounted for by exonerations, which shall be granted by the taxing authorities upon proof that a reasonable effort has been made to collect such taxes. This bond does not cover the collection and payment over of school taxes."

Amend sec. 1, (sec. 571), page 3, lines 17 and 18, by inserting a light-face bracket before the word "school" in line 17, and after the word "district" where it appears for the first time in line 18.

Amend sec. 1, (sec. 571), page 3, line 19, by inserting a light-face bracket before the word "school"

Amend sec. 1, (sec. 571), page 3, line 19, by inserting after the word "poor" the following: "or institution"

Amend sec. 1, (sec. 571), page 3, line 27, by inserting a light-face bracket before the word "the" where it appears for the third time in said line

Amend sec. 1, (sec. 571), page 3, line 27, by inserting after the word "district" the following: "l and "

Amend sec. 1, (sec. 571), page 3, line 28, by inserting a lightface bracket before the word "and" and after the word "district".

The amendments were agreed to.

The section was agreed to as amended.

The title was read:

On the question,

Will the House agree to the title?

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

The amendments were read by the Clerk as follows:

Amend the title, next to last line of title by striking out the words "school district poor district"

Amend the title, last line of title by inserting after the word "taxes" the words: "and changing the conditions of such bond."

The amendments were agreed to.

The title was agreed to as amended.

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

Ordered, To be transcribed for a third reading

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1114, entitled:

An Act to further amend sections nine, fifteen, sixteen and seventeen of, and to add sections seventeen and one-fifth 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.

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

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

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

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of 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.

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

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

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

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1167, entitled:

An Act to amend section three hundred seventeen of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," changing the provisions of said act as to the right of residents to hunt and trap without a license.

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. 1538, entitled:

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

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. 955, entitled:

An Act to amend section ninety-five of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" further regulating use of nets in boundary lakes

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. 757, entitled:

An Act providing for and regulating the validation of certain borough ordinances

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. 1230, entitled:

An Act to further amend section one and to amend section three of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (P. L. 730) entitled "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks providing for the registration thereof prohibiting the sale offering or exposing for sale exchange or giving away thereof in certain cases unless registered regulating the manufacture bottling preparation mixing and compounding of carbonated beverages or still drinks and the sale and dispensing thereof creating a special fund in the State Treasury and providing penalties" by excluding certain juices and combinations of juices from the operation of the act and requiring separate registration for each bottling or manufacturing plant

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. 940, entitled:

An Act to amend section 1202 by adding thereto clause LX of the act approved the fourth day of May one thousand nine hundred twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" authorizing boroughs to appropriate moneys for the support of hospitals

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1399, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by requiring certificates of the payment of taxes and other charges to be filed with the Department of State 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. 1218, entitled:

An Act to amend section two hundred eighty-two of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An

act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" providing for payment of one-fourth of fines collected for violation of said act to the counties for maintenance of prisoners committed for such violations and imposing duties on magistrates aldermen and justices of the peace.

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

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 1537, (Senate Bill No. 381), Printer's No. 233, was passed over at the request of Mr. MALLOY.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1359, (Senate Bill No. 447), entitled:

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

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. 872, (Senate Bill No. 66), entitled:

An Act to further amend the last paragraph of section four hundred thirty-nine 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" imposing additional duties on and providing for additional compensation of veterans' grave registrars.

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. 1315, entitled:

An Act to amend the title and the act approved the seventh day of May one thousand nine hundred thirty-seven (P. L. 589) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without a

permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of the act" by adding new sections making certain changes in the designation of certain streets taken over as State highways and adding thereto certain additional streets providing for the taking opening relocation widening or change of grade of such State highways by the Commonwealth at the expense of the Commonwealth and the city or either of them designating the city as agent for the Commonwealth in such taking opening relocation widening or change of grade and the determination of damages arising therefrom authorizing agreements for the taking opening relocation widening change of grade construction reconstruction repair and maintenance of such State highways appropriating money in the Motor License Fund for the purposes of the act as amended.

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. 861, entitled:

An Act to further amend 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" by further regulating the affairs of boroughs and revising amending and changing the law relating thereto.

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1193, entitled:

An Act to further amend section fifty of the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" further regulating the taking of eels.

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. 1208, (Senate Bill No. 80), entitled:

An Act to further amend the act, approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897—1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties" by further defining "contributions" to be paid by cer-

tain employers changing the procedure and administrative details for the determination and payment of compensation further regulating the appointment promotion dismissal suspension and furlough of civil service employes further defining the powers of and procedure before the board making payments out of the Unemployment Compensation Fund subject to agreement between the State Treasurer and the Social Security Board and making the Administration Fund subject to certain charges.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMENDED

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

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 1210, Senate Bill No. 24, Printer's No. 282, was passed over at the request of the SPEAKER.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 938, (Senate Bill No. 270), entitled:

An Act to amend section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by authorizing such townships to regulate the use of certain parks and recreational grounds providing penalties for violation of rules prescribed therefor and authorizing police officers to arrest violators thereof on view.

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

Ordered, To be transcribed for a third reading.

PERMISSION TO ADDRESS HOUSE

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

Mr. Speaker, in the many years that I have had the pleasure of serving here, I do not believe once the record will show that I have taken the time of the House to make a statement.

However, I do appreciate the fact that the Speaker has accorded me the consent of the House at this time to make a brief statement, something which I think is important to the people of this nation.

We are celebrating throughout the nation this week what is known as "I am An American Day", and yesterday we were called upon to re-dedicate and re-consecrate our lives to the principles of our democratic form of government, that form of government which we believe to be right and which we think should be perpetuated; that form of government which is based upon laws and not upon men. I believe it was the philosopher Rousseau who said that the greatest thing in politics is to have a form

of government which is based on laws and not upon men. He compared that task to the test of squaring the circle in geometry.

George Washington, the first President of this Country, as he presided over the constitutional convention answered Rousseau when he said "Ours is a Country of laws rather than a Country of men." And so it is fitting and proper that we should just for a brief moment stop and pay our respects to the country dedicated to law rather than to men, as I am sure all of us want to see it preserved.

It has been said by many writers of history that our republic is the only form of government that originated with freedom as the fundamental principal upon which the government rests. They tell us that behind our government was no feudal state, no aristocracy, no wealth, but that it was formed of freedom, something little known in the history of other countries in the past. And we cherish that freedom, we want to see it preserved. Therefore, Mr. Speaker, I ask you to let me say something that is on the hearts of thirteen million people of my race who form a great part of this country born of freedom.

May I call your attention to the fact that this country, having its birth in freedom has always defended freedom. It is remarkable to note that even in our country the greatest struggles have been for freedom. We have always challenged the invasion of freedom. The thirteenth, the fourteenth and the fifteenth amendments to the constitution of the United States came as an answer to those who desired freedom for the members of my race, but still we were not free.

During the last twenty years we have still had a struggle for freedom, freedom for the worker, freedom for the wage earner, freedom from the sweatshops, from starvation wages, the struggle for economic freedom. Today all that we have worked for is in danger. It is in danger not only from threats from without but likewise in danger from threats from within, and it is on the question of threats from within that I wish to address you.

As I said I am speaking on behalf of thirteen million American Negro people whose loyalty cannot be questioned. The thing that moves me to make these remarks is something that happened in one of our sister States on last week, a lynching which occurred in the State of Florida, and I want to read to you a report printed in the Pittsburgh Press on Saturday. The report reads as follows and is found on the first page of the second edition of that paper.

"According to the newspaper accounts the lynching of a Negro in a little town in northern Florida a few nights ago was an episode which for beastiality, could be matched only in cultural exercises of the super race of Adolph Hitler.

Suspected but not yet formally accused of criminal assault on a white child, the victim was roped to a tree shot and left for dead, but crawled to a refuge and was there recaptured by a law officer. He then apparently was surrendered without a struggle to a mob which finished him off.

It should be easy to catch and convict all the murderers but any serious attempt to do so would probably result in either local revolution or such a farce as would further discredit the law and civilization."

Here in parts of this country we are not only denied the equal protection of the law, but apparently we are afraid to even invoke that law after such an outrage has

happened for fear, as this article says, "any serious attempt to do so probably would result in either local revolution or such a farce as would further discredit the law and civilization."

I read an article from the Kansas City Star, where the president of one of the largest concerns in the country, a subsidiary of the General Motors which has received a contract of \$683,000,000 from the Federal Government for defense equipment has this to say of the Negro:

"Applications for jobs in the plants where he will employ upwards of ten thousand persons will be received . . ."

"However, Negroes will be considered only as janitors and in other similar capacities."

He emphasizes that, "under no circumstances would Negroes be employed as aircraft workers or mechanics in the plant. While we are in complete sympathy with the Negro, it is against the company policy to employ them as mechanics or aircraft workers."

In one section of our country we witness a complete denial of the equal processes of the law, and in another section of the country a complete denial of the right to work to make the equipment that is supposed to protect the democracy under which we live.

You may say the lynching was in Florida, and the other instance was in Kansas, and therefore are of no concern to Pennsylvania. However, we have just passed on second reading a number of appropriation bills. I say to you, Mr. Speaker, it is a travesty on justice, it is absolutely an affront to the members of this House, that institutions whose name appear on our calendar should receive appropriations from the taxpayers' money and deny to the citizens of this State the right to participate in benefits resulting from the use of that money. My colleagues and I intend to vote for these appropriation bills, but it hurts us deeply when we know the law says we should participate, but those who have arrogated to themselves to be above the law say, that we shall not participate.

I want to ask every member of this House whether or not we are entitled to be accorded this treatment in this land of liberty, in this land of freedom, this land which is perhaps the last citadel of freedom left in the world today. Are we entitled to it?

Another thing which brings this so forcibly to my attention is that a few weeks ago in the city of Philadelphia a Negro woman, Marion Anderson, was awarded the Bok award, symbolic of the most distinguished citizen of that great city. We read in the papers today of a Negro by the name of George Washington Carver, of Tuskegee Institute, who received the highest award for humanitarian service from the variety clubs of America, voted by many newspaper editors, magazine publishers, radio commentators and authors acting for the variety clubs.

I could go on into the field of art, into the field of music, into the field of science to tell you that we have come a long way when a man like Dr. Carver, whose autobiography says that he was "traded for a mule"; as a slave his master traded him for a mule, and he finally got some education, went to the institution founded by Booker T. Washington, another son of a slave, and is singled out as the greatest scientist of this country today by this great organization of variety clubs.

In the field of military service we believe we have distinguished ourselves and that our record will match

the record of any race in any part of the world. From the time the first shot was fired on Boston Commons, the Negro has played his part in defending our country; throughout the war of 1812 and throughout the Civil War and throughout the Spanish-American War and the last war, we have given the last full measure of our devotion in favor of democracy, and what we have done in the past we still intend to do in the future.

In the field of religion I believe we have made a rich contribution to the spiritual development of this country, because I feel that my people above everything that they may have accomplished, have a conviction in their hearts that they will abide by the Golden Rule, that principle set down for men by the greatest of all law-givers: "do unto others as you would that others should do unto you."

Here in Pennsylvania over a billion dollars have been spent in national defense, yet, we have those in this State who say to us "we have no place for you to work; we have no place for you simply because you are Negroes." On this calendar you will find bills appropriating money to various Military departments of our State, and yet not a single Negro that I know of anywhere in Pennsylvania has been permitted to enlist in the units set up for the defense of this country by these acts. We are called upon to make our contribution, to make Pennsylvania the Arsenal of Democracy, and yet are denied in many instances a right to work, to protect ourselves, and to protect this citadel.

I wish to place this upon the hearts of the gentlemen of this Assembly as it is an indication that things are not right when democracy says to the world "Take our form of government" and yet thirteen million people are accorded the treatment that I have indicated to you tonight.

But we still believe in this country, we still believe that there is time that these wrongs may be corrected, and in that connection may I lay upon your hearts the fact that we cannot put these things off into the future. We used to live from month to month, we used to live from day to day, but the ingenuity of man made it possible that we now live from broadcast to broadcast, and no one knows what will occur in the next broadcast; the world may be made over anew, so we do not have time to look to the future. The present is the future and the future is the present.

We still believe in our country, we are still going to defend our country, but I call upon you gentlemen whom we know are friends of democracy, whom we know are friends of every American citizen, to see that these things are eradicated, if not from our sister states, at least from our beloved State of Pennsylvania so that we will have the one thing that sets us aside from totalitarianism, from Nazism and from Facism, the one thing that sustains us as a democracy, equality of the law and equal protection and equal opportunity under that law.

USE OF HALL OF HOUSE GRANTED

Mr. D'ORTONA asked and obtained consent to use the Hall of the House on Monday, May 26 at seven o'clock p.m. Eastern Standard time to show to the Members of the House and Senate moving pictures of the gas explosion which was investigated by a committee of the House.

BILL ON SECOND READING

Agreeably to order.

The bill having been called up from the postponed calendar, by Mr. Petrosky and

The House resumed the consideration on second reading of House Bill No. 814, entitled:

An Act regulating the payment of wages or compensation for labor or service in private employments; establishing regular pay days; imposing certain duties upon employes; conferring powers and duties upon the Department of Labor and Industry and district attorneys; imposing additional powers and duties on the Secretary of the Department of Labor and Industry and district attorneys for the civil collection of wages; imposing civil and criminal penalties for the violations of the act, and providing for their collection and disposition; and repealing inconsistent legislation.

The first section was read.

On the question,

Will the House agree to the section?

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

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 1, line 5, by inserting after the word "State" the following: "Provided, however, That employers engaged in agriculture or employing only domestic servants shall not be subject to the provisions of this act."

The amendment was agreed to.

The section was agreed to as amended.

The second, third, fourth, fifth and sixth sections were separately read and agreed to.

The seventh section was read.

On the question,

Will the House agree to the section?

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

The amendment was read by the Clerk as follows:

Amend Sec. 7, page 5, lines 24 to 29, both inclusive, by striking out all of said lines.

The amendment was agreed to.

The section was agreed to as amended.

The eighth, ninth and tenth sections were separately read and agreed to.

The eleventh section was read.

On the question,

Will the House agree to the section?

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

The amendments were read by the Clerk as follows:

Amend Sec. 11, page 8, line 12, by inserting after the word "dollars" the following: "to the Department of Labor and Industry".

Amend Sec. 11, page 8, line 16, by inserting after the word "debt" the following: "by the Department of Labor and Industry".

Amend Sec. 11, page 9, line 6, by inserting after the word "judgment" the following: "for wage claims".

The amendments were agreed to.

The section was agreed to as amended.

The twelfth and thirteenth sections were separately read and agreed to.

The fourteenth section was read.

On the question,

Will the House agree to the section?

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

The amendment was read by the Clerk as follows:

Amend Sec. 14, page 11, lines 20 to 24, both inclusive, by striking out all of said lines.

The amendment was agreed to.
The section was agreed to as amended.
The fifteenth section was read.

On the question,

Will the House agree to the section?

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

The amendments were read by the Clerk as follows:

Amend Sec. 15, page 11, line 25, by striking out the figure "15" and inserting in lieu thereof: "14".

Amend Sec. 15, page 12, line 8, by inserting after the word "employer" the following: "or for other legitimate accounts upon proper assignments by the employes."

Section 15. Separability of Provisions. If any provision of this act or the application thereof to any person or circumstances is held invalid, the remainder of the act and the application of such provision to the persons or circumstances shall not be affected thereby".

The amendments were agreed to.

The section was agreed to as amended.

The sixteenth and seventeenth sections were separately read and agreed to.

The title was read.

On the question.

Will the House agree to the title?

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

The amendment was read by the Clerk as follows:

Amend title, page 1, line 2 of title, by inserting after the word "in" the following: "certain".

The amendment was agreed to.

The title was agreed to as amended.

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

Ordered, To be transcribed for a third reading.

BILL 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 commission 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 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" 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 thereb; 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 association of producers or other handlers 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 butter-milk 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 of 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 employees 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 such 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

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 factor bailee consignee or otherwise and whether or not by contract or operation of law title passes to the handler from producers or others 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 Ex-

emption 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 conditions 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 contract 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 or 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 mak-

ing 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 acquired 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 news-

papers 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.

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 Constitutions the yeas and nays were taken and were as follows, viz:

YEAS—173

- | | | | |
|-----------------|----------------|---------------|------------------|
| Achterman, | Fletcher, | Longo, | Rhea, |
| Allmond, | Flynn, | Lovett, | Rooney, |
| Baker, | French, | Lyons, | Rose, S., |
| Balthaser, | Gallagher, | Malloy, | Rose, W. E., |
| Baughner, | Gates, | Marks, | Rosenfeld, |
| Bentley, | Gerard, | Maxwell, | Royer, |
| Bentzel, | Gillette, | McClanaghan, | Sarge, |
| Boles, | Goodwin, | McClester, | Sarra, |
| Boney, | Greenwood, | McDermott, | Schwab, |
| Boorse, | Gross, | McDowell, | Serrill, |
| Bower, | Gryskewicz, | McFall, | Shaffer, |
| Bradley, | Gyger, | McGrath, | Shaw, |
| Breth, | Habbyshaw, | McIntosh, | Shepard, |
| Bretherick, | Haberlen, | McLane, | Snyder, |
| Brown, | Haines, | McSurdy, | Sollenberger, |
| Brunner, C. H., | Hall, | Melchiorre, | Sorg, |
| Brunner, P. A., | Hamilton, | Mihm, | Stank, |
| Burns, | Harkins, | Modell, | Stine, |
| Burriss, | Harmuth, | Mooney, | Stockham, |
| Cadwalader, | Harris, | Moran, | Tarr, |
| Chudoff, | Heatherington, | Moul, | Tate, |
| Cochran, | Helm, | Muir, | Taylor, |
| Cohen, M. M., | Hering, | Munley, | Thompson, E. F., |
| Cohen, R. E., | Herman, | Nunemacher, | Thompson, R. L., |
| Cooper, | Hersch, | O'Brien, | Trout, |
| Cordier, | Hirsch, | O'Connor, | Turner, |
| Corrigan, | Holland, | O'Dare, | Verona, |
| Croop, | Huntley, | O'Mullen, | Vincent, |
| Cullen, | Imbrie, | O'Neill, | Voldow, |
| Dennison, | James, | Owens, | Voorhees, |
| DiGenova, | Jefferson, | Petrosky, | Weiss, |
| Dolon, | Jones, G. E., | Pettit, | Welsh, E. B., |
| D'Ortona, | Jones, P. N., | Polaski, | Welsh, M. J., |
| Duffy, | Keenan, | Polen, | Williams, |
| Eckels, | Kenehan, | Powers, | Winner, |
| Elder, | Kline, | Prosen, | Wolf, |
| Elliott, | Kolankiewicz, | Rank, | Wood, L. H., |
| Ely, | Komorofski, | Readinger, | Wood, N., |
| Falkenstein, | Lee, T. H., | Reagan, | Woodring, |
| Finestone, | Lelsey, | Reese, D. P., | Wright, |
| Finnerty, | Leonard, | Reese, R. E., | Yeakel, |
| Fisher, | Lesko, | Regan, | Yester, |
| Fiss, | Levy, | Reynolds, | Young, |
| Fleming, | Leydic, | | Kilroy, Speaker. |

NAYS—18

- | | | | |
|------------|-------------|----------------|---------------|
| Auker, | Hewitt, | Lichtenwalter, | Van Allsburg. |
| Cook, | Knoble, | McKinney, | Wagner, |
| Dalrymple, | Krise, | McMillen, | Weingartner, |
| Dix, | Lee, E. A., | Rausch, | Woodside, |
| Hare, | | | |

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. 1355, Printer's No. 609, was passed over at the request of Mr. GOODWIN.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 943, as follows:

An Act to reenact and amend section 441 of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing boards of county commissioners except in county of the second class to appropriate county moneys for the support of charitable hospitals.

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

Section 1 That section 441 of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by the act approved the ninth day of June one thousand nine hundred thirty-one (P. L. 401) is hereby reenacted and further amended to read as follows:

Section 441 Appropriations to Hospital The board of commissioners may appropriate county moneys for the support of any hospital located within or without the limits of such county which is engaged in charitable work and extends treatment and medical attention to the residents of such county and may also appropriate moneys for the support of any home or place of detention for dependent delinquent and neglected children located within the county Except in counties of the second class such appropriations may be made notwithstanding the fact that there may be no liability on the county or the institution district coextensive with or wholly within the limits of the county for the support care and maintenance of the residents of the county receiving medical attention in such hospitals or for the support of such dependent delinquent or neglected children cared for or maintained in such homes or places.

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

On the question,

Shall the bill pass finally?

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

YEAS—191

- | | | | |
|-----------------|----------------|----------------|------------------|
| Achterman, | Fletcher, | Leydic, | Rhea, |
| Allmond, | Flynn, | Lichtenwalter, | Rooney, |
| Auker, | French, | Longo, | Rose, S., |
| Baker, | Gallagher, | Lovett, | Rose, W. E., |
| Balthaser, | Gates, | Lyons, | Rosenfeld, |
| Baughner, | Gerard, | Malloy, | Royer, |
| Bentley, | Gillette, | Marks, | Sarge, |
| Bentzel, | Goodwin, | Maxwell, | Sarra, |
| Boles, | Greenwood, | McClanaghan, | Schwab, |
| Boney, | Gross, | McClester, | Serrill, |
| Boorse, | Gryskewicz, | McDermott, | Shaffer, |
| Bower, | Gyger, | McDowell, | Shaw, |
| Bradley, | Habbyshaw, | McFall, | Shepard, |
| Breth, | Haberlen, | McGrath, | Snyder, |
| Bretherick, | Haines, | McIntosh, | Sollenberger, |
| Brown, | Hall, | McKinney, | Sorg, |
| Brunner, C. H., | Hamilton, | McLane, | Stank, |
| Brunner, P. A., | Hare, | McMillen, | Stine, |
| Burns, | Harkins, | McSurdy, | Stockham, |
| Burriss, | Harmuth, | Melchiorre, | Tarr, |
| Cadwalader, | Harris, | Mihm, | Tate, |
| Chudoff, | Heatherington, | Modell, | Taylor, |
| Cochran, | Helm, | Mooney, | Thompson, E. F., |
| Cohen, M. M., | Hering, | Moran, | Thompson, R. L., |
| Cohen, R. E., | Herman, | Moul, | Trout, |
| Cook, | Hersch, | Muir, | Turner, |
| Cooper, | Hewitt, | Munley, | Van Allsburg, |
| Cordier, | Hirsch, | Nunemacher, | Verona, |
| Corrigan, | Holland, | O'Brien, | Vincent, |
| Croop, | Huntley, | O'Connor, | Voldow, |
| Cullen, | Imbrie, | O'Dare, | Voorhees, |
| Dalrymple, | James, | O'Mullen, | Wagner, |
| Dennison, | Jefferson, | O'Neill, | Weingartner, |
| | Jones, G. E., | Owens, | Weiss, |

DiCenova,	Jones, P. N.,	Petrosky,	Welsh, E. B.,
Dix,	Keenan,	Pettit,	Welsh, M. J.,
Dolon,	Kenehan,	Polaski,	Williams,
D'Ortona,	Kline,	P Jen,	Winner,
Duffy,	Knoble,	Powers,	Wolf,
Eckels,	Kolankiewicz,	Prosen,	Wood, L. H.,
Elder,	Komorofski,	Rank,	Wood, N.,
Elliott,	Krise,	Rausch,	Woodring,
Ely,	Lee, E. A.,	Readinger,	Woodside,
Falkenstein,	Lee, T. H.,	Reagan,	Wright,
Finestone,	Leisey,	Reese, D. P.,	Yeakel,
Finnerty,	Leonard,	Reese, R. E.,	Yester,
Fisher,	Lesko,	Regan,	Young,
Fiss,	Levy,	Reynolds,	Kilroy,
Fleming,			Speaker.

NAYS—0

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

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

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1166, entitled:

An Act to amend section two of the act, approved the twenty-sixth day of May one thousand nine hundred and twenty-one (P. L. 1172), entitled "A supplement to the act, approved the seventeenth day of May, one thousand nine hundred seventeen (P. L. 208), entitled 'An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the words "drug" and "poison"; and providing for the appointment of a board which shall have in charge the enforcement of said law, and the power to make rules and regulations for the enforcement of said law; and providing for the purchase of samples of drugs for determining their quality, strength, and purity; requiring permits to conduct pharmacies; providing for the revocation thereof; and prescribing penalties," further regulating the issuance of permits to conduct pharmacies.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

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

The motion was agreed to..

BILLS PASSED OVER

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

There being no objection House Bill No. 870, Printer's No 510, 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. 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 busi-

ness 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 power 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

On the question,

Will the House agree to the bill on third reading?

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

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

The Clerk read the amendments as follows:

Amend title, page 1, unnumbered line 3 by placing light faced brackets before and after the words "an act", thus "[an act]".

Amend title, page 2, unnumbered line 7 by striking out at the end of the line the words "of in-" and striking out unnumbered lines 8, 9, 10, 11, 12, 13, 14 and inserting in lieu thereof the following: "of persons and entities engaged in the business of investment advisers and of solicitors of investment advisers and for the revocation and suspension of such registrations conferring additional jurisdictions upon the courts of common pleas and further regulating the business of buying and selling securities

Amend Section 1, page 2, line 1 by inserting after the word "title" the following: "of".

Amend Section 1, page 2, line 3 by placing light faced brackets before and after the words "(Pamphlet Laws 748)" thus "[Pamphlet Laws 748)]".

Amend Section 1, page 3, line 11 by inserting before the word "For" the following: "relating to and regulating the purchase and sale of securities providing".

Amend Section 1, page 3, line 15 by striking out the following: "or dealing in any manner in securities".

Amend Section 1, page 3, line 20, by striking out the light faced strike-out brackets before and after the word "[or]".

Amend Section 1, page 3, line 21 by striking out the word "thereunder" and inserting in lieu thereof the following: "hereunder".

Amend Section 1, page 3 by striking out lines 22 and 23 to the word "pro-" at the end of line 23 and inserting in lieu thereof the following: or in the business of advising others as to the value or investment qualifications of securities and the management of investment accounts and the solicitors of such investment advisers

Amend Section 1, page 4, line 3 by inserting after the word "act" the following: "and to appoint receivers"

Amend Section 1, page 4, by striking out lines 5 and 6.

Amend Section 1, page 4, line 28 by striking out the light faced strike-out brackets before and after the words "[except that]".

Amend Section 1, page 4, line 28 by placing light faced brackets before and after the word "and" thus: "[and]"

Amend Section 1, page 4, line 29 by striking out light faced strike-out brackets before and after the words "[do not]".

Amend Section 1, page 4, line 29 by placing light faced brackets before and after the word "shall" thus: "[shall]"

Amend Section 1, page 4, line 29 by striking out light faced strike-out brackets before and after the words "[preliminary negotiations or]".

Amend Section 1, page 6, line 1 by inserting after the word "agent" the following: "who is not registered hereunder as a dealer".

Amend Section 1, page 6, line 2 by striking out light faced strike-out brackets before and after the words "Securities issued by another person".

Amend Section 1, page 6, line 2 by striking out line 2 beginning with the word "offering" and striking out lines 3, 4, 5, 6, 7 through the word "entity".

Amend Section 1, page 6, line 27 by striking out the word "or" and inserting in lieu thereof the following: "of"

Amend Section 1, page 7, lines 19 and 20 by striking out the following: "national banks or to banks savings institutions".

Amend Section 1, page 7, lines 20 and 21 by striking out the following: "or trust companies created under the laws of this State" and inserting in lieu thereof the following: authorized by the Insurance Commissioner to carry on an insurance business within this State, banks"

Amend Section 1, page 7, lines 21 and 22 by striking out the light face strike-out brackets before and after the words "for to persons registered hereunder".

Amend Section 1, page 7, line 23 by striking out the word "unsecured".

Amend Section 1, page 8, line 22 by striking out the word "stock" and inserting in lieu thereof the following: securities"

Amend Section 1, page 9, lines 8 by striking out the light face strike-out bracket before the word "for".

Amend Section 1, page 9, line 9 by inserting light face bracket before the word "or" "for"

Amend Section 1, page 9, line 26 by inserting after the word "profit" the following: "(17) The sale not more than three persons of subscriptions for shares of capital stock of a corporation prior to the incorporation thereof under the laws of this State when no expense is incurred and no commission, compensation or remuneration is paid or given for or in connection with the sale or disposition of such securities".

Amend Section 1, page 10, line 8 by inserting before "10)" the following: "or".

Amend Section 1, page 10, line 8 by striking out the following: "or (12)".

Amend Section 1, page 9, line 28 by inserting after "(9)" the following: "and"

Amend Section 1, page 9, line 28 by striking out the following "and (12)".

Amend Section 1, page 11, line 20 by striking out "(J.1)" and inserting in lieu thereof the following: "(k)".

Amend Section 1, page 11, line 26 by striking out the following "only to one client" and inserting in lieu the following: "to five or less clients".

Amend Section 1, page 11, line 27 by striking out "(J.2)" and inserting in lieu thereof the following: "(1)".

Amend Section 1, page 12, line 3 by striking out the word "or" and inserting in lieu thereof the following: "of"

Amend Section 1, page 12, line 4, by striking out "(k)" and inserting in lieu thereof the following: "(m)"

Amend Section 1, page 12, line 6, by striking out the following "other persons" and inserting in lieu thereof the following: "others"

Amend Section 1, page 12, by striking out line 9 beginning with the word "and" and continuing striking out lines 10, 11, 12 and 13 through the word "persons", and inserting in lieu thereof the following: "engages in the business of managing any investment or trading account in securities for other persons, or who, for compensation and as part of a regular business, issues or promulgates analyses"

Amend Section 1, page 12, line 14, by striking out the word "only".

Amend Section 1, page 12, line 15, by inserting after the word "instance" the following: "only"

Amend Section 1, page 12, line 17 by inserting after the word "commonwealth" the following: "(3) any registered dealer or registered salesman"

Amend Section 1, page 12, line 17 by striking out the following: "(3)" and inserting in lieu thereof the following: "(4)"

Amend Section 1, page 12, line 17 by striking out "any" and inserting in lieu thereof the following: "the"

Amend Section 1, page 12, line 19 by striking out the word "or" and inserting in lieu thereof the following: "(5) any person whose advice or analyses relate to securities or to certificates of deposit for securities issued or sold by any of the following: The United States or any territory or insular possession thereof the District of Columbia any state of the United States, or any political subdivision, public instrumentality, or agency of a State or territory or any board, agency or commission created by the joint action of two or more States or a person created and acting as an instrumentality of the Government of the United States pursuant to the authority of the Congress of the United States (6) any person whose only clients are investment companies, insurance companies, banks, investment advisers registered under this act, or fiduciaries of whom at least one co-fiduciary is a bank; (7) any person who has fewer than five clients and who does not hold himself out generally to the public as an investment advisor;"

Amend Section 1, page 12, line 19 by striking out "(4)" and inserting in lieu thereof the following: "(8)"

Amend Section 1, page 12, line 20 by striking out "clause" and inserting in lieu thereof the following: "subsection"

Amend Section 1, page 12 by striking out lines 22, 23, 24, 25, 26, 27, and 28 and inserting in lieu thereof the following: "(n) The term 'investment advisory contract' means any contract or agreement whereby a person agrees to act as investment advisor or to manage any investment or trading account for a person other than a dealer, investment company, insurance company, a bank, or fiduciaries of whom at least one co-fiduciary is a bank"

"(o) The term 'investment supervisory services' means the giving of continuous advice as to the investment of funds on the basis of the individual needs of each client"

"(p) The term 'assignment' includes any direct or indirect transfer or hypothecation of an investment advisory contract by the assignor or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor, but if the investment adviser is a partnership, no assignment of an investment advisory contract shall be deemed to result from the death or withdrawal of a minority of the members of the investment adviser having only a minority interest in the business of the investment adviser, or from the admission to the investment adviser of one or more members who, after such admission, shall be only a minority of the members and shall have only a minority interest in the business"

"(q) The term 'solicitor' means any individual employed, appointed, or authorized by an investment adviser to solicit persons to contract for or engage the service of such investment adviser"

"(r) the term 'general plan and character of business' as applied to an investment adviser, and to that part of the business of a dealer whose business includes that of an investment adviser, means (1) the manner of giving advice and rendering analyses; (2) the nature and scope of the authority of such person with respect to the funds and accounts of the clients to whom such person renders investment advisory services; (3) the basis or bases upon which such investment adviser or dealer is compensated or advising others as to the value of securities or as to the advisability of investing in purchasing or selling securities or for managing any investment or trading account in securities for others, or for issuing or promulgating analyses; (4) whether such person is engaged, or is to engage primarily in the business of rendering investment supervisory services; and (5) as applied to an investment adviser also means whether he sells securities of investment companies and, if so, how he complies with the provisions of Section 13 (b) hereof"

Amend Section 1, page 13, by striking out lines 1, 2 and 3.

Amend Section 1, page 13, line 4 by inserting before the word "Unless" the following: "(a)"

Amend Section 1, page 13, line 10 by inserting before the word "Unless" the following: "(b)"

Amend Section 1, page 13, line 19 by inserting after the word "hereunder" the following: "(c) Unless registered hereunder no investment adviser shall in this State for compensation engage in the business of advising others, either directly or through publications or writing, as to the value of securities, or as to the advisability of investing in, purchasing, or selling securities, or in the business of managing any investment or trading account in securities for other persons or, as part of a regular business, issue or promulgate analyses"

"(d) Unless registered hereunder as a solicitor of such investment adviser, no solicitor on behalf of any investment adviser shall engage, either directly or indirectly, in this State in the business of soliciting persons to contract for or engage the services of such investment adviser."

Amend Section 1, page 13, line 19 by inserting before the word "the" the following: "(e)"

Amend Section 1, page 13, line 20 by striking out the word "and"

Amend Section 1, page 13, line 20 by inserting after the word "salesman" the following: "investment advisers and solicitors."

Amend Section 1, page 13, by striking out lines 22, 23, 24, 25, 26, 27 and 28.

Amend Section 1, page 14 by striking out lines 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.

Amend Section 1, page 14, line 19 by inserting after the word "principals" the following: "partners."

Amend Section 1, page 14, line 21 by striking out the word "and" at the end of the line.

Amend Section 1, page 14, line 23 by inserting before the word "business" the following: "such"

Amend Section 1, page 15, by striking out line 5 beginning with the word "applications" and continuing striking out lines 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17.

Amend Section, page 6, line 1 by striking out the word "or" at the end of the line

Amend Section 1, page 16, line 2 by inserting after the word "settlement" the following: "or equivalent documents"

Amend Section 1, page 16, line 4 by inserting light face bracket after the word "or", thus: "or]"

Amend Section 1, page 16, line 4 by inserting before the word "having" the following: "and"

Amend Section 1, page 16, line 5 by striking out light face strike-out bracket following the word ["it"]

Amend Section 1, page 16, line 7 by striking out the heavy face strike-out brackets before and after the word ["solicitor"]

Amend Section 1, page 16 lines 7 and 8 by striking out the word "representative" at the end of line 7 and beginning of line 8.

Amend Section 1, page 16, line 9 by striking out light face strike-out bracket before the word ["arising"]

Amend Section 1, page 16, line 9 by inserting after the word "arising" the following: "out of doing the business in this State for which he is registered hereunder or"

Amend Section 1, page 16, line 10 by striking out the light face strike-out bracket after the word "act"]

Amend Section 1, page 16, line 10 by striking out the words "or it".

Amend Section 1, page 16, line 13 by striking out light face strike-out brackets before the word ["if" and after the word "State"]

Amend Section 1, page 16, line 16 by inserting light face bracket before "(b)" thus ["(b)"]

Amend Section 1, page 16, line 12 by inserting light face bracket after "(c)" thus ["(c)"]

Amend Section 1, page 16, line 18 by inserting before the word "in" the following: "(b)"

Amend Section 1, page 17, line 11 by striking out the heavy face brackets before and after the word ["solicitor"]

Amend Section 1, page 17, lines 11 and 12 by striking out the word "representative" at the end of line 11 and beginning of line 12.

Amend Section 1, page 17 by striking out all of lines 14, 15, 16, 17, 18, 19, 20 and inserting in lieu thereof the fol-

lowing: "Section 6. Except as hereinafter provided, unless the Commission shall have taken affirmative action at an earlier time, registration shall become effective thirty (30) days after receipt by the Commission of the complete application or renewal application as the case may be, and the Commission upon the expiration of such thirty (30) days shall register the applicant. The Commission after hearing may by order deny registration of an applicant if the Commission finds that the applicant is not of good repute, or that the proposed plan of business of the applicant is unfair, unjust or inequitable or that the applicant is not of sufficient financial responsibility to deal safely with the public. The order fixing a hearing on said application shall operate to postpone the effective date of registration pending final decision by the Commission upon the application, but such postponement shall not operate to postpone the effective date of registration for more than one hundred twenty (120) days after receipt of the application, or such longer period as the Commission and the applicant agree to. Upon registration of an applicant, the Commission shall issue to him a registry."

Amend Section 1, page 17, line 24 by inserting after the word "principals" the following: "partners"

Amend Section 1, page 17, line 26 by inserting the word "dealer" the following: "in securities"

Amend Section 1, page 17, line 27 by inserting after the word "adviser" the following: "as the case may be"

Amend Section 1, page 17, line 27 by striking out the words "in securities".

Amend Section 1, page 18, line 6 by inserting before the word "plan" the following: "general"

Amend Section 1, page 18, line 6 by inserting after the word "plan" the following: "and character"

Amend Section 1, page 18, line 7 by striking out the word "or" and inserting in lieu thereof the following: "and every registered"

Amend Section 1, page 19, line 5 by inserting after the word "dealer" the following: "or investment adviser"

Amend Section 1, page 19, line 5 by striking out the word "their."

Amend Section 1, page 19, line 7 by inserting after the word "dealer" the following: "or as solicitors of such investment adviser"

Amend Section 1, page 19, line 3, by inserting after the word "dealer" the following: "or investment adviser"

Amend Section 1, page 19, line 12 by inserting after the word "salesman" the following: "or solicitors"

Amend Section 1, page 19, line 15 by inserting after the word "salesman" the following: "or the solicitor"

Amend Section 1, page 19, line 18 by inserting after the word "dealer" the following: "or investment adviser"

Amend Section 1, page 19, line 20 by inserting after the word "dealer" the following: "or solicitor of the investment adviser"

Amend Section 1, page 19, line 22 by inserting after the word "salesman" the following: "or the solicitor"

Amend Section 1, page 19, line 23 by inserting after the word, "dealer" the following: "or investment adviser"

Amend Section 1, page 19, line 24 by inserting after the word "salesman" the following: "or solicitor"

Amend Section 1, page 19, line 26 by inserting after the word "salesman" the following: "or investment adviser and solicitor"

Amend Section 1, page 19, line 27 by inserting after the word "dealer" the following: "or investment adviser"

Amend Section 1, page 19, line 28 by inserting after the word "salesman" the following: "or solicitor"

Amend Section 1, page 20, line 1 by inserting after the word "salesman" the following: "or solicitor"

Amend Section 1, page 20, line 1 by inserting after the word "dealer" the following: "or investment adviser"

Amend Section 1, page 20, line 2 by inserting after the word "salesman" the following: "or solicitor"

Amend Section 1, page 20, line 3 by inserting after the word "dealer" the following: "or such investment adviser"

Amend Section 1, page 20, line 4 by inserting after the word "salesman" the following: "or solicitor"

Amend Section 1, page 20 by striking out all of lines 6 to 29 both inclusive.

Amend Section 1, page 21 by striking out all of the lines 1 to 9 both inclusive.

Amend Section 1, page 21, line 10 by striking out the following: "or fails".

Amend Section 1, page 21, line 13 by removing the heavy face brackets before and after the word "[solicitor"].

Amend Section 1, page 21, line 13 by striking out the word "representative".

Amend Section 1, page 21, line 22 by striking out the word "registration" and inserting in lieu thereof the following: "registrations"

Amend Section 1, page 22, line 16 by striking out light face strike out brackets before and after the word "[any"].

Amend Section 1, page 22, line 17 by inserting before the word "business" the following: "the"

Amend Section 1, page 22, line 18 by inserting after the word "salesman" the following: "or solicitor"

Amend Section 1, page 22, line 18 by striking out the word "dealer" and inserting in lieu thereof the following: "person"

Amend Section 1, page 22, line 20 by inserting before the word "or" the following: "investment adviser, solicitor"

Amend Section 1, page 22, line 20 by inserting after the word "times" the following: "when acting on the business for which he is registered hereunder"

Amend Section 1, page 22, line 20 by striking out the words "so engaged".

Amend Section 1, page 22, line 23 by striking out the word "any" and inserting in lieu thereof the following: "a"

Amend Section 1, page 22, line 23 by inserting after the word "customer" the following: "or client"

Amend Section 1, page 22, line 23 by inserting after the word "customer's" the following: "or client's"

Amend Section 1, page 23 by striking out all of lines 1 to 19 both inclusive, and inserting in lieu thereof the following: "No investment adviser or solicitor shall use the fact of his registry by public display or advertisement except as hereinafter expressly provided, or the registry certificate, or any certified copy thereof, in connection with any effort to induce a prospective client or subscriber to subscribe to his services, except to a prospective client or subscriber upon such client's or subscriber's request."

Amend Section 1, page 24, line 17 by inserting before the word "unless" the following: "or analysis"

Amend Section 1, page 25, line 2 by inserting before the word "section" the following prefix: "sub"

Amend Section 1, page 25, by striking out lines 3 to 15 both inclusive and inserting in lieu thereof the following: "(b) No person registered hereunder, unless so registered as a dealer or salesman, shall as such engage in the issuance, underwriting or promotion of securities except as hereinafter otherwise provided. No person registered hereunder, unless so registered as a dealer or salesman, shall purchase securities from or sell securities to his clients or subscribers without fully disclosing to such client or subscriber his interest, if any, in the securities so sold or purchased. No investment adviser shall issue or publish within this State any analysis after notice in writing given to him by the Commission (stating fully the grounds therefor) that in the Commission's opinion the same is fraudulent or contains any statement that is false, misleading, or otherwise likely to deceive the reader thereof. Provided: That the provisions of this subdivision shall not prevent the sale by any investment adviser to his clients, subscribers, or others, or the underwriting or promotion by an investment adviser of the securities of an investment company if (1) such investment adviser is registered as an investment adviser under this act and is engaged principally in the business or rendering investment supervisory services; (2) no sales load is charged on securities issued by such investment company; (3) any premium over net asset value charged by such company upon the issuance of any such security plus any discount

from net asset value charged on redemption thereof shall not, in the aggregate, exceed two per cent: (4) no sales or promotion expenses are incurred by such company, but expenses incurred in complying with laws regulating the issue or sale of securities shall not be deemed sales or promotion expenses: (5) such investment adviser is the only investment adviser to such investment company and such investment adviser does not receive a management fee exceeding one per cent per annum of the value of such company's net assets averaged over the year or taken as of a definite date or dates within the year: (6) all executive salaries and executive expenses and office rent of such investment company are paid by such investment adviser: (7) such investment company has only one class of stock outstanding each share of which has equal voting right with every other share."

Amend Section 1, page 27, line 3 by striking out the word "and" and inserting in lieu thereof the following: "with"

Amend Section 1, page 27, line 7 by inserting before the word "securities" the following: "the"

Amend Section 1, page 27, line 20 by striking out the word "if" and inserting in lieu thereof the following: "of"

Amend Section 1, page 29, line 5 by inserting before the word "The" the following: "(a)"

Amend Section 1, page 29, line 10 by striking out "(a)" and inserting thereof the following: "(1)"

Amend Section 1, page 29, line 11 by striking out "(b)" and inserting in lieu thereof the following: "(2)"

Amend Section 1, page 29, line 12 by striking out "(c)" and inserting in lieu thereof the following: "(3)"

Amend Section 1, page 29, line 13 by striking out "(d)" and inserting in lieu thereof the following: "(4)"

Amend Section 1, page 29, line 15 by inserting after the word "may" the following: "in addition to its other powers"

Amend Section 1, page 29, by striking out all of lines 17 to 29 both inclusive and inserting in lieu thereof the following: " b) The Commission may at any time require an investment adviser or dealer to submit to the Commission copies of all analysis, or any portion thereof, issued by such investment adviser, dealer, or dealer's salesman to clients or prospective clients within the preceding one year and thereupon, if it shall appear that any analyses of the investment adviser, dealer or dealer's salesman either (1) have not been made honestly; (2) have not been made in good faith; (3) have been made with intent to deceive or defraud, or (4) have been made without the investment adviser, dealer or dealer's salesman having a reasonable amount of information concerning the subject matter thereof, the Commission may, in addition to its other powers, prohibit the investment adviser, dealer, or dealer's salesman from further issuing any analyses in this State so found to be in violation of this section."

Amend Section 1, page 30 by striking out all of lines 1, 2, 3, 4.

Amend Section 1, page 31, line 8 by striking out the strike-out brackets before and after the word "[solicitors]".

Amend Section 1, page 31, line 8 by striking out the word "representatives".

Amend Section 1, page 31, line 10 by inserting after the word "or" the following: "solicitors"

Amend Section 1, page 31, line 10 by striking out "registration" and inserting in lieu thereof the following: "registrations"

Amend Section 1, page 31, line 10 by striking out the word "representative's".

Amend Section 1, page 31, line 12 by striking out the strike-out brackets before and after the word "[solicitors]".

Amend Section 1, page 31, line 12 by striking out the word "representatives".

Amend Section 1, page 31, line 19 by striking out the strike-out brackets before and after the word "[solicitor]".

Amend Section 1, page 31, lines 19 and 20 by striking out the word "representatives" at the end of line 19 and beginning of line 20.

Amend Section 1, page 31, line 25 by striking out the strike-out brackets before and after the word "[solicitor]".

Amend Section 1, page 31, line 25 by striking out the word "representative".

Amend Section 1, page 31, line 26, by inserting before the word "revoke" the following: "refuse to renew or"

Amend Section 1, page 31, line 26 by striking out the strike-out brackets before and after the word "[solicitor's]".

Amend Section 1, page 31, line 26 by striking out the word "representative's".

Amend Section 1, page 31, line 28 by inserting after the word "dealer" the following: "or investment adviser".

Amend Section 1, page 31, line 28, by inserting after the word "salesman" the following: "or solicitor".

Amend Section 1, page 31, lines 28 and 29 by striking out the following "or to such investment adviser and to such [solicitor] representative."

Amend Section 1, page 32, line 2 by striking out the heavy face strike-out brackets before and after the word "[solicitor]".

Amend Section 1, page 32, lines 2 and 3 by striking out the word "representative" at the end of line 2 and beginning of line 3.

Amend Section 1, page 32, line 5 by striking out heavy face strike-out brackets before and after the word "[solicitor's]".

Amend Section 1, page 32, line 5 by striking out the word "representative's".

Amend Section 1, page 32, line 5 by striking out the word "such".

Amend Section 1, page 32, line 6 by striking out the word "hearing".

Amend Section 1, page 32, line 6 by inserting before the word "In" the following: "the Commission's final order."

Amend Section 1, page 32, line 6, by striking out "In" and inserting in lieu thereof the following: "in".

Amend Section 1, page 32, line 6 by striking out the word "either" and inserting in lieu thereof the following: "the."

Amend Section 1, page 32, line 6 by inserting after the word "event" the following: "of the refusal to renew, revocation, or suspension of a salesman's or solicitor's registration."

Amend Section 1, page 32 line 6 by striking out the heavy face strikeout brackets before and after the word "[solicitor]".

Amend Section 1, page 32, line 7 by striking out the word "representative".

Amend Section 1, page 32, line 11 by inserting before the word "revocation" the following: "refusal to renew."

Amend Section 1, page 32, line 11 by striking out heavy face strike-out brackets before and after the word "[solicitor's]".

Amend Section 1, page 32, line 12 by striking out the word "representative's."

Amend Section 1, page 32, line 13 by inserting before the word "revocation" the following: "refusal to renew."

Amend Section 1, page 32, line 14 by striking out the heavy strike-out brackets before and after the word "[solicitor's]".

Amend Section 1, page 32, line 16 by striking out the word "either." and inserting in lieu thereof the following: "any."

Amend Section 1, page 32, line 18 by striking out heavy strike-out brackets before and after the word "[solicitor]".

Amend Section 1, page 32, line 18 by striking out the word "representative."

Amend Section 1, page 32, line 26 by striking out the heavy face strike-out brackets before and after the word "[solicitor]".

Amend Section 1, page 32, lines 26 and 27 by striking out the word "representative" at the end of line 26 and beginning of line 27.

Amend Section 1, page 33, line 7 by striking out heavy strike-out brackets before and after the word "[solicitor]".

Amend Section 1, page 33, line 7 by striking out the word "representative".

Amend Section 1, page 33, line 9 by inserting before the word "to" the following: "analyses or".

Amend Section 1, page 33, line 20 by inserting after the word "specified" the following: "and no grounds for such decision not stated therein".

Amend Section 1, page 34, line 1 by striking out the words "if any".

Amend Section 1, page 34, line 2 by inserting after the word "testimony" the following: "exceptions if any".

Amend Section 1, page 34, line 24 by inserting after the word "oustaining" the following: "a revocation of or".

Amend Section 1, page 34, line 24 by striking out the word "the" before the word "refusal".

Amend Section 1, page 35, lines 15 and 16 by striking out the following: "unless made available to the public by other provisions of this act."

Amend Section 1, page 35, line 26 by inserting after the word "clients" the following: "subscribers".

Amend Section 1, page 35, line 27 by inserting after the word "person" the following: "and provided further that no provision of this act shall be construed to require or authorize the Commission to require any investment adviser engaged in rendering investment supervisory services and not having the custody of clients' funds of securities to disclose the identity, investments or affairs of any client of such investment adviser, except insofar as such disclosure may be necessary or appropriate in a particular proceeding or investigation having as its object the enforcement of a provision or provisions of this act".

Amend Section 1, page 35, line 2 by inserting before the word "dealer" the following: "investment adviser".

Amend Section 1, page 36, line 2 by inserting after the word "dealer" the following: "solicitor".

Amend Section 1, page 36, line 6 by striking out the words "an order" and inserting in lieu thereof the following: "its subpoena".

Amend Section 1, page 36, line 7 by striking out the words "obey the subpoena" and inserting in lieu thereof the following: "appear before it and there".

Amend Section 1, page 37, line 1 by inserting before the word "In" the following: "(a)"

Amend Section 1, page 37, line 7 by inserting before the word "In" the following: "(b)"

Amend Section 1, page 38, line 10 by striking out the word "an".

Amend Section 1, page 38, line 16 by inserting after the word "date" the following: "or to prohibit an oral investment advisory contract not in violation of this section and terminable at will by the client or subscriber".

Amend Section 1, page 39, line 15 by inserting after the word "adivese" the following: "or solicitor".

Amend Section 1, page 39, line 17 by striking out the word "provision" and inserting in lieu thereof the following: "provisions".

Amend Section 1, page 39, lines 23 and 24 by striking out the following: "and any person violating Section 21 of this act".

Amend Section 1, page 39, by striking out all of lines 28 and 29.

Amend Section 1, page 30 by striking out all of lines 1 to 17 both inclusive.

Amend Section 1, page 41, line 14 by inserting after the word "dealers" the following: "or of investment advisers with respect to the respective members or proposed members thereof. Provided: That no divulgement shall be made of lists of security holders, customers, subscribers, or clients of any person and that no divulgement shall be made of the identity, investments, or affairs of any client of any investment adviser engaged in rendering investment supervisory services and not having the custody of clients' funds or securities, except insofar as such disclosure may be necessary or appropriate in a particular proceeding or investigation having as its object the enforcement of a provision or provisions of this act".

Amend Section 1, page 42, line 21 by striking out the word "violations" and inserting in lieu thereof the following: "violation".

Amend Section 1, page 42, line 29 by inserting after the

word "State" the following: "Provided: That the Commission may make such examinations of any investment adviser engaged in rendering investment supervisory services and not having custody of client's funds or securities, except insofar as such examination may be necessary or appropriate in a particular proceeding or investigation having as its object the enforcement of a provision or provisions of this act which the Commission has reasonable grounds to believe may have been violated".

Amend Section 1, page 43, line 11 by striking out the word "suitable" and inserting in lieu thereof the following: "equitable".

Amend Section 1, page 44 by striking out lines 5, 6, 7, 8, and 9, beginning with the word "for" in line 5.

Amend Section 1, page 44, line 13 by striking out heavy face strike-out brackets before and after the word "[solicitors]".

Amend Section 1, page 44, line 13 by striking out the word "representatives".

Amend Section 1, page 44, line 26 by striking out the heavy face strike-out brackets before and after the word "[solicitor]".

Amend Section 1, page 44, line 26 by striking out the word "representative".

Amend Section 1, page 45, line 1 by inserting after the word "dealer's" the following: "or investment adviser's".

Amend Section 1, page 45, line 7 by inserting after the word "dealer" the following: "or investment adviser".

Amend Section 1, page 45, by adding the following between lines 7 and 8: "(h) For each duplicate of an amended registration certificate of a dealer or investment adviser five dollars (\$5)".

Amend Section 1, page 45, line 14 by striking out "prescribe" and inserting in lieu thereof the following: "prescribe".

Amend Section 1, page 45, line 18 by striking out the light face strike-out bracket before the word "[Section".

Amend Section 1, page 45, line 29 by striking out the light face strike-out bracket after the word "conferring]".

Amend Section 1, page 46, line 1 by striking out the light face strike-out bracket before the word "[powers".

Amend Section 1, page 46, line 29 by striking out the light face strike-out bracket after the word "conferring]".

Amend Section 1, page 47, line 1 by striking out light face strike-out bracket before the word "[powers".

Amend Section 1, page 47, line 8 b; striking out light face strike-out bracket after the word "repealed]".

Amend Section 2, page 47, line 9 by striking out lines 9 to 15 both inclusive.

Amend Section 3, page 47, by striking out lines 16 to 29 both inclusive.

Amend Section 3, page 48 by striking out lines 1 to 7 both inclusive, and inserting in lieu thereof the following:

Section 2. The provisions of this re-enactment and amendment shall be effective ninety (90) days after the final enactment hereof, except immediately upon the final enactment of this act the Commission may receive applications for and register applicants for registration as investment advisers and solicitors which registration shall take effect ninety (90) days after final enactment hereof.

Section 3. All registrations of dealers and salesmen made under this act prior to the effective date of this re-enactment and amendment shall be effective for the remainder of the registration year for which made unless sooner revoked or suspended.

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

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

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

It was agreed to.

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

BILLS PASSED OVER

There being no objection House Bill No. 1454, Printer's No. 516, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1455, Printer's No. 515, 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. 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.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

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

On the question,

Will the House agree to the motion?

Mr. O'BRIEN. Mr. Speaker, I would like to interrogate the gentleman from Monroe, Mr. Achterman.

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

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. O'BRIEN. Mr. Speaker, inasmuch as this bill has been reported out of the Law and Order Committee. I would like to have the gentleman from Monroe, Mr. Achterman, tell me why it is being referred to the Committee on Judiciary Special.

Mr. ACHTERMAN. Mr. Speaker, a bill similar to this, I believe introduced by Mr. Nagel and Mr. Gates,—incidentally introduced prior to this bill, was referred to the Committee on Judiciary Special. It happens to be an amendment to the Penal Code. The only difference between the other bill and this one is the amount of the fine. Since the penal code has in the past been handled by the Judiciary Special committee, I feel that this measure should be recommitted to the committee which considers that particular type of legislation. In that connection I understand that the parties interested in measures or bills involving this particular subject have requested a hearing before the Law and Order committee of the Senate, who have a measure of this nature and at the same time desired a hearing on the measure in the House. I believe in view of that fact it would be wise for the committee that is going to have a hearing in conjunction with the Senate to have all measures on the subject in order that they can act intelligently and expeditiously on the matter after the hearing.

Mr. O'BRIEN. Mr. Speaker, the gentleman from Monroe, Mr. Achterman, pointed out the fact that a certain bill which is not before this House, with an earlier number was submitted to the Judiciary Special committee. I assume from the fact it is not on the floor of the House

that the Judiciary Special committee never even considered this particular bill. Further, the gentleman from Monroe, Mr. Achterman, mentioned the fact that the Law and Order committee of the Senate was considering a similar bill to the bill which I sponsored. It seems rather strange to me that in the Senate of this great Commonwealth of Pennsylvania, they should refer a bill dealing with the same problem to Law and Order committee, when House Bill 1188 was submitted to the Law and Order committee, and the Law and Order committee after due consideration submitted it to the floor of this House for a vote.

The Judiciary Special Committee from my knowledge has never acted on this bill referred to by the gentleman from Monroe, Mr. Achterman, and I rise to oppose this bill being recommitted to Judiciary Special Committee, inasmuch as the Law and Order Committee of the House had considered this bill, and even should it be recommitted for the purpose of a public hearing, in due respect to the Law and Order Committee it should be recommitted to that committee for the purpose of a public hearing.

Mr. ACHTERMAN. Mr. Speaker, I have just conferred with the Chairman of the Judiciary Special Committee of this House, and he advises me to the contrary. They had considered the particular legislation that I mentioned is similar to this bill except as to the amount of fine involved. As a matter of fact he has entered into an agreement with Chairman of the Law and Order Committee of the Senate, Mr. Letzler, who has made arrangements for a public hearing. It would therefore seem that the proper thing to do, would be to refer the bill to the committee that is going to have a public hearing on the subject.

As far as referring this particular bill to the Law and Order Committee of the House is concerned, I am not going to offer any excuse or explanation as to why this particular bill went to the Law and Order Committee instead of the Judiciary Special, except to point out one particular fact, that amendments to the penal code have been consistently sent to the Judiciary Special Committee. The gentleman thinks that this bill should be sent to the Committee on Law and Order. The Senate may follow a different procedure. That is of little moment to the Members of this House; the question is what is the procedure in this House, and my motion now is in conformity with the procedure in this House, and the committee that has made arrangements for the hearing is the committee that ought to receive this particular legislation for its study and for a public hearing, and I therefore ask the members to vote for the motion.

Mr. O'BRIEN. Mr. Speaker, I would ask the opportunity of interrogating the Chairman of the Committee on Judiciary Special.

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

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

Mr. O'BRIEN. Mr. Speaker, I would like to ask the gentleman how and on whose authority the Chairman of the Judiciary Special Committee met with the Chairman of the Law and Order Committee of the Senate in order to arrange for a public hearing on a bill that was not submitted to his committee.

Mr. REUBEN E. COHEN. Mr. Speaker, the question has four points, and I will endeavor to take them up sep-

arately. First, the bill was taken up with the committee, and upon the request of the Chairman of the Law and Order Committee of the Senate who sent word to me that he would like to have a public hearing. I then was requested to consult with Senator Letzler, which I did about a week ago, and gave him authority to set a time for interested people to come before the body, and asked him to advise when the meeting would be set and my committee would be delighted to sit with him.

Mr. O'BRIEN. Mr. Speaker, I would like to ask the gentleman from Philadelphia, Mr. Cohen, to explain how he could meet with the chairman of the Law and Order Committee of the Senate to discuss a public hearing on a bill that was not in his committee.

Mr. REUBEN E. COHEN. Mr. Speaker, we only discussed, as far as I was concerned, House Bill No. 792, which was in my committee, and when I received word that the gentleman wanted to speak with me, I went over to the Senate, and there he was, and we met.

Mr. O'BRIEN. Mr. Speaker, you know, I always wanted to be a lawyer. I always had great admiration for the Philadelphia lawyers, but I shudder to think that all I am asking is a simple question in relation to House Bill 1188, Printer's No. 511, which is No. 7 on page 41 of today's calendar. This is the bill that we are discussing. The gentleman from Monroe, Mr. Achterman, has pointed out the fact that the chairman of the Judiciary Special Committee has got together with the chairman of the Law and Order Committee of the Senate in relation to a bill that emanated from the Law and Order Committee of the House to hold a public hearing on that particular bill.

Now, there is no question in my mind that maybe I cannot follow the procedure of this House; it seems funny to me that a bill that is before the Law and Order Committee would be discussed by the chairman of the Judiciary Special Committee in relation to a public hearing, and it is for that reason that I oppose the motion of the gentleman from Monroe, Mr. Achterman, to have this bill recommitted to the Judiciary Special Committee.

On the question,

Will the House agree to the motion?

It was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 543, as follows:

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

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

Section 1 All unpaid interest charges and penalties added to any and all delinquent municipal claims imposed or assessed on any parcel or parcels of real estate in the year one thousand nine hundred and thirty-six and all previous years filed by any city borough incorporated town or township to recover for the grading guttering macadamizing or otherwise improving the cartways of any public highway for grading curbing recubing paving repaving constructing or repairing the footways thereof for laying water pipes gas pipes culverts sewers branch sewers or sewer connection therein for assessments for

benefits in the opening widening or vacation thereof or in the changing of water-courses or the construction of sewers through private lands or in the acquisition of sewers and drains constructed and owned by individuals or corporations and of rights in and to use the same may be abated by such city boroughs incorporated towns or townships upon the payment of the entire face amount of such delinquent claims imposed or assessed on any parcel or parcels of real estate and the costs of filing or of any proceedings thereon on or before December thirty-first one thousand nine hundred and forty-one

Section 2 This act shall be construed to apply to all such claims whether or not liens for such claims have been filed in the office of the prothonotary of the county or proceedings for the collection of such claims have been instituted in any court in said county or where real property has been sold to a county city borough town township school district or poor district at a judicial sale for the nonpayment of such claim and the period of redemption has not expired but this act shall not be construed to apply to cases where real property has been sold other than to a county city borough town township school district or poor district at any such sale and where the period of redemption has not expired and the person liable for the payment of such claim shall be liable for the payment of all costs incurred in such proceedings except the solicitor's fees

Section 3 The benefits of this act shall extend to and accrue to any successful bidder or purchaser at sheriff's or other judicial sale grantee transferee mortgagee or other party in interest in the parcel or parcels of real estate against which the above-mentioned claims have been imposed or assessed and levied

Section 4 Any taxpayer shall have the right to pay the delinquent claims imposed or assessed and levied against any parcel or parcels of real estate without being required to pay the delinquent claims imposed or assessed and levied against any other parcel or parcels of real estate in the same ward district or other political subdivision

Upon application either in person or in writing by any person liable for the payment of any such delinquent claims the authorities imposing or assessing and levying such claims of the person or person charged with the collection of such delinquent claims or the person or persons in whose custody the records of such delinquent claims are kept shall furnish to the person liable for the payment of such claims a statement of the delinquent claims owed by him to such political subdivision showing the face amount the interest charges penalties expenses and fees and costs or other charges in detail against such real property as shown by the records in his custody

Section 5 In order to enable the taxpayer to receive the full benefits of this act no real property shall be sold for nonpayment of such municipal claims before January first one thousand nine hundred and forty-two and any such sale shall be adjourned or readjusted as often as may be necessary for this purpose. If any sale is adjourned or readjusted after advertisement no additional advertisement or notice shall be necessary for the adjourned or readjusted sale. No such adjournment or readjustment failure to advertise or hold any such sale shall invalidate the lien of any municipal claim due and unpaid but the lien of all such claims shall be fully preserved until February first one thousand nine hundred and forty-two in order to give the city borough incorporated town or township authorities an opportunity to receive any such liens when payment is not made under the provisions of this act. Provided however That in every case where a person avails himself of the privileges or benefits of this act the period during which payment of the said delinquent claim is postponed or continued under this act shall not be included in computing and determining whether or not any right of the authority which imposed or assessed such claim has been barred or lost by reason of the provisions of any statute or statutes now existing or hereafter enacted limiting the right of the

said authority to file preserve or maintain the lien of the said claim

Section 6 The provisions of this act shall not apply to or in any manner effect any assessments which are the sole basis of improvement bonds issued by any political subdivision and which are the security for the payment thereof or to any assessments which have heretofore been assigned by any political subdivision to any contractor in payment of the amount due him under terms of the contract for the improvement for which the assessment was levied

Section 7 The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 8 All acts and parts of acts general local and special inconsistent with the provisions of this act are hereby suspended during the time this act shall be in effect

Section 9 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—191

Achterman,	Fletcher,	Lichtenwalter,	Rooney,
Allmond,	Flynn,	Longo,	Rose, S.,
Auker,	French,	Lovett,	Rose, W. E.,
Baker,	Gallagher,	Lyons,	Rosenfeld,
Balthaser,	Gates,	Mallory,	Royer,
Baucher,	Gerard,	Marks,	Sarge,
Bentley,	Gillette,	Maxwell,	Sarra,
Bentzel,	Goodwin,	McClanaghan,	Schwab,
Boles,	Greenwood,	McClester,	Serrill,
Boney,	Gross,	McDermott,	Shaffer,
Boorse,	Gryskewicz,	McDowell,	Shaw,
Bower,	Gyger,	McFall,	Shepard,
Bradley,	Habbyshaw,	McGrath,	Snyder,
Breth,	Haberlen,	McIntosh,	Sollenberger,
Bretherick,	Haines,	McKinney,	Sorg,
Brown,	Hall,	McLane,	Stank,
Brunner, C. H.,	Hamilton,	McMillen,	Stine,
Brunner, P. A.,	Hare,	McSurdy,	Stockham,
Burns,	Harkins,	Melchiorre,	Tarr,
Burriss,	Harmuth,	Mihm,	Tate,
Cadwalader,	Harris,	Modell,	Taylor,
Chudoff,	Heatherington,	Mooney,	Thompson, E. F.,
Cochran,	Helm,	Moran,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Moul,	Trout,
Cohen, R. E.,	Herman,	Muir,	Turner,
Cook,	Hersch,	Munley,	Van Allsburg,
Cooper,	Hewitt,	Nunemacher,	Verona,
Cordier,	Hirsch,	O'Brien,	Vincent,
Corrigan,	Holland,	O'Connor,	Voldow,
Croop,	Huntley,	O'Dare,	Voorhees,
Cullen,	Imbrie,	O'Mullen,	Wagner,
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,	Winner,
Duffy,	Kline,	Powers,	Wolf,
Eckels,	Knoble,	Prosen,	Wood, L. H.,
Elder,	Kolankiewicz,	Fank,	Wood, N.,
Elliott,	Komorowski,	Rausch,	Woodring,
Ely,	Krise,	Readinger,	Woodside,
Falkenstein,	Lee, E. A.,	Reagan,	Wright,
Finestone,	Lee, T. H.,	Reese, D. P.,	Yeakel,
Finnerty,	Lelsey,	Reese, R. E.,	Yester,
Fisher,	Leonard,	Reagan,	Young,
Fisher,	Lesko,	Reynolds,	Kilroy,
Iss,	Levy,	Rhea,	Speaker,
Fleming,	Leydic,		

NAYS—0

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

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

BILLS PASSED OVER

There being no objection House Bill No. 1524, Printer's No. 534, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1459, Printer's No. 529, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 11, Printer's No. 633, 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. 53, as follows:

An Act providing for the acquisition of the Admiral Peary Memorial Park and for its management and development by the Pennsylvania Historical Commission and making an appropriation

Whereas There is located in Cresson Township Cambria County Pennsylvania the birthplace of Admiral Robert Edwin Peary which should be preserved as a historical place and park for the benefit of the people of this Commonwealth therefore

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

Section 1 The Department of property and Supplies is hereby authorized to take over the title from the Historical Society of Cambria County the tract of land at the birthplace of Admiral Robert Edwin Peary which is located and described as follows

All that piece or parcel of land situate in Cresson Township Cambria County Pennsylvania bounded and described as follows

Beginning at a point where the center line of the State Highway Route No. 22 (known as the William Penn Highway) intersects with the Western boundary line of said property and in line of property of Mt. Aloysius Academy thence North by said Western boundary line two (2) degrees eleven (11) minutes East for seven hundred ninety-five and five-tenths (795.5) feet to a point in the center line of the State Highway Route No. 45 leading from Cresson to Loretto thence along said center line of State Highway Route No. 45 South twenty-one (21) degrees fifty-eight (58) minutes East for six hundred forty-three (58) minutes East for six hundred forty-three and three-tenths (643.3) feet to a point in the center line of the said State Highway Route No. 45; thence along the center line of said State Highway Route No. 45 by an eight (8) degree curve to the left for three hundred twenty-five (325) feet to a point in the center line of said State Highway Route No. 45 thence South twenty-five (25) degrees thirty-one (31) minutes West a distance of eighty-six and five tenths (86.5) feet to a point in the center line of State Highway Route No. 22 thence North seventy-three (73) degrees West two hundred fifty-eight and three-tenths (258.3) feet to a point in the center line of said State Highway Route No. 22 and thence by the center line of State Highway Route No. 22 North sixty-five (65) degrees twenty-four (24) minutes West one hundred eighty-one and one-tenth (181.1) feet to the place of beginning containing four and twelve one-hundredths (4.12) acres more or less

Said grant is to be made subject to the following covenants and conditions

1 That the property hereby conveyed shall never be used for any other purpose than for a park surrounding

the proposed monument to be erected as a memorial to Admiral Peary

2 That the grantee shall take all proper measures to prevent the use of the park for camping ground or other objectionable purposes or for any other purpose than for use as a park

3 That no building other than the proposed monument of Admiral Peary in such form as may be approved by the Art Commission of the Commonwealth of Pennsylvania shall be erected upon the premises hereby granted and conveyed

4 That the Commonwealth shall at its own expense and at all times maintain and provide for the upkeep of the said park and all improvements intended to be made thereon

5 That the property hereby conveyed shall be maintained as a wooded area and planted with trees as an ornamental background to the Peary Memorial

6 That no driveway shall be laid out over the premises hereby granted and conveyed

The Commonwealth for itself its successors and assigns does hereby covenant and agree that in the event of any violation of any of the above mentioned covenants and conditions the title to the said land shall revert to Mary Thaw Thompson of Pittsburgh Pennsylvania her heirs and assigns and that the Commonwealth will thereupon on demand of Mary Thaw Thompson her heirs and assigns execute a deed of special warranty in favor of said Mary Thaw Thompson her heirs and assigns granting and reconveying the said property hereby conveyed to either the said Mary Thaw Thompson or her heirs or assigns with covenant of special warranty

The title to said property before acquisition shall be approved by the Department of Justice

Section 2 Upon the acquisition of the property aforesaid the same shall be transferred to the Pennsylvania Historical Commission which shall have full control management and supervision thereof and shall have power to adopt and carry into effect plans for the restoration improvement and maintenance of the park and to make and enforce rules and regulations for the preservation of the property and the visitation thereof by the public

Section 3 The sum of five thousand dollars (\$5,000.00) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the payment of the cost of acquiring said tract of land and for all expenses in connection therewith including the expense of investigating the title

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—191

Achterman,	Fletcher,	Lichtenwalter,	Rooney,
Allmond,	Flynn,	Longo,	Rose, S.,
Auker,	French,	Lovett,	Rose, W. E.,
Baker,	Gallagher,	Lyons,	Rosenfeld,
Balthaser,	Gates,	Malloy,	Royer,
Baughner,	Gerard,	Marks,	Sarge,
Bentley,	Gillette,	Maxwell,	Sarraff,
Bentzel,	Goodwin,	McClanaghan,	Schwab,
Boles,	Greenwood,	McClester,	Serrill,
Boney,	Gross,	McDermott,	Shaffer,
Boorse,	Gryskewicz,	McDowell,	Shaw,
Bower,	Gyger,	McFall,	Sheward,
Bradley,	Habbyshaw,	McGrath,	Snyder,
Breth,	Haberlen,	McIntosh,	Sollenberger,
Bretherick,	Haines,	McKinney,	Sorg,
Brown,	Hall,	McLane,	Stank,
Brunner, C. H.,	Hamilton,	McMillen,	Stine,
Brunner, P. A.,	Hare,	McSurdy,	Stockham,
Burns,	Harkins,	Melchiorre,	Tarr,
Burris,	Harmuth,	Mihm,	Tate,
Cadwalader,	Harris,	Modell,	Taylor,
Chudoff,	Heatherington,	Mooney,	Thompson, E. P.

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

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. 1415, as follows:

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

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

Section 1 Whenever heretofore the penalties and interest or any of them have been abated on county city borough town township school district poor district or county institution district taxes by any act of Assembly and said act provided for the payment of such taxes by installment payments at periods designated therein and the county commissioners county treasurer tax collector or other official authorized by law to certify such taxes for collection or to collect or receive such taxes has contrary to the provisions of said abatement act given to any taxpayer the advantages of said act by certifying such taxes or the initial installment payment thereof for collection or by accepting the initial installment payment thereof at a date later than the date fixed by said act for such payment or has certified for collection or has accepted any installment payment of such taxes on a date later than the date fixed by said act for the payment of such installment or has certified for collection or has accepted any installment payment of such taxes from any taxpayer when such taxpayer was in default in the payment of his current taxes contrary to the requirements of said act the acts of said county commissioners county treasurer tax collector or official in extending to such delinquent taxpayer the advantages of said abatement act by certifying for collection or by accepting the initial installment payment of such taxes at a date later than the date fixed by said act for such payment or in certifying for collection or accepting any installment payment on a date later than the date fixed by said act for such payment or in certifying for collection or accepting any installment payment from a taxpayer who was in default

in the payment of his current taxes contrary to the requirements of said act are hereby ratified confirmed and validated with the same force and effect as if the provisions of said abatement act had been strictly complied with and any such taxpayer who is not otherwise in default under the terms and conditions of said act may continue to make the installment payments on such taxes as provided by said act if any and receive the further benefits thereof

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

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

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

On the question,

Shall the bill pass finally?

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

YEAS—191

Achterman,	Fletcher,	Lichtenwalter,	Rooney,
Allmond,	Flynn,	Longo,	Rose, S.,
Auker,	French,	Lovett,	Rose, W. E.,
Baker,	Gallagher,	Lyons,	Rosenfeld,
Balthaser,	Gates,	Malloy,	Royer,
Baughner,	Gerard,	Marks,	Sarge,
Bentley,	Gillette,	Maxwell,	Sarraf,
Bentzel,	Goodwin,	McClanaghan,	Schwab,
Boies,	Greenwood,	McClester,	Serrill,
Boney,	Gross,	McDermott,	Shaffer,
Boorse,	Gryskewicz,	McDowell,	Shaw,
Bower,	Gyger,	McFall,	Shepard,
Bradley,	Habbyshaw,	McGrath,	Snyder,
Breth,	Haberlen,	McIntosh,	Sollenberger,
Bretherick,	Haines,	McKinney,	Sorg,
Brown,	Hall,	McLane,	Stank,
Brunner, C. H.,	Hamilton,	McMillen,	Stine,
Brunner, P. A.,	Hare,	McSurdy,	Stockham,
Burns,	Harkins,	Meichlorre,	Tarr,
Burriss,	Harmuth,	Mihm,	Tate,
Cadwalader,	Harris,	Modell,	Taylor,
Chudoff,	Heatherington,	Mooney,	Thompson, E. F.,
Cochran,	Helm,	Moran,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Moul,	Trout,
Cohen, R. E.,	Herman,	Muir,	Turner,
	Hersch,	Munley,	Van Allsburg,
	Cook,	Nunemacher,	Verona,
	Cooper,	O'Brien,	Vincent,
	Gordier,	O'Connor,	Voldow,
	Corrigan,	O'Dare,	Voorhees,
	Croop,	O'Mullen,	Wagner,
	Cullen,	O'Neill,	Weingartner,
	Dalrymple,	James,	Weiss,
	Dennison,	Jefferson,	Welsh, E. B.,
	DiGenova,	Jones, G. E.,	Welsh, M. J.,
	Dix,	Jones, P. N.,	Williams,
	Dolon,	Keenan,	Winner,
	D'Ortona,	Kenehan,	Wolf,
	Duffy,	Kline,	Wood, L. H.,
	Eckels,	Knoble,	Wood, N.,
	Elder,	Kolankiewicz,	Woodring,
	Elliott,	Komorofski,	Woodside,
	Ely,	Krise,	Wright,
	Falkenstein,	Lee, E. A.,	Yeakel,
	Finestone,	Lee, T. H.,	Yester,
	Finnerty,	Lelsey,	Young,
	Fisher,	Leonard,	Kilroy,
	Fiss,	Lesko,	Speaker.
	Fleming,	Levy,	
		Leydic,	

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. 1510, as follows:

An Act to further amend section two of the act approved the third day of June one thousand nine hundred and nineteen (P. L. 369) entitled "An act providing for the appointment by the district attorney in counties having a population of over one million five hundred thousand inhabitants of a chief county detective an assistant chief county detective and special county detectives defining their duties defining their authority fixing their salaries and authorizing the payment of the same together with the necessary traveling expenses by the county" by increasing the compensation of the chief county detective

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

Section 1 Section two of the act approved the third day of June one thousand nine hundred and nineteen (P. L. 369) entitled "An act providing for the appointment by the district attorney in counties having a population of over one million five hundred thousand inhabitants of a chief county detective an assistant chief county detective and special county detectives defining their duties defining their authority fixing their salaries and authorizing the payment of the same together with the necessary traveling expenses by the county" as amended by the act approved the twenty-ninth day of April one thousand nine hundred and twenty-five (P. L. 352) is hereby further amended to read as follows

Section 2 The said chief county detective shall receive a salary of five thousand (\$5,000) six thousand five hundred (\$6,500) dollars per annum the said assistant chief county detective shall receive a salary of three thousand five hundred (\$3,500) dollars per annum and ten of the special county detectives shall receive a salary of two thousand five hundred (\$2,500) per annum each and ten of the special county detectives shall receive a salary of two thousand three hundred (\$2,300) dollars per annum each together with all necessary traveling expenses which said salary and expenses having been verified by affidavit of the chief county detective assistant chief county detective or special county detective incurring the same and approved by the district attorney shall be paid out of the treasury of the county on a certificate issued by the district attorney directed to the controller of the county who shall order warrants for said amounts according to law In the event of the appointment of a less number of special county detectives than twenty the district attorney shall have the power to determine in which class as to salaries the appointee or appointees shall be placed

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

On the question,
Will the House agree to the bill on third reading?
It was agreed to.

On the question,
Shall the bill pass finally?

Mr. CULLEN. Mr. Speaker, I would like to interrogate the sponsor of this bill, Mr. Voorhees.

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

Mr. VOORHEES. Mr. Speaker, I yield to the gentleman from Philadelphia, Mr. Thomas H. Lee.

Mr. CULLEN. Mr. Speaker, will the gentleman kindly explain this bill and what the purpose of it is?

Mr. THOMAS H. LEE. The purpose of the bill, Mr. Speaker, is to increase the pay of the county detective of the City of Philadelphia.

Mr. CULLEN. How many county detectives in Philadelphia, Mr. Speaker?

Mr. THOMAS H. LEE. One chief County Detective, Mr. Speaker.

Mr. CULLEN. Is that all it increase, Mr. Speaker, just the salary of the chief?

Mr. THOMAS H. LEE. That is correct, Mr. Speaker.

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

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—185

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

NAYS—7

Brown,	Dix,	Reese, R. E.,	Shaw,
Cullen,	D'Ortona,	Rush,	

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. 1035, as follows:

An Act to further amend clause ten of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty three (P. L. 858), entitled "An act establishing a State employers' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and

the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" further defining "new member"

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

Section 1 Clause ten of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by section one of the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (P. L. 683) is 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 the following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meaning

* * * * *

10 "New member" of the retirement association shall mean a State employe who shall have become a State employe and a member of the retirement association at a date subsequent to the thirty-first day of December one thousand nine hundred twenty-four or who upon becoming a member subsequent to December thirty-first one thousand nine hundred and twenty-four elected or hereafter elects not to make back payments and in the case of a judge shall mean any judge who was not an original member and who is elected reelected or appointed to the office of judge subsequent to the second Monday of January one thousand nine hundred and thirty Any person who became a State employe as herein defined subsequent to December thirty-first one thousand nine hundred and twenty-four may become a "New member" as of the date when he or she became such "State employe" upon payment to the retirement association of a sum equal to all back payments which such person would have made had he or she become a member at the date of becoming a "State employe" Any person who became a State employe as herein defined prior to January first one thousand nine hundred and twenty-five may become a "New member" as of January first one thousand nine hundred and twenty-five upon payment to the retirement association of a sum equal to all back payments which such person would have made had he or she become a State employe and a member on January first one thousand nine hundred and twenty-five Such back payments may be spread over a period of years by having the regular payroll deduction of such person increased for not less than one-third of the amount thereof which deduction increase shall be credited to such back payments owing which shall be continued until the amount thereof shall be paid in full unless such member is retired under the provisions of this act before such back payments have been completed Any such deduction increase may be anticipated in full by the member at any time and shall be anticipated in full at the time of retirement before a retirement allowance is granted and if not so anticipated then the member's annuity shall be calculated on the total accumulated deductions standing to his credit and his State annuity shall be reduced by an amount equivalent to the reduction which occurs in the member's annuity due to the amount of the back payments not so anticipated

Section 2 The provisions of this act shall become effective immediately upon final enactment

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

On the question,

Shall the bill pass finally?

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

YEAS—192

Achterman,	Fletcher,	Lichtenwalter,	Rooney,
Allmond,	Flynn,	Longo,	Rose, S.,
Auker,	French,	Lovett,	Rose, W. E.,
Baker,	Gallagher,	Lyons,	Rosenfeld,
Balthaser,	Gates,	Malloy,	Royer,
Baughner,	Gerard,	Marks,	Sarge,
Bentley,	Gillette,	Maxwell,	Sarrafi,
Bentzel,	Goodwin,	McClanaghan,	Schwab,
Boes,	Greenwood,	McClester,	Serrill,
Boney,	Gross,	McDermott,	Shaffer,
Boorse,	Gryskewicz,	McDowell,	Shaw,
Bower,	Gyger,	McFall,	Shepard,
Bradley,	Habbyshaw,	McGrath,	Snyder,
Breth,	Haberlen,	McIntosh,	Sollenberger,
Bretherick,	Haines,	McKinney,	Sorg,
Brown,	Hall,	McLane,	Stank,
Brunner, C. H.,	Hamilton,	McMillen,	Stine,
Brunner, P. A.,	Hare,	McSurdy,	Stockham,
Burns,	Harkins,	Melchiorre,	Tarr,
Burris,	Harmuth,	Mihm,	Tate,
Cadwalader,	Harris,	Modell,	Taylor,
Chudoff,	Heatherington,	Mooney,	Thompson, E. F.,
Cochran,	Helm,	Moran,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Muir,	Trout,
Cohen, R. E.,	Herman,	Munley,	Turner,
Cook,	Hersch,	Nunemacher,	Van Allsburg,
Cooper,	Hewitt,	O'Brien,	Verona,
Cordler,	Hirsch,	O'Connor,	Vincent,
Corrigan,	Holland,	O'Dare,	Voldow,
Croop,	Huntley,	O'Mullen,	Voorhees,
Cullen,	Imbrie,	O'Neill,	Wagner,
Dalrymple,	James,	Owens,	Weingartner,
Dennison,	Jefferson,	Pettit,	Veiss,
DiGenova,	Jones, G. E.,	Pettit,	Welsh, E. B.,
Dix,	Jones, P. N.,	Polaski,	Welsh, M. J.,
Dolon,	Keenan,	Polen,	Williams,
D'Ortona,	Kenehan,	Powers,	Winner,
Duffy,	Kline,	Prosen,	Wolf,
Eckels,	Knoble,	Rank,	Wood, L. H.,
Elder,	Kolankiewicz,	Rausch,	Wood, N.,
Elliott,	Komorowski,	Readinger,	Woodring,
Falkenstein,	Krise,	Reagan,	Woodside,
Finestone,	Lee, E. A.,	Reese, D. P.,	Wright,
Finnerty,	Lee, T. H.,	Reese, R. E.,	Yeakel,
Fisher,	Leisey,	Reynolds,	Yester,
Fiss,	Leonard,	Rhea,	Young,
Fleming,	Lesko,	Levy,	Kilroy,
	Levy,	Leydic,	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. 1043, as follows:

An Act to add section six hundred ninety-three and one-tenth to article six of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" imposing penalties for the throwing of refuse garbage or trash alongside highways

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

Section 1 Article six of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" is hereby amended by adding thereto after section six hundred ninety-three a new section to read as follows

Section 693.1 Throwing Refuse Garbage or Trash Alongside Highways Whoever throws or causes to be thrown or assists by transportation in the throwing of any glass metal paper garbage refuse or other trash alongside any highway shall upon conviction in summary proceeding be sentenced to pay a fine not exceeding twenty-five dollars (\$25.00) and in default of the payment of the fine and costs shall be sentenced to imprisonment not exceeding ten (10) days

Section 2 The provisions of this act shall become effective immediately upon final enactment

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

On the question,

Shall the bill pass finally?

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

YEAS—191

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

NAYS—1

Chudoff,

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. 1110, (Senate Bill No. 232), entitled,

An Act to validate and quiet the title to lands and buildings heretofore sold by boards of school directors at public auction without full compliance with provisions of law authorizing such sales.

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,	Lichtenwaller,	Rooney,
Allmond,	Flynn,	Longo,	Rose, S.,
Auker,	French,	Lovett,	Rose, W. E.,
Baker,	Gallagher,	Lyons,	Rosenfeld,
Balthaser,	Gates,	Malloy,	Royer,
Baughner,	Gerard,	Marks,	Sarge,
Bentley,	Gillette,	Maxwell,	Sarraf,
Bentzel,	Goodwin,	McClanaghan,	Schwab,
Boies,	Greenwood,	McClester,	Serrill,
Boney,	Gross,	McDermott,	Shaffer,
Boorse,	Gryskewicz,	McDowell,	Shaw,
Bower,	Gyger,	McFall,	Shepard,
Bradley,	Habbyshaw,	McGrath,	Snyder,
Breth,	Haberlen,	McIntosh,	Sollenberger,
Bretherick,	Haines,	McKinney,	Sorg,
Brown,	Hall,	McLane,	Stank,
Brunner, C. H.,	Hamilton,	McMillen,	Stine,
Brunner, P. A.,	Hare,	McSurdy,	Stockham,
Burns,	Harkins,	Melchiorre,	Tarr,
Burriss,	Harmuth,	Mihm,	Tate,
Cadwalader,	Harris,	Modell,	Taylor,
Chudoff,	Heatherington,	Mooney,	Thompson, E. F.,
Cochran,	Helm,	Moran,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Moul,	Trout,
Cohen, R. E.,	Herman,	Mulr,	Turner,
Cook,	Hersch,	Munley,	Van Allsburg,
Cooper,	Hewitt,	Nunemacher,	Verona,
Cordier,	Hirsch,	O'Brien,	Vincent,
Corrigan,	Holland,	O'Connor,	Voldow,
Croop,	Huntley,	O'Dare,	Voorhees,
Cullen,	Inbrie,	O'Mullen,	Wagner,
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,	Winner,
Duffy,	Kline,	Powers,	Wood, L. H.,
Eckels,	Knoble,	Prosen,	Wood, N.,
Elder,	Kolankiewicz,	Rank,	Woodring,
Elliott,	Komorofski,	Rausch,	Woodside,
Ely,	Krise,	Readinger,	Wright,
Falkenstein,	Lee, E. A.,	Reese, D. P.,	Yeakel,
Finestone,	Lee, T. H.,	Reese, R. E.,	Yester,
Finnerty,	Leisey,	Regan,	Young,
Fisher,	Leonard,	Reynolds,	Kilroy,
Fisher,	Lesko,	Rhea,	Speaker,
Fiss,	Levy,		
Fleming,	Leydic,		
Fletcher,			

NAYS—0

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

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1588, as follows:

An Act to amend and reenact section five hundred and twenty-four of the act approved the eighteenth day of

May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by limiting to eleven and three-quarter mills the total annual school tax for any one year in school districts of the first class and prescribing the method of fixing the levy of school taxes in such districts

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

Section 1 Section five hundred and twenty-four of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), titled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by section one of the act approved the first day of December one thousand nine hundred and thirty-eight (P. L. 103) as last amended by section one of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-nine (P. L. 182) is hereby further amended to read as follows

Section 524 In all school districts of the first class the school taxes for the following fiscal year shall be levied annually by the board of school directors thereof on or after the second Monday of November and before the first Monday of December following The board of school directors thereof shall annually levy a tax on each dollar of the total assessments of all property assessed and certified for taxation in said district which said tax shall be ascertained determined and fixed by adding together the following

(a) An amount which with all moneys received from the Commonwealth applicable thereto shall be sufficient to pay the minimum salaries and increments of the teaching and supervisory staff thereof as fixed and provided by law and to pay the contributions of said district to the teachers' retirement system

Provided however That for the purpose of computing the amount required to pay the minimum salaries and increments fixed by law but without otherwise limiting the rights of the district to employ teachers or other employes the number of teachers on the salary schedule of the elementary schools shall not exceed one for every thirty-two pupils in average daily attendance in such schools the number of teachers on the salary schedule of the junior high schools shall not exceed one for every twenty-five pupils in average daily attendance in such schools the number of teachers on the salary schedule of the senior high schools shall not exceed one for every twenty-five pupils in average daily attendance in such schools and the number of teachers with salaries and increments fixed by law on any salary schedule now established or hereafter established and not specially mentioned in this act shall not exceed one for every twenty-five pupils in average attendance

The number of principals in the elementary schools and the principals in charge of all other character of schools now established or hereafter established and not specially mentioned in this act shall not exceed one for every six hundred pupils in average daily attendance in such schools and the number of principals in the junior and senior high schools shall not exceed one for every twelve hundred pupils in average daily attendance in such schools

The number of supervisors in all schools shall not exceed one for every fifteen hundred pupils in average daily attendance

The number of attendance officers and home and school

visitors shall not exceed one for every two thousand pupils in average daily attendance in all elementary and secondary schools

In all adult and extension school classes the number of teachers shall not exceed one for every twenty pupils in average daily attendance in such schools

The salary and increments fixed by law of members of the teaching and supervisory staff whose number is not in some manner limited by the present proviso shall not be construed or considered as within item (a) of this section five hundred twenty-four of the act here amended but shall be construed and regarded as constituting expenses within the following item (c) of said section

Average daily attendance as used herein shall be based upon attendance during the preceding school term

(b) An amount sufficient to pay the interest on and retire at maturity the principal of the indebtedness of said district [at maturity] incurred as authorized by law

(c) An amount sufficient to pay all other expenses and requirements of said school district which amount [for] the tax years one thousand nine hundred and thirty and one thousand nine hundred and thirty-one shall be equivalent to not less than two and three-quarter nor more than three and one-quarter mills on the dollar of the total assessment of all property assessed and certified for taxation therein and for the tax year one thousand nine hundred and thirty-two and thereafter an amount which shall be equivalent to not less than three nor more than [three and one-half] five mills on the dollar of the total assessment of all property assessed and certified for taxation therein

The total annual school tax levy for all purposes in any school district of the first class shall not be more than [as follows for the years one thousand nine hundred and forty and one thousand nine hundred and forty-one] eleven and three-quarter (11-3/4) mills on the dollar of the total assessment of all property assessed and certified for taxation in the territory constituting the district [and for each subsequent year the levy shall not be more than eleven and one-half (11 1/2) mills on the dollar of such assessment]

Section 2 The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 3 This act shall become effective immediately upon final enactment

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

On the question,

Shall the bill pass finally?

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

YEAS—192

Achterman,	Fletcher,	Lichtenwalter,	Rooney,
Allmond,	Flynn,	Longo,	Rose, S.,
Auker,	French,	Lovett,	Rose, W. E.,
Baker,	Gallagher,	Lyons,	Rosenfeld,
Balthaser,	Gates,	Malloy,	Royer,
Baughner,	Gerard,	Marks,	Sarge,
Bentley,	Gillette,	Maxwell,	Sarrat,
Bentzel,	Goodwin,	McClanaghan,	Schwab,
Boies,	Greenwood,	McClester,	Serrill,
Boney,	Gross,	McDermott,	Shaffer,
Boorse,	Gryskewicz,	McDowell,	Shaw,
Bower,	Gyger,	McFall,	Shepard,
Bradley,	Habbyshaw,	McGrath,	Snyder,
Breth,	Haberlen,	McIntosh,	Sollenberger,
Bretherick,	Haines,	McKinney,	Sorg,
Brown,	Hall,	McLane,	Stank,
Brunner, C. H.,	Hamilton,	McMillen,	Stine,
Brunner, P. A.,	Hare,	McSurdy,	Stockham,
Burhs,	Harkins,	Melchiorre,	Tarr,
Burris,	Harmuth,	Mihm,	Tate,
	Harris,	Modell,	Taylor,

Cadwalader,	Heatherington,	Mooney,	Thompson, E. F.
Chudoff,	Helm,	Moran,	Thompson, R. L.
Cochran,	Hering,	Moul,	Trout,
Cohen, M. M.,	Herman,	Mulr,	Turner,
Cohen, R. E.	Hersch,	Munley,	Van Allsburg,
Cook,	Hewitt,	Nunemacher.	Verona,
Cooper,	Hirsch,	O'Brien,	Vincent,
Cordier,	Holland,	O'Connor,	Voldow,
Corrigan,	Huntley,	O'Dare,	Voorhees,
Croop,	Imbrie,	O'Mullen,	Wagner,
Cullen,	James,	O'Neill,	Weingartner,
Dalrymple,	Jefferson,	Cwens,	Weiss,
Dennison,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
DiGenova,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Dix,	Keenan,	Polaski,	Williams,
Dolon,	Kenehan,	Polen,	Winnier,
D'Ortona,	Kline,	Powers,	Wolf,
Duffy,	Knoble,	Prosen,	Wood, L. H.
Eckels,	Kolankiewicz,	Rank,	Wood, N.,
Elder,	Komorowski,	Rausch,	Woodring,
Elliott,	Krise,	Readinger,	Woodside,
Ely,	Lee, E. A.,	Reagan,	Wright,
Falkenstein,	Lee, T. H.,	Reese, D. P.,	Yeakel,
Finestone,	Lelsey,	Reese, R. E.,	Yester,
Finnerty,	Leonard,	Regan,	Young,
Fisher,	Lesko,	Reynolds,	Kilroy,
Fiss,	Levy,	Rhea,	Speaker.
Fleming,	Leydic,		

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. 1444, Senate Bill No. 315, Printer's No. 184, 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. 900, as follows:

An Act to promote interstate cooperation for the conservation and protection of water resources in the Delaware River Basin

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

(1) Whereas The States of New York New Jersey Pennsylvania and Delaware have each created and now maintain a Commission (or Committee) on Interstate Cooperation for the purpose of establishing and maintaining governmental machinery to facilitate communication negotiation understanding and cooperation between said states respectively and other states of the Union both regionally and nationally with power to establish such committees sub-committees and advisory boards as are deemed advisable to conduct conferences and to formulate proposals concerning subjects of intergovernmental cooperation to study the laws of the several states hold public or private hearings make findings and recommendations and to submit drafts of legislation to promote uniform laws for the elimination of the confusion and conflict between the several states of the Union and the Federal government in the matter of laws and administrative practices concerning conservation prevention abatement and control of pollution water supply public welfare flood control and other subjects and

(2) Whereas said Commissions (or Committees) on Interstate Cooperation of said states have organized and established and are now maintaining as an instrument of governmental machinery a joint advisory board known as "The Interstate Commission on the Delaware River

Basin" as a regional commission composed of standing subcommittees of said Commissions (or Committees) on Interstate Cooperation respectively for the purpose of entering upon a program to study the conservation water supply pollution and other potential uses and benefits of and to develop integrated plans to conserve and protect the waters and other resources of the Delaware River Basin in the following specified particulars

A To serve as a fact-coordinating body and to develop the means and procedure by which the general plans and policies proposed for the development of the region may be carried out

B To sponsor the carrying out of properly developed plans which result from surveys and research concerning population land and water resources and uses and other related subjects

C To coordinate the activities of the Commission and Committees on Interstate Cooperation and their joint agency the Council of State Governments with the work of the appropriate state and federal agencies for the prevention and abatement of pollution for flood control and for the proper general use and control of the waters of the Delaware River

D To encourage interstate compacts and the enactment of uniform state laws for the abatement of water pollution for flood control and the proper general use and control of the waters of the Delaware River

E To advance perpetuate and outline the work recommended by its conferences and to develop and propose new objectives and

(3) Whereas it is the purpose of the Commissions (or Committees) on Interstate Cooperation of said four states acting through said Interstate Commission on the Delaware River Basin to eliminate confusion and conflict among said States by the promotion and enactment of uniform laws in said states to preserve in a safe and sanitary condition the waters and watershed of said Delaware River Basin and to provide uniform concurrent regulations for the control and the enforcement of the elimination of pollution in the waters thereof in said states respectively and

(4) Whereas said Interstate Commission on the Delaware River Basin in cooperation with the state health departments of said states respectively has made a study for the purposes above cited of said Delaware River and its tributaries in said Delaware River Basin and has formulated proposals for the intergovernmental cooperation of said states in the correction and control of pollution of the waters thereof which have been formally approved ratified and accented by the health departments of said states respectively in the following form

"A Reciprocal Agreement as drafted and negotiated by the Interstate Commission on the Delaware River Basin with subsequent formal ratification by the State Departments of Health of Delaware New Jersey New York Pennsylvania For the Conservation and Control of Pollution of the Waters of the Interstate Delaware River

Whereas a substantial part of the territory of the States of New York New Jersey Pennsylvania and Delaware is situated within the Delaware River drainage basin and

Whereas the increase in population of the various municipal areas situated within the Delaware River Basin and the growth of industrial activity within the Basin have resulted in increasingly serious pollution of the waters of the Interstate Delaware River and its tributaries and

Whereas such pollution constitutes a grave menace to the health welfare and recreational facilities of the people living in the Delaware River Basin and occasions great economic loss and

Whereas the control of future pollution and the correction of existing pollution of the waters of the interstate Delaware River and its tributaries is of prime importance to the people living in the Delaware River Basin and can best be accomplished through the cooperation of the representatives of the people in the States of New York New Jersey Pennsylvania and Delaware

Now therefore the State of New York and the State of New Jersey and the Commonwealth of Pennsylvania and the State of Delaware agree and are bound as follows

Article I

Each of the signatory states pledges to each of the other signatory states faithful cooperation in the control of future pollution and in the correction of existing pollution of the waters of the interstate Delaware River and its West Branch from the New York-Pennsylvania boundary line down to the Atlantic Ocean. In order to effect such objects each of the states agrees to enact adequate legislation if necessary to enable each such state so to require the treatment of sewage industrial waste or other artificial polluting matter as to place and maintain the waters of the aforesaid interstate Delaware River and of the tributaries thereof just above the confluence with the Delaware River in the clean and sanitary condition required by the provisions of this agreement. Furthermore each such state agrees so to enforce the provisions of these requirements and other supplementary applicable legislation if any as to bring about the attainment of the objectives of pollution control and correction in accordance with such reasonable and effective programs as may be determined from time to time by the states in the manner prescribed herein.

Article II

It is recognized by the signatory states that due to such variable factors as location size character and flow and of the many varied uses of the waters of the interstate Delaware River are expected to be for water supply after such as water supply recreation navigation industrial developments maintenance of fish life, shell-fish culture agriculture and other purposes that no single standard of sewage and waste treatment and of quality of receiving waters is practical for all parts of the river. Therefore in order to apply minimum requirements for the attainment of correction and control of pollution which will be appropriate to the varied factors including the existing and potential quality and uses of the waters of the interstate Delaware River is hereby divided into four zones to wit:

Zone I. Zone 1 is that part of the Delaware River and its West Branch extending from the New York-Pennsylvania boundary line to the head of tidewater at Trenton New Jersey and Morrisville Pennsylvania.

The drainage basin contributory to this zone excepting part of the Lehigh River Basin is relatively sparsely inhabited and contains few sewered communities and relatively few industrial establishments producing waste water. The streams draining this area being in general relatively clean and of high elevation are well adapted as sources of public water supplies after treatment or purification.

The principal uses of the waters of the Delaware River in Zone 1 are expected to be for water supply after such treatment or purification as may be necessary and for recreation bathing maintenance of fish and aquatic life agriculture and for other related purposes.

Zone II. Zone 2 is that part of the Delaware River extending from the head of tidewater at Trenton New Jersey and Morrisville Pennsylvania to a line drawn perpendicular to the channel of the Delaware River from the mouth of Pennypack Creek in Philadelphia Pennsylvania to the corresponding point on the New Jersey shore.

The drainage basin contributory to this zone is somewhat more densely populated than that of Zone 1 and it contains more sewered communities and industrial establishments.

The principal uses of the waters of the Delaware River in Zone 2 are expected to be for water supply after treatment or purification and for recreation navigation maintenance of fish and aquatic life agricultural industrial and other purposes.

Zone III. Zone 3 is that part of the Delaware River extending from the aforesaid line connecting the mouth of Pennypack Creek in Philadelphia and the correspond-

ing point in New Jersey to the Pennsylvania-Delaware boundary line.

The drainage basin contributory to this zone contains populous metropolitan areas including Philadelphia Pennsylvania and Camden New Jersey.

The principal uses of the waters of the Delaware River in Zone 3 are expected to be for navigation industrial water supply and other purposes.

The water in this zone however should be of such sanitary quality that it will not be unfit for use as sources of water supply will not be harmful to fish life and will not adversely affect the quality of the waters of the tidal tributaries.

Zone IV. Zone 4 is that part of the Delaware River extending from the Pennsylvania-Delaware boundary line to the Atlantic Ocean.

The principal uses of the waters of the Delaware River in Zone 4 are expected to be for navigation industrial water supplies commercial fishing shell-fish culture recreation and other purposes.

In order to attain conditions of cleanliness and sanitation of the waters of the Delaware River which will be consistent with the appropriate existing and future quality and uses of such waters the following minimum requirements shall apply to the several zones herein provided. It is the purpose and intent of such requirements to apply to artificial (not natural) causes of pollution.

Article III

In order to put and maintain the waters of the interstate Delaware River and its West Branch as aforesaid in a clean and sanitary condition no sewage industrial wastes or other polluting matter shall be discharged into or be permitted to flow or fall into or be placed in any respective zone of the interstate Delaware River as herein established unless such sewage industrial waste or other artificial polluting matter shall first have been so treated as to produce an effluent which will meet the following minimum requirements:

Zone 1. (1) Such effluent shall be free of noticeable floating solids color oil grease or sleek and practically free of suspended solids.

(2) Such effluent shall be sufficiently free of turbidity that it will not cause noticeable turbidity in the water of the Delaware River.

(3) Such effluent shall show a reduction of organic substances of at least eighty-five (85) per cent as measured by the bio-chemical oxygen demand and furthermore such effluent in no case shall exceed a bio-chemical oxygen demand of fifty (50) parts per million and furthermore the discharge of such effluent after dispersion in the water of the river shall not cause a reduction of the dissolved oxygen content of such water of more than five (5) per cent. The aforesaid reduction in dissolved oxygen content shall be determined by the average results obtained from dissolved oxygen tests made upon samples collected on not less than six (6) consecutive days from points in the river above and below the point or points of effluent discharge.

(4) Such effluent shall be of such quality that the most probable number of organisms of the Coli Aerogenes group shall not exceed one (1) per milliliter in more than ten (10) per cent of the samples of sewage effluent tested by the confirmed test and provided further that no single sample shall contain more than one hundred (100) organisms of the Coli Aerogenes group in one (1) milliliter.

(5) Such effluent shall be sufficiently free of acids alkalis and other toxic or deleterious substances that it will not create a menace to the public health through the use of waters of the Delaware River for public water supplies for recreation bathing agriculture and other purposes nor be inimical to fish animal or aquatic life.

(6) Such effluent shall be free of offensive odors and also be free of substances capable of producing offensive tastes or odors in public water supplies derived from the Delaware River at any place below the discharge of such effluent.

Zone 2. (1) Such effluent shall be free of noticeable

floating solids color oil or grease and practically free of both suspended solids and sleet

(2) Such effluent shall be sufficiently free of turbidity that it will not cause noticeable turbidity in the water of the Delaware River

(3) Such effluent shall show a reduction of organic substance of at least eighty-five (85) per cent as measured by the bio-chemical oxygen demand and furthermore such effluent in no case shall exceed a bio-chemical and furthermore the discharge of such effluent after dispersion in the water of the river shall not cause a re-oxygen demand of one hundred (100) parts per million reduction of the dissolved oxygen content of such water of more than ten (10) per cent The aforesaid reduction in dissolved oxygen content shall be determined by the average results obtained by dissolved oxygen tests made upon samples collected on not less than six (6) consecutive days from points in the river above and below the point or points of effluent discharge

(4) Such effluent shall be of such quality that the most probable number of organisms of the Coli Aerogenes groups shall not exceed one (1) per milliliter in more than twenty-five (25) per cent of the samples of sewage effluent tested by the confirmed test and provided further that no single sample shall contain more than one hundred (100) organisms of the Coli Aerogenes group in one (1) milliliter

(5) Such effluent shall be sufficiently free of acids alkalis and other toxic or deleterious substances that it will not create a menace to the public health through the use of the water of the Delaware River for public water supplies [for recreation industrial and other purposes nor be mimical to fish animal or aquatic life

(6) Such effluent shall be free of offensive odors and also be free of substances capable of producing offensive tastes and odors in public water supplies derived from the Delaware River at any place above or below the discharge of such effluent

Zone 3 (1) Such effluent shall be free of noticeable floating solids oil or grease and substantially free of both settleable solids and sleet

(2) Such effluent shall be sufficiently free of turbidity that it will not cause substantial turbidity in the water of the Delaware River after dispersion in the water of the river

(3) Such effluent shall show a reduction of at least fifty-five (55) per cent of the total suspended solids and a reduction of not less than thirty-five (35) per cent of the bio-chemical oxygen demand (It is the intent of this requirement to restore the dissolved oxygen content of the river water in this zone to at least fifty (50) per cent saturation To accomplish this it may be necessary in the case of certain wastes to obtain reductions greater than those required under this item)

(4) Such effluent if it be discharged within two miles of a public water works intake or within prejudicial influence thereof shall at all times be effectively treated with a germicide

(5) Such effluent shall be sufficiently free of acids alkalis and other toxic or deleterious substances that it will not create a menace to the public health through the use of the waters of the Delaware River for public water supplies or render such waters unfit for industrial and other purposes or cause the water of the Delaware River to be harmful to fish life

(6) Such effluent shall be practically free of substances capable of producing offensive tastes or odors in public water supplies derived from the Delaware River

Zone 4 (1) Such effluent shall be free of noticeable floating solids oil or grease and substantially free of both settleable solids and sleet

(2) Such effluent shall be sufficiently free of turbidity that it will not cause substantial turbidity in the waters of the Delaware River after dispersion in the water of the river

(3) Such effluent shall show a reduction of at least fifty-five (55) per cent of the total suspended solids and shall be subject to such further treatment as may be needed to prevent a nuisance

(4) Such effluent if it be discharge within prejudicial influence of a public water works intake or of recreational areas or of shellfish grounds shall at all times be effectively treated with a germicide except that in the case of recreational area influence such treatment need not be provided during the period from October 15 to May 15 of each year

(5) Such effluent shall be sufficiently free of acids alkalis and other toxic or deleterious substances that it will not create a menace to the public health through the use of the waters of the Delaware River for public water supplies or render such waters unfit for commercial fishing shell-fish culture recreational industrial or other purposes

(6) Such effluent shall be practically free of substances capable of producing offensive tastes or odors in public water supplies derived from the Delaware River

It is further recognized by the signatory states that the quality of the waters of the intrastate tributaries of the Delaware River and its aforesaid West Branch are of interstate concern at their points of confluence with the Delaware River and its West Branch Therefore it is also agreed that sewage industrial waste or other artificial polluting matter discharged into or permitted to flow or to fall into or be placed in any intrastate tributary of the aforesaid Delaware River shall be treated to that degree if any necessary to maintain the waters of such intrastate tributary immediately above its confluence with the aforesaid Delaware River in a condition at least equal to the clean and sanitary condition of the waters of the Delaware River immediately above the confluence of such tributary

Analyses and tests regarding the minimum requirements herein prescribed shall be determined in accordance with the provisions contained in the American Public Health Association's latest edition on "Standard Methods for the Examination of Water and Sewage"

The aforesaid requirements as to treatment of sewage industrial wastes or other artificial polluting matter and as to the sanitary quality of receiving waters are minima It is the intent and the purpose of these requirements to accomplish reasonable and adequate control and correction of pollution Due to the many variable factors involved however and to the responsibility of forecasting future developments with certainty it may be necessary in the future to impose additional requirements particularly in Zones 2 and 3

The minima herein prescribed therefore shall be considered the first steps toward attaining the objectives sought and if necessary may be required to be supplemented in the case that the general application of such minimum requirements does not adequately improve and maintain the sanitary quality of the waters of the Delaware River

Section 1 That part of the area of the Delaware River Basin lying within this state is hereby established and declared to be a component part of an interstate region for intergovernmental cooperation by said states in the conservation protection and development of the water resources hereof by means of integrated plans and said Interstate Commission on the Delaware River Basin is hereby recognized as the duly established regional commission or agency of this state for intergovernmental cooperation in effectuating the purposes described in paragraph (2) of the above preamble with the full and complete authority to exercise for the accomplishment of said purposes the governmental machinery powers and duties conferred by this state upon the Pennsylvania Commission on Interstate Cooperation

Section 2 The reciprocal agreement set forth in paragraph (4) of the above preamble is hereby ratified and applied to the water and watershed of said Delaware River Basin within the territorial limits of this State Provided That said agreement shall not be construed so as to prohibit acid mine drainage or silt from coal mines from being discharged into or permitted to flow or fall into or to be placed in the interstate Delaware River or its tributaries unless the Sanitary Water Board shall at any time find that practical means for the removal of the

polluting properties of such drainage and silt shall have become known. The terms and provisions of said agreement as so construed shall supersede the terms and provisions of any existing laws and regulations applicable to that area to the extent only that the terms and provisions of such existing laws and regulations are inconsistent with the terms and provisions set forth in said reciprocal agreement.

Section 3 The Sanitary Water Board is hereby empowered and directed to apply and carry into effect the proposals terms and provisions of said reciprocal agreement in the several zones therein prescribed respectively within the territorial limits of this state and to enforce the same by the exercise of such administrative and legal authority and the institution and prosecution of such actions suits or other proceedings as may be necessary or appropriate as are now or may hereafter be provided under the laws and practice of this state.

Section 4 The Sanitary Water Board is hereby authorized and directed to cooperate with said Interstate Commission on the Delaware River Basin in the further study of the sanitary condition of the waters of Delaware River and its tributaries in said Delaware River Basin and to improve adopt and enforce within this state such reasonable modifications changes or alterations in the zones or standards of quality of water in said river and tributaries as may from time to time be recommended by said Interstate Commission on the Delaware River Basin and approved by the departments of health of the other states constituent to the Delaware River Basin.

Section 5 The terms and provisions of said reciprocal agreement shall become effective upon receipt by the Secretary of the Commonwealth of a certificate from the Executive Secretary of the Interstate Commission on the Delaware River Basin that an act in substantially the same form as this act has been passed by the legislature and approved by the Governor of one of the other three states constituent to said Delaware River Basin together with a certified copy of said act of said state and thereupon the Secretary of the Commonwealth shall advise the Department of Health of this State accordingly.

Section 6 This act shall take effect 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—192

- | | | | |
|-----------------|----------------|----------------|------------------|
| Achterman, | Fletcher, | Lichtenwalter, | Rooney, |
| Allmond, | Flynn, | Longo, | Rose, S., |
| Auker, | French, | Lovett, | Rose, W. E., |
| Baker, | Gallagher, | Lyons, | Rosenfeld, |
| Balthaser, | Gates, | Malloy, | Royer, |
| Baughner, | Gerard, | Marks, | Sarge, |
| Bentley, | Gillette, | Maxwell, | Sarra, |
| Bentzel, | Goodwin, | McClanaghan, | Schwab, |
| Boles, | Greenwood, | McClester, | Serrill, |
| Boney, | Gross, | McDermott, | Shaffer, |
| Boorse, | Gryskewicz, | McDowell, | Shaw, |
| Bower, | Gyger, | McFall, | Shepard, |
| Bradley, | Habbyshaw, | McGrath, | Snyder, |
| Breth, | Haberlen, | McIntosh, | Sollenberger, |
| Bretherick, | Falnes, | McKinney, | Sorg, |
| Brown, | Hall, | McLane, | Stank, |
| Brunner, C. H., | Hamilton, | McMillen, | Stine, |
| Brunner, P. A., | Hare, | McSurdy, | Stockham, |
| Burns, | Harkins, | Melchiorre, | Tarr, |
| Burriss, | Harmuth, | Mihm, | Tate, |
| Cadwalader, | Harris, | Modell, | Taylor, |
| Chudoff, | Heatherington, | Mooney, | Thompson, E. F., |
| Cochran, | Heim, | Moran, | Thompson, R. L., |
| Cohen, M. M., | Hering, | Moul, | Trout, |
| Cohen, R. E., | Herman, | Muir, | Turner, |
| Cook, | Hersch, | Munley, | Van Allsburg, |
| Cooper, | Hewitt, | Nunemacher, | Verona, |
| Cordier, | Hirsch, | O'Brien, | Vincent, |
| | Holland, | O'Connor, | Voldow, |

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

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. 744, as follows:

An Act to further amend section seventeen of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" authorizing payment by the board to a credit union where rights have been assigned and the note is unpaid and empowering the board to make additional deductions from member's salary for the repayment of such amounts into the member's accumulated deductions.

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

Section 1 Section seventeen of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by section one of the act approved the twenty-third day of April one thousand nine hundred and thirty-five (P. L. 49) is hereby further amended to read as follows

Exemption From Execution

Section 17 The right of a person to a member's annuity a State annuity or retirement allowance to the return of contributions any benefit or right accrued or accruing to any person under the provisions of this act and the moneys in the fund created under this act are hereby exempt from any State or municipal tax and ex-

empt from levy and sale garnishment attachment or any other process whatsoever except as hereafter otherwise provided in this section and shall be unassignable except as in this act specifically otherwise provided and with the further exception that the assignment of any or all such rights as security for a loan not in excess of three hundred dollars (\$300) the interest on which loan shall not exceed six per centum per annum discounted by a person to a credit union now or hereafter organized and incorporated under the laws of this Commonwealth the membership of which credit union is limited solely to officers and employes of the Commonwealth of Pennsylvania shall be valid. In any case where a member of a credit union which is organized under the laws of the Commonwealth of Pennsylvania the membership of which credit union is limited solely to officers and employes of the Commonwealth has assigned any or all such rights in the Retirement Fund not exceeding however three hundred dollars (\$300) for a loan from such a credit union and whose note to such a credit union or payments on account thereof is in default and payable for a period of ninety days or more then in such a case the officers of such a credit union shall certify to the State Employees' Retirement Board the amount owing on such note. After the receipt by the board of such certification from the credit union the board shall make payment to the credit union from said member's accumulated deductions the amount so certified. The amount so paid out of the member's accumulated deductions shall be restored thereto by the member or the board may collect the same by payroll deductions in the same manner as contributions to the fund are collected under the provisions of this act. The amount of such additional payroll deductions shall not be greater than the amount of the regular payroll deductions unless the member agrees to the deduction of a greater amount. Said deduction increase shall be credited to the repayment of the amount paid to such credit union and shall be continued until the amount thereof shall be repaid in full unless said member is retired or leaves the service of the Commonwealth under the provisions of this act before such amount has been liquidated.

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—191

Achterman,	Fletcher,	Leydte,
Almond,	Flynn,	Lichtenwalter,
Baker,	French,	Longo,
Balthaser,	Gallagher,	Lovett,
Baughner,	Gates,	Lyons,
Bentley,	Gerard,	Malloy,
Bentzel,	Gillette,	Marks,
Boles,	Goodwin,	Maxwell,
Boney,	Greenwood,	McClanaghan,
Boorse,	Gross,	McClester,
Bower,	Gryskewicz,	McDermott,
Bradley,	Gyger,	McDowell,
Breth,	Habbvshaw,	McFall,
Bretherick,	H. berlen,	McGrath,
Brown,	Haines,	McIntosh,
Brunner, C. H.,	Hall,	McKinney,
Brunner, P. A.,	Hamilton,	McLane,
Burns,	Hare,	McMillen,
Burriss,	Harkins,	McSurdy,
Cadwalader,	Harmuth,	Melchlorre,
Chudoff,	Harris,	Mihm,
Cochran,	Heatherington,	Modell,
C. hen, M. M.,	Helm,	Mooney,
Cohen, R. E.,	Pering,	Moran,
Cook,	Herman,	Moul,
Cooper,	Eersch,	Muir,
Cordier,	Hewitt,	Munley,
	Hirsch,	Nunemacher,

Corrigan,	Holland,	O'Brien,
Croop,	Huntley,	O'Connor,
Cullen,	Imbrie,	O'Dare,
Dalrymple,	James,	O'Mullen,
Dennison,	Jefferson,	O'Neill,
D'Genova,	Jones, G. P.,	Owens,
Dix,	Jones, P. N.,	Petrosky,
Dolon,	Keenan,	Pettit,
D'Ortona,	Kenehan,	Polaski,
Duffy,	Kilne,	Puon,
Eckels,	Knoble,	Powers,
Elder,	Kolankiewicz,	Prosen,
Ellott,	Komorofski,	Rank,
Ely,	Krise,	Rausch,
Falkenstein,	Lee, E. A.,	Readinger,
Finestone,	Lee, T. H.,	Reagan,
Finnerty,	Leisey,	Reese, D. P.,
Fisher,	Leonard,	Reese, R. E.,
Fiss,	Lesko,	Regan,
Fleming,	Levy,	Reynolds,

Vincent,
Voldow,
Voorhees,
Wagner,
Weingartner,
Weiss,
Welsh, E. B.,
Welsh, M. J.,
Williams,
Winner,
Wolf,
Wood, L. H.,
Wood, N.,
Woodring,
Woodside,
Wright,
Yeakel,
Yester,
Young,
Kilroy,

Speaker.

NAYS—1

Auker,

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. 1406, Senate Bill No. 588, Printer's No. 260, 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. 1139, as follows:

An Act to amend section one hundred twenty of the act approved the fourteenth day of April one thousand eight hundred thirty-four (P. L. 333) entitled "An act relative to the organization of the Courts of Justice" prescribing procedure permitting the service of jurors as petit jurors or general jurors or both except in counties of the second class

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

Section 1 Section one hundred twenty of the act approved the fourteenth day of April one thousand eight hundred thirty-four (P. L. 333) entitled "An act relative to the organization of the Courts of Justice" is hereby amended to read as follows

Section 120 Whenever writs of venire for a grand jury and petit jury in the court of Quarter Sessions and also a writ of venire from the court of Common Pleas in any county except the county of Philadelphia shall be in the hands of the sheriff and commissioners at the same time for execution the required number of names first drawn shall be annexed in a panel to the venire for a grand jury and the required number of names next drawn shall be annexed in a panel to the venire for a petit jury in the court of Quarter Sessions and thereupon the said sheriff and commissioners shall proceed to draw and annex the panel required to be returned into the court of Common Pleas. Provided however That it shall be lawful for the judges of the courts of Common Pleas Oyer and Terminer and Quarter Sessions of any county other than a county of the second class by agreement at any time to direct the sheriff and the commissioners of any such county to annex and return one and the same panel of names to the venires issuing as aforesaid for the summoning and returning of petit and general jurors in the said courts and said jurors may thereupon serve as petit or general jurors or both as the need for such services may arise

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

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. 892, as follows:

A. Act authorizing a commission to study recreational facilities available in first class cities imposing powers and duties on said commission and making an appropriation

Whereas The City of Philadelphia has various agencies administering recreation and

Whereas The present national emergency requires a recreation program and

Whereas It is deemed desirable to make a thorough study of the recreational facilities available in said city and county in order to ascertain where new facilities can be secured if the same becomes necessary at a minimum cost therefore

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

Section 1 A commission is hereby created which shall be composed of five members two of which are to be appointed by the President of the Senate and three of which are to be appointed by the Speaker of the House of Representatives The two members selected by the President of the Senate shall consist of a member of the Senate and a citizen of the Commonwealth of Pennsylvania to be selected by the President of the Senate from a list of eligibles furnished him by the board of education of such first class city The three members appointed by the Speaker of the House of Representatives shall consist of two members of the House of Representatives and a citizen of the Commonwealth of Pennsylvania selected by the Speaker of the House of Representatives from a list of eligibles furnished him by the mayor of such first class city The speaker of the House of Representatives shall appoint the Chairman It shall be the duty of the commission to make a careful thorough and impartial study of each and every agency expending public moneys raised by taxation for recreational purposes to ascertain the business and activities of the various governmental agencies and the present allocation of such business among such agencies in such first class cities and to ascertain whether such present facilities are sufficient to take care of a recreation program and further to devise ways and means and methods of raising revenue and of effecting savings in cost of government to carry out a recreation program under a unified system

Section 2 The said commission if it deems necessary and proper is hereby authorized to employ a staff to secure the necessary information statistics and data on this subject

Section 3 The said commission shall have the power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions concerning matters properly being inquired into by the commission and to produce such books papers records and documents as the commission may deem necessary such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth Each member of said commission shall have the power to administer oaths and affirmations to witnesses appearing before the commission Any person who shall willfully neglect or refuse to testify before said commission or to produce any books papers records or documents shall be subject to penalties provided by the laws of the Commonwealth in such cases

Section 4 The sum of five thousand dollars (\$5,000) or so much thereof as may be necessary is hereby specifically appropriated to the commission for the expenses of said commission in carrying out the provisions of this act

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

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

On the question,

Shall the bill pass finally?

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

YEAS—192

Achterman,	Fletcher,	Lichtenwalter,	Rooney,
Allmond,	Flynn,	Longo,	Rose, S.,
Auker,	French,	Lovett,	Rose, W. E.,
Baker,	Gallagher,	Lyons,	Rosenfeld,
Balthaser,	Gates,	Malloy,	Royer,
Baughner,	Gerard,	Marks,	Sarge,
Bentley,	Gillette,	Maxwell,	Sarraí,
Bentzel,	Goodwin,	McClanaghan,	Schwab,
Boles,	Greenwood,	McClester,	Serrill,
Boney,	Gross,	McDermott,	Shaffer,
Boorse,	Gryskewicz,	McDowell,	Shaw,
Bower,	Gyger,	McFall,	Shepard,
Bradley,	Habbyshaw,	McGrath,	Snyder,
Breth,	Haberlen,	McIntosh,	Sollenberger,

Bretherick,	Haines,	McKinney,	Sorg,
Brown,	Hall,	McLane,	Stank,
Brunner, C. H.,	Hamilton,	McMillen,	Stine,
Brunner, P. A.,	Hare,	McSurdy,	Stockham,
Burns,	Harkins,	Melchiorre,	Tarr,
Burris,	Harmuth,	Mihm,	Tate,
Cadwalader,	Harris,	Modell,	Taylor,
Chudoff,	Heatherington,	Mooney,	Thompson, E. F.,
Cochran,	Helm,	Moran,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Moul,	Trout,
Cohen, R. E.,	Herman,	Muir,	Turner,
Cook,	Hersch,	Munley,	Van Allsburg,
Cooper,	Hewitt,	Nunemacher,	Verona,
Cordier,	Hirsch,	O'Brien,	Vincent,
Corrigan,	Holland,	O'Connor,	Voldow,
Croop,	Huntley,	O'Dare,	Voorhees,
Cullen,	Imbrle,	O'Mullen,	Wagner,
Dalrymple,	James,	O'Neill,	Weingartner,
Dennison,	Jefferson,	Owens,	Wells,
DiGenova,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Dix,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Dolon,	Keenan,	Polaski,	Williams,
D'Ortona,	Kenehan,	Polen,	Winner,
Duffy,	Kline,	Powers,	Wolf,
Eckels,	Knoble,	Prosen,	Wood, L. H.,
Elder,	Kolankiewicz,	Rank,	Wood, N.,
Elliott,	Komorowski,	Rausch,	Woodring,
Ely,	Krise,	Readinger,	Woodside,
Likenstein,	Lee, E. A.,	Reagan,	Wright,
Finestone,	Lee, T. H.,	Reese, D. P.,	Yeakel,
Finnerty,	Leisey,	Reese, R. E.,	Yester,
Fisher,	Leonard,	Regan,	Young,
Fliss,	Lesko,	Reynolds,	Kilroy,
Fleming,	Levy,	Rhea,	Speaker.
	Leydic,		

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. 726, as follows:

An Act authorizing and directing the Department of Highways to erect construct and maintain a free bridge over the Susquehanna River in or near the Borough of Plymouth Luzerne County and to provide the necessary approaches and connections with state highways providing for the acceptance of Federal aid empowering counties to pay certain damages and making an appropriation

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

Section 1 The Department of Highways is hereby authorized and directed to erect and construct a three lane bridge over the Susquehanna River at a convenient point in or near the Borough of Plymouth in Luzerne County to a point on the opposite side of said river in the said County of Luzerne to connect the state highways on both sides of said river and to acquire the necessary land for approaches thereto

In the construction of said bridge and the approaches thereto and connections with existing state highways the Department of Highways shall have all of the powers and authority conferred with respect to the relocation widening or construction of state highways Any damages sustained by reason of taking property in the relocation widening or construction of any such bridge the approaches thereto and connections with state highways shall be ascertained in accordance with laws applicable to the ascertainment of damages in relocating widening or constructing state highways and such damages when ascertained shall be paid by the Commonwealth or county or counties as may be agreed upon in accordance with the laws relating to state highways

Section 2 The Department of Highways is hereby authorized to accept grants of funds from any Federal agency for the construction of such bridge and the ap-

proaches thereto and connections with state highways Any such moneys shall be held by the State Treasurer as custodian for the Department of Highways and the same shall be paid out on requisition of the department without further appropriation

Section 3 If such bridge is to be constructed under contract and to be paid for wholly or in part from Federal funds and the project involves additional work to be contracted and paid for by a county or counties the advertisement by the Department of Highways shall be the only advertising necessary any other acts or requirements to the contrary notwithstanding

Section 4 The Department of Highways shall have authority to make and carry out contracts and to do every other act necessary to carry out the project herein authorized and is authorized to conform to the requirements and rules and regulations of the proper Federal authorities with respect to such projects if Federal moneys are advanced for such project Nothing herein contained shall in anywise diminish any authority or powers now or hereafter conferred on the Department of Highways by any other act of Assembly

Section 5 The Department of Highways shall after the completion of such bridge maintain the same free of tolls for the use of the public

Section 6 The sum of one million dollars (\$1,000,000) or so much thereof as may be necessary is hereby specifically appropriated out of the Motor License Fund in the State Treasury to the Department of Highways for the construction of such bridge the approaches thereto the connections with state highways and for the payment of damages for property taken injured or destroyed

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,	Lichtenwalter,	Rooney,
Allmond,	Flynn,	Longo,	Rose, S.,
Auker,	French,	Lovett,	Rose, W. E.,
Baker,	Gallagher,	Lyons,	Rosenfeld,
Balthaser,	Gates,	Malloy,	Royer,
Baughner,	Gerard,	Marks,	Sarge,
Bentley,	Gillette,	Maxwell,	Sarraf,
Bentzel,	Goodwin,	McClanaghan,	Schwab,
Boies,	Greenwood,	McClester,	Serrill,
Boney,	Gross,	McDermott,	Shaffer,
Boorse,	Gryskewicz,	McDowell,	Shaw,
Bower,	Gyger,	McFall,	Shepard,
Bradley,	Habbyshaw,	McGrath,	Snyder,
Breth,	Haberlen,	McIntosh,	Sollenberger,
Bretherick,	Haines,	McKinney,	Sorg,
Brown,	Hall,	McLane,	Stank,
Brunner, C. H.,	Hamilton,	McMillen,	Stine,
Brunner, P. A.,	Hare,	McSurdy,	Stockham,
Burns,	Harkins,	Melchiorre,	Tarr,
Burris,	Harmuth,	Mihm,	Tate,
Cadwalader,	Harris,	Modell,	Taylor,
Chudoff,	Heatherington,	Mooney,	Thompson, E. F.,
Cochran,	Helm,	Moran,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Moul,	Trout,
Cohen, R. E.,	Herman,	Muir,	Turner,
Cook,	Hersch,	Munley,	Van Allsburg,
Cooper,	Hewitt,	Nunemacher,	Verona,
Cordier,	Hirsch,	O'Brien,	Vincent,
Corrigan,	Holland,	O'Connor,	Voldow,
Croop,	Huntley,	O'Dare,	Voorhees,
Cullen,	Imbrle,	O'Mullen,	Wagner,
Dalrymple,	James,	O'Neill,	Weingartner,
Dennison,	Jefferson,	Owens,	Wells,
DiGenova,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Dix,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Dolon,	Keenan,	Polaski,	Williams,
D'Ortona,	Kenehan,	Polen,	Winner,
Duffy,	Kline,	Powers,	Wolf,
Eckels,	Knoble,	Prosen,	Wood, L. H.,
Elder,	Kolankiewicz,	Rank,	Wood, N.,
Elliott,	Komorowski,	Rausch,	Woodring,
	Krise,	Readinger,	Woodside,

Ely,	Lee, E. A.,	Reagan,	Wright,
Falkenstein,	Lee, T. H.,	Reese, D. P.,	Yeakel,
Finestone,	Leisey,	Reese, R. E.,	Yester,
Finnerty,	Leonard,	Regan,	Young,
Fisher,	Lesko,	Reynolds,	Kilroy,
Floss,	Levy,	Rhea,	Speaker.
Fleming,	Leydie,		

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. 232, as follows:

An Act to further amend the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies limited partnerships associations joint-stock associations copartnerships and persons

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

Section 1 Section twenty-three of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" as last amended by the act approved the fourth day of May one thousand nine hundred thirty-nine (P. L. 51) is hereby further amended to read as follows

Section 23 That every railroad company pipe line company conduit company steamboat company canal company slack water navigation company transportation company and every other company association joint-stock association or limited partnership now or hereafter incorporated or organized by or under any law of this Commonwealth or now or hereafter organized or incorporated by any other State or by the United States or any foreign government and doing business in this Commonwealth and every copartnership person or persons owning operating or leasing to or from another corporation company association jointstock association limited partnership copartnership person or persons any railroad pipe line conduit steamboat canal slack water navigation or other device for the transportation of freight passengers baggage or oil except taxicabs motor buses and motor omnibuses and every limited partnership association joint-stock association corporation or company engaged in or hereafter engaged in the transportation of freight or oil within this State and every telephone company telegraph company express company electric light company water-power company hydro-electric company palace car company and sleeping car company now or hereafter incorporated or organized by or under any law of this Commonwealth or now or hereafter organized or incorporated by any other State or by the United States or any foreign government and doing business in this Commonwealth and every limited partnership association joint-stock association copartnership person or persons engaged in telephone telegraph express electric light and power waterpower hydro-electric palace car or sleeping car business in this Commonwealth shall pay to the State Treasurer through the Department of Revenue a tax of fourteen mills for the six months' periods ending June thirtieth one thousand nine hundred thirty-five December thirty-first one thousand nine hundred thirty-five and June thirtieth one thousand nine hundred thirty-six and twenty mills for

the six months periods ending December thirty-first one cember thirty-first one thousand nine hundred thirty-seven June thirtieth and December thirty-first one thousand nine hundred thirty-eight June thirtieth and December thirty-first one thousand nine hundred thirty-nine [and] June thirtieth and December thirty-first one thousand nine hundred forty June thirtieth and December thirty-first one thousand nine hundred forty-one and June thirtieth and December thirty-first one thousand nine hundred forty-two and eight mills thereafter upon the dollar of the gross profits of said corporation company or association limited partnership joint-stock association copartnership person or persons received from passengers baggage and freight transported wholly within this State from telegraph or telephone messages transmitted wholly within the State from express palace car or sleeping car business done wholly within this State or from electric light and power water-power and hydro-electric business and from the transportation of oil done wholly within the State The said tax shall be paid within the time prescribed by law for the payment of taxes settled by the Department of Revenue and for the purpose of ascertaining the amount of the same it shall be the duty of the treasurer or other proper officer of the said company copartnership limited partnership association joint-stock association or corporation or person or persons to transmit to the Department of Revenue on or before the first days of February and August of each year a statement under oath or affirmation of the amount of gross receipts of the said companies copartnerships corporations associations joint-stock associations limited partnerships person or persons derived from all source and of gross receipts from business done wholly within the State the period of six months immediately preceding the first days of January and July of each year The time for filing reports may be extended estimated settlements may be made by the Department of Revenue if reports are not filed and the penalties for failing to file reports and pay the tax shall be as prescribed by the laws defining the powers and duties of the Department of Revenue Provided That in any case where the works of any corporation company copartnership association joint-stock association limited partnership person or person are operated by another corporation company copartnership association joint-stock association limited partnership person or persons the taxes imposed by this section shall be apportioned between the said corporations companies copartnerships associations joint-stock associations limited partnerships person or persons in accordance with the terms of their respective leases or agreements but for the payment of the said taxes the Commonwealth shall first look to the corporation company copartnership association joint-stock association limited partnership person or persons operating the works and upon payment by the said company corporation copartnership association joint-stock association limited partnership person or persons of a tax upon the receipts as herein provided derived from the operation thereof no other corporation company copartnership association joint-stock association limited partnership person or persons shall be held liable under this section for any tax upon the proportion of said receipts received by said corporation company copartnership association joint-stock association limited partnership person or persons for the use of said works

This act shall be construed to apply to municipalities and to impose a tax upon the gross receipts derived from any municipally owned and operated public utility or from any public utility service furnished by any municipality to the extent of such gross receipts as are derived from business done outside the limits of the municipality operating the public utility service

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

On the question,
Will the House agree to the bill on third reading?
It was agreed to.
On the question,

Shall the bill pass finally?

Mr. WOODSIDE. Mr. Speaker, I desire to interrogate the gentleman from Monroe, Mr. Achterman.

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

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to inquire from the gentleman whether he is willing to make an estimate of the amount of revenue that will be realized by the end of the biennium by this bill.

Mr. ACHTERMAN. I am, Mr. Speaker.

The estimated revenue under this bill, the gross receipts tax, is \$11,900,000.

Mr. WOODSIDE. Mr. Speaker, will the gentleman from Monroe repeat that amount?

Mr. ACHTERMAN. Mr. Speaker, \$11,900,000. I have reference to just the emergency tax.

Mr. WOODSIDE. Mr. Speaker, will the gentleman please advise the House how he arrives at that estimate?

Mr. ACHTERMAN. The amount, Mr. Speaker, is arrived at by determining the amount of business anticipated for the biennium. We have ascertained what the average percentage of income is in Pennsylvania in relation to the national income. We have ascertained from accurate figures that the national income for 1940 is, \$73,800,000,000.

Using our percentage in Pennsylvania we ascertained the income for Pennsylvania for 1940 at \$6,036,000,000. The national income for 1941 has been estimated at \$90,000,000,000. I am speaking of the United States, which would make the amount, if the percentage remains the same in Pennsylvania as the average percentage over the last ten years, of \$7,300,000,000 which indicates an increase in Pennsylvania income for 1941 of some twenty odd per cent.

We have used as our figure a basis of twenty per cent. Now, Mr. Speaker, in connection therewith, we have ascertained the amount for the last year under this particular tax. I mean on a basis of the last payment, which would be \$9,942,760. That is on the basis of the last quarterly payment, and twenty per cent would be \$1,988,552.

It would therefore make, Mr. Speaker, an income for the coming biennium, assuming that the rate remains the same during the two-year period, as a matter of fact, I think we are modest and conservative in that, for I believe that the increase will be greater over 1941 and 1942 than it has been in 1940, which makes it \$11,900,000 plus.

May I state in conjunction therewith that we have also checked with the various companies paying gross receipts tax, and we find, their increase in business is in excess of twenty per cent, and their increase in tax payments is over twenty per cent, which would seem to verify and confirm the figures used by the Appropriations Committee.

Mr. WOODSIDE. Mr. Speaker, I would like to have the gentleman from Monroe state the amount of revenue that has been realized out of this tax during the present biennium, if he has it.

Mr. ACHTERMAN. I do have it, Mr. Speaker. I will give it to him in a moment, if he will bear with me.

Mr. WOODSIDE. Mr. Speaker, I wonder if the gentleman will agree that the amount received up until the first of this month was \$9,534,225?

Mr. ACHTERMAN. Mr. Speaker, I do agree with that particular amount.

Mr. WOODSIDE. Mr. Speaker, does the gentleman from Monroe expect any substantial amount to be realized during the month of May?

Mr. ACHTERMAN. No substantial amount, Mr. Speaker I point out however that the average realized in the last quarter has been \$2,485,690.

If I may complete my answer Mr. Speaker, I desire to point out that the increase due to the national defense is now first being felt in Pennsylvania, as a matter of fact, in the last six months, as every one knows, it has helped business, it has increased income, has increased transportation has increased general income of all companies of the particular type that pays this tax.

Mr. WOODSIDE. Mr. Speaker, the gentleman is talking about quarterly payments. He realizes these payments are made semi-annually and not quarterly, does he not?

Mr. ACHTERMAN. True, Mr. Speaker, but in the biennium we have quarterly payments, that is four payments in the biennium.

Mr. WOODSIDE. Mr. Speaker, the gentleman realizes, I think, that the amount paid in during April was only \$4,625, that the payments are made on the first of February and the first of August, and that between those dates there are practically no payments so that therefore, comparatively there will be no income received during the month of May. We can then figure that during the biennium at the very outset there will be realized the sum of \$9,550,000. I think the gentleman will agree with that, will he not?

Mr. ACHTERMAN. Mr. Speaker, I have already agreed with that amount. The amount to date is \$9,534,225, according to my figures. I do point out to the gentleman from Dauphin, however, that in the last quarter, in other words, in the last six months period, the amount of payment was \$2,485,690.

Mr. WOODSIDE. Mr. Speaker, for the entire year 1940-1941, the amount is \$4,900,000. Therefore, that does not show any substantial increase, and as a matter of fact, it shows that the quarterly payment is about in balance with the other quarterly payments, is that not correct?

Mr. ACHTERMAN. Mr. Speaker, I disagree with that. It is materially more by some four or five hundred thousand dollars.

Mr. WOODSIDE. Mr. Speaker, the amount realized during the biennium 1939-1940, which represents the first two payments of this biennium, was \$4,655,185; the amount estimated for the second year of the biennium at the present time, which represents practically the total amount received during the biennium, is \$4,900,000. The total amount received and expected for this biennium is, roughly \$9,550,000; actually the figure would be \$9,534,225, with practically no hope of any additional amount being received during this biennium. But assuming there will be some small dribbles coming in during the month of May, we can figure as the outside amount to be realized during this biennium the sum of \$9,550,000. The amount during the last biennium showed \$8,707,000, and there was an increase during the biennium of \$843,000, which is an increase during this biennium of approximately 9 per cent.

Mr. Speaker, if you take that increase that was realized during the past biennium and use it against the present

amount received you will find that it will be a sum less than the \$10,500,000 which is estimated in the budget. The gentleman, therefore, has not only taken the normal increase that has occurred during the last two years but he has more than doubled the normal increase which has taken place in the last two years.

May I call the attention of the gentleman from Monroe to the fact that there is a considerable difference in the amount of business which was in existence during the two years prior to this biennium and the two years of this biennium, and to take the total amount received in this biennium and the increase that occurred between the last biennium and this biennium would certainly be a reasonable and fair method of measuring the amount of increase to be expected during the next biennium.

May I also call the gentleman's attention to the fact that it is notoriously true that public utilities go up more slowly in days of an up-market and go down more slowly in days of a bear market than other businesses. Therefore, the gentleman is not right in assuming that public utilities would go up as fast as some of the other businesses would, nor in the days of depression go down as rapidly and as far as some other business would.

I think it is interesting to note that in 1939-1940 there was \$4,655,185 realized; that in 1940-1941, with all the supposed increase in business, there was only \$4,900,000 realized.

May I call the gentleman's attention to the fact that the revenues at the present time are falling below the estimates. As a matter of fact, the gross receipts tax on the thirtieth day of April according to the budget was estimated to bring in \$10,204,685, whereas the actual collections amounted to \$9,534,225, or there was an amount realized under the estimate of \$670,460. In other words, the department that has made the estimates for the coming biennium of \$10,500,000 was too optimistic in making the estimates for this biennium. Now the gentleman says, in spite of the fact that we are \$670,000 plus short in the estimates of the present biennium, the estimate for the coming biennium, made by the same department and using practically the same method, is one hundred per centum too low in its estimated increase. I think that the gentleman's reasoning is not very good in connection with these figures as backed up by the figures as presented by the Department of Revenue.

Mr. ACHTERMAN. Mr. Speaker, I desire to interrogate the minority floor leader, Mr. Woodside.

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

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. ACHTERMAN. Mr. Speaker, the particular tax collected on the gross receipts tax for this biennium was on 1940 business, was it not?

Mr. WOODSIDE. That is correct, Mr. Speaker.

Mr. ACHTERMAN. In other words, Mr. Speaker, the emergency taxes cease at the end of the year, or did cease at the end of the year?

Mr. WOODSIDE. That is correct, Mr. Speaker, the emergency tax.

Mr. ACHTERMAN. We are speaking of the emergency tax only?

Mr. WOODSIDE. That is right.

Mr. ACHTERMAN. Now, Mr. Speaker, the gentleman just mentioned that the increase was only nine per centum. Bearing in mind he is talking about 1940 taxes, let me

point out how the method used by the Appropriations Committee sustained that particular nine per centum that he is talking about. This is not guess work, but the income in Pennsylvania in 1939 was \$5,678,000,000; in the 1940 biennium the figures are not available but we used our average income in Pennsylvania as applied to the national income of \$7,380,000,000 that I spoke about. That made the income in Pennsylvania \$6,036,000,000, if you please, an increase of eight per centum; and with the increase of income of eight per centum, the income of taxes as stated by Mr. Woodside, really should be nine per centum. Now then projecting further into the field of anticipated income, I point out to you that with the national income of ninety billion dollars, and with our income of \$7,380,000,000, and assuming the percentage of increase to be just as it was in 1940, then your twenty per centum will apply to the figure I have submitted to you of \$11,900,000 which is modest and is not over estimated. In other words, the gentleman from Dauphin has given you the proof that the Appropriations Committee is correct in its estimate, and I thank the gentleman.

Mr. WOODSIDE. Mr. Speaker, the gentleman is assuming, of course, that his estimate of national income for the next biennium is sound, but Mr. Speaker there is no way of determining and confirming an estimate of national income during the next biennium or during the next year. There is nothing in the past that we can well base it on, but on the question of a specific tax in which you have had specific experience you certainly can have some basis upon which to estimate the amount of income which will be received from that tax.

The gentleman from Monroe is very optimistic as to what the amount of income will be during the next biennium. He says that the income during the next biennium will be increased twenty per cent; that is the total income of all people, and therefore the public utilities' income is going to increase about twenty per cent also. Of course, the stock market does not bear that out. I do not believe that any of the people buying stocks will give credit to that story. The gentleman says the increase in business for the next biennium or for the next two years is going to be twenty per cent over the increase of business during the past two years. Again I call the gentleman's attention to his famous faith, hope, and charity speech made just a few months ago on the floor of the House, in which he called the attention of the Members of this House to the fact that this budget was a budget full of hope. What was he referring to when he made that remark about hope in the budget? The hope that the revenue would be far in excess of what he thought it would be. In other words, he said that the Governor's budget was full of hope. What hope? The hope of increased revenue which was not justified. He made a long speech on the floor of the House about the hope shown in this budget particularly in the estimates. Now, two months later, he comes before this House and says, "Oh, no, this is not hope, this is all pessimistic in the estimates of revenue, the increase is not going to be normal, the increase is not going to be just the increase over what it was in the prior biennium, but it is going to be more than twice what it was the last biennium, and what that biennium was over the biennium before, a one hundred per cent increase, even in spite of the fact that the estimates of the department have not been realized by \$670,000. It is interesting to note, Mr.

Speaker, how the gentleman changes his tune to support a situation which he desires to bring about.

Mr. ACHTERMAN. We do not just happen to use fanciful figures nor do they happen to be our own. When I speak of the national income for the coming year as being ninety billion dollars I have not picked it out of thin air; it happens to represent figures now estimated by federal authorities, and I assume that the federal authorities are in a position to make an estimate. They are the same authorities that must of necessity estimate the revenues of the United States just as the Revenue Department of the state of Pennsylvania is supposed to make estimates. Now then am I in error about the percentage? As a matter of fact, the percentage of increase that I have used has been substantiated not by me, but by the actual revenue collectors, according to the gentleman's own figures, as told to the Members of the House by the minority floor leader. The percentage, it seems to me, for some unknown reason, figures out accurately, although the figures were given in the first instance for the purpose of having you believe that we were in error. When we come back to the money involved at the time it was paid, covering the business period, you will find that the figures are substantiating the results of the study of the Appropriations Committee. I know of no other manner by which I can submit to the Members of the House with certainty and accuracy the method under which your committee has proceeded in determining these revenues, and I submit to the Members of this House and to the Republican minority that the taxes in the next two years will justify the figures which we are now giving to the Members of the House. The fact that the Revenue Department in the past two years was in error in its efforts to estimate, is of little moment to me. Apparently, they did not know how to approach the subject and I am saying that the figures we have used have conclusively shown to the Members of the House that we are proceeding on safe and sound ground.

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—192

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

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

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. 235, as follows:

An Act to reenact and amend the title and the act approved the ninth day of June one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six—P. L. 13) entitled "An act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board" as previously reenacted and amended by extending the provisions thereof for a further limited period of time

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

Section 1 The title and all the sections of the act approved the ninth day of June one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six—P. L. 13) entitled "An act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board" as last reenacted and amended by the act approved the fourth day of May one thousand nine hundred thirty-nine (P. L. 46) are hereby reenacted and further amended to read as follows

An Act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board

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 authority of the same That the following words terms and phrases used in this act are for the purposes hereof defined as follows

"Liquor" Any alcoholic spirituous vinous fermented or other alcoholic beverage or combination of liquors and mixed liquor a part of which is spirituous vinous fermented or otherwise alcoholic and all drink or drinkable liquids preparations or mixtures intended for beverage purposes which contain more than one-half of one per centum of alcohol by volume except alcohol and malt or brewed beverages

"Department" The Department of Revenue of this Commonwealth

"Board" The Pennsylvania Liquor Control Board of this Commonwealth

"Fiscal Month" The monthly period established from time to time by the Pennsylvania Liquor Control Board for the purpose of conducting its business

Section 2 Until the first day of June one thousand nine hundred [forty-one] "forty-three" an emergency State tax is hereby imposed and assessed at the rate of ten per centum of the net price of all liquors sold by the board The tax herein imposed shall be collected by the board from the purchasers of the liquor from the board The amount of such ten per centum so collected by the board under the provisions of this act shall be paid into the State Treasury through the department in the manner and within the times herein specified and shall be credited to the General Fund

Section 3 It shall be the duty of the board to transmit to the department on or before the fifteenth day of each calendar month a statement of its receipts from sales of liquor and taxes collected during the preceding fiscal month and such other information as may be necessary to effectuate the provisions of this act at which time it shall also be the duty of the board to pay to the department the tax imposed upon such liquor by the provisions of this act Provided however That the board may in its discretion add the tax imposed by this act to the wholesale and retail price at which liquors are sold and eliminate any accounting of such tax separate from sale prices and in such case the amount of the tax for any calendar month shall be ascertained by dividing the entire gross receipts derived from sales at Pennsylvania liquor stores during such month by eleven and the quotient thus obtained shall be deemed the amount of the tax for such month payable over under this section.

Section 4 This act shall become effective immediately upon its final enactment

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

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WOODSIDE. Mr. Speaker, I would like to interrogate the gentleman from Monroe, Mr. Achterman.

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

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. WOODSIDE. I would like to know, Mr. Speaker, whether this estimate as it was made by the Department of Revenue is full of hope or full of pessimism.

Mr. ACHTERMAN. Mr. Speaker, I presume the gentleman is serious in his question and is not facetious. I have no doubt that the Republican administration is hoping that we might accept these figures, with the thought in mind that perhaps sometime in the future they might be able to make political capital out of them, in the hope, Mr. Speaker, that we would swallow it hook, line and sinker. I presume now it is full of pessimism, since they have learned we have not allowed that hope to materialize.

Mr. WOODSIDE. Mr. Speaker, will the gentleman state whether the figures are too high or too low today? I know now what the gentleman thought about it the day the budget was given out, but I would like to know what the gentleman thinks about it today?

Mr. ACHTERMAN. Too low, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, will the gentleman tell us what he thinks today it ought to be?

Mr. ACHTERMAN. Will the gentleman make up his mind, Mr. Speaker? Will he repeat the question?

Mr. WOODSIDE. Will the secretary read the question as it was put the second time? Will the gentleman state today what he thinks the estimate will be?

Mr. ACHTERMAN. Our estimate, Mr. Speaker, is \$18,260,000.

Mr. WOODSIDE. Mr. Speaker, one million over the estimated revenue. Will the gentleman please advise the House how he arrived at that figure?

Mr. ACHTERMAN. Mr. Speaker, that again brings up the problem of the income or profits derived from the liquor stores. May I point out to the gentleman that we differ very materially in the estimates of the liquor store profits. It is a subject on page 40 of the green book; we differ very materially from those estimates. As a matter of fact, Mr. Speaker, I see that the Governor's office estimates those profits for the coming biennium at \$36,000,000. Our estimates are about \$40,800,000. Now, Mr. Speaker, the business of the liquor stores in the last year has indicated a profit of \$18,730,716. Incidentally, in the preceding year there is an increase of \$3,377,979. The preceding year showed a profit of \$15,352,737, thereby showing a twenty-two per cent increase.

Our figures would indicate that as a matter of fact we used only a twenty per cent increase, and that our computation of the profits of the liquor stores would be considerably in excess of the approximately \$40,800,000 that I mentioned. Projecting that into the tax yield, it will give to you the amount that the tax would yield on the necessary sales to produce that profit.

Mr. WOODSIDE. Mr. Speaker, does the gentleman mean that he bases his estimates of the emergency liquor tax on the profits of the State stores?

Mr. ACHTERMAN. Oh no, Mr. Speaker, the gentleman is mistaken. I am referring to sales.

Mr. WOODSIDE. The gentleman referred to profits, as I understood him, Mr. Speaker.

Mr. ACHTERMAN. I am sorry, Mr. Speaker, that the gentleman misunderstood me. I was trying to point out what the sales were in the past and what contemplated sales we expect in the future in relation to profits and in relation to general business. General business will be reflected in the amount of taxes to be collected. In other words, Mr. Speaker, I have disclosed to the gentleman not one item, but two items on the increase in the budget as we figure it.

Mr. WOODSIDE. Mr. Speaker, I appreciate the gentleman's advising me of those figures, but I may have misunderstood him. It is sometimes difficult to hear what he says. It seems the sound goes right over the top of you and it is often difficult to hear what is said over the loud speaker, but I had understood that the gentleman was giving the figures on profits made by the stores during the last year and the last biennium. If I was wrong about that I am going to ask the gentleman whether he will not repeat the figures of business done by the Liquor stores during the last year and the last biennium or whatever he gave before.

Mr. ACHTERMAN. I am sorry, Mr. Speaker, I will have to ask the gentleman to repeat his question, as part of it I was unable to hear.

Mr. WOODSIDE. Mr. Speaker, I want to know what figures the gentleman quoted and whether he would kindly repeat them; not those of profits but those relating either

to taxes or gross sales.

Mr. ACHTERMAN. The gross sales in 1940, Mr. Speaker? I think I gave the gentleman those figures. The gross sales in 1940 amounted to \$83,977,305.

Mr. WOODSIDE. May I interrupt, Mr. Speaker, to ask whether that is the calendar year?

Mr. ACHTERMAN. This is the calendar year, Mr. Speaker. It represents, however, the most available figures against the preceding year 1939, of \$74,572,241. That represented an increase in gross sales of twelve and one half per cent. Your profit, however, was the twenty-two per cent that I mentioned.

Mr. WOODSIDE. Mr. Speaker, the liquor tax of ten per cent ought to reflect rather accurately your sales during the biennium, and we find there that for the biennium of 1937-1939 there was \$15,147,718.94, which of course would have made the sales \$151,000,000 plus. In the present biennium up to and including April 30, 1941 the total receipts were \$15,027,863.

Now, assuming that during the Month of May the amount realized would be \$700,000 which was larger than that received during April and March of 1941 and larger than March, April and May of 1940, but reasonably close to the figure, that would make the total amount during this biennium of \$16,443,609.98. That means that the increase of this biennium over the last biennium would be approximately eight per cent. I am wrong about that. The present amount really is \$15,027,863. The total expected for the biennium would be \$15,677,863, or an increase of \$530,000 over the figure of the last biennium. That would be an increase of only four and six tenths per cent over the last biennium.

The estimate of revenues made for the next biennium by the Department is \$17,260,000. Assuming the actual and estimated revenue for this biennium to arrive at the sum of \$15,677,000 by the end of the biennium would mean that the next biennium would be \$1,583,000 or over ten per cent. It seems to me that is a pretty optimistic estimate, inasmuch as it is considerably larger than the increase estimated for the past biennium. In spite of that the gentlemen is optimistic about the revenues to estimate an additional million dollars on top of it. I think that is not warranted.

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—192

Achterman.	Fletcher.	Lichtenwalter.	Rooney.
Allmond,	Flynn,	Longo,	Rose, S.
Auker,	French,	Lovett,	Rose, W. E.,
Baker,	Gallagher,	Lyons,	Rosenfeld,
Bathaser,	Gates,	Malloy,	Royer,
Baughner,	Gerard,	Marks,	Sarge,
Bentley,	Gillette,	Maxwell,	Sarra,
Bentzel,	Goodwin,	McClanaghan,	Schwab,
Boles,	Greenwood,	McClester,	Serrill,
Boney,	Gross,	McDermott,	Shaffer,
Boorse,	Gryskewicz,	McDowell,	Shaw,
Bower,	Gyger,	McFall,	Shepard,
Bradley,	Habbyshaw,	McGrath,	Snyder,
Breath,	Haberlen,	McIntosh,	Sollenberger,
Bretherick,	Haines,	McKinney,	Sorg,
Brown,	Hall,	McLane,	Stank,
Brunner, C. H.,	Hamilton,	McMillen,	Stine,
Brunner, P. A.,	Hare,	McSurdy,	Stockham,
Burns,	Harkins,	Melchiorre,	Tarr,
Burns,	Harmuth,	Mihm,	Tate,
Cadwalader,	Harris,	Modell,	Taylor.

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

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 849, Printer's No. 639, was passed over at the request of the SPEAKER.

PERMISSION TO ADDRESS HOUSE

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

Mr Speaker, I just want to call the attention of the Members of the House to something that was related by Mr. Brown in his fine speech a few minutes ago, and I call your attention to two specific instances that should claim our attention for the moment. We are going to vote for an appropriation to the Jefferson Hospital and Medical College of Philadelphia in the sum of \$395,000 for the biennium. A young negro physician called me the other day and told me of his experiences in trying to enter the Jefferson Medical College and said that he was told frankly that he could not be admitted because of his race.

Mr. Speaker, I think that is a betrayal of the trust of the people of this Commonwealth when a great medical institution will take State money and then at the same time refuse to admit the citizens of the state on account of race, creed, or color.

Some few sessions ago, the Legislature passed a bill that became a law, authorizing the establishment of a separate battalion of negro soldiers in the National Guard of Pennsylvania. That is a law in this Commonwealth, and yet the Governor of this Commonwealth refuses to exercise that right and permit negroes to join the National Guard of Pennsylvania, either in a separate battalion or as members of the regular National Guard.

We are in a great campaign engaged in a program of national defense. We are told that there are not enough doctors graduated from our medical schools to meet the needs of this nation in this time of emergency, and yet here is a hospital and medical college receiving State

funds and refusing to admit negroes to their training courses to enable them to serve their nation at a time like this. Here in the Commonwealth of Pennsylvania State moneys are being appropriated for the National Guard of Pennsylvania, and the Governor of this state refuses absolutely to turn his hand in any way to accord negroes equal opportunities in the defense forces as related to the Commonwealth of Pennsylvania.

I here and now call upon the Governor of this Commonwealth to exercise his power as the chief executive of this state to insure negroes an opportunity to participate and join the National Guard forces of Pennsylvania, that this democracy may not be a farce, but so far as Pennsylvania is concerned, it may be for all the people alike, regardless of race, creed, or color. I thank you.

MR. ACHTERMAN IN THE CHAIR

RECONSIDERATION OF HOUSE BILL NO. 1094

Mr. MARSHALL M. COHEN. Mr. Speaker, I move that the vote by which House Bill No. 1094, Printer's No. 559, be niled:

"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", was defeated on final passage: on May 14, 1941, be reconsidered.

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

The SPEAKER pro tempore. How did the gentleman from Lancaster, Mr. Cohen, vote on the final passage of this bill?

Mr. MARSHALL M. COHEN. Mr. Speaker, I voted in the majority.

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

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

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore declared the "nays" appeared to have it.

Whereupon, a division was called for eighty-eight members having voted in the affirmative and sixty-eight in the negative, the question was determined in the affirmative and the motion was agreed to.

BILL POSTPONED

Mr. MARSHALL M. COHEN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

The SPEAKER (Elmer Kilroy) IN THE CHAIR

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

PERMISSION TO ADDRESS THE HOUSE

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

Mr. Speaker, in view of the very able remarks made this evening by the gentleman from Allegheny, Mr. Brown, and the gentleman from Philadelphia, Mr. Shepard, I

would like to call to the attention of the Rules Committee a resolution introduced by me on April 22, 1941, Resolution No. 86, Serial No. 158. This resolution had the indorsement of the American Legion and the Veterans Organizations, and I would ask that the Rules Committee give that resolution consideration.

PERMISSION TO ADDRESS HOUSE

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

Mr. Speaker, the gentleman from Philadelphia, Reverend Shepard, made a statement on the floor of the House to the effect that Governor James had made no effort whatsoever to obtain a colored unit in the National Guard, and as a matter of fact I think he made it even stronger than that and said that the Governor had refused to attempt to establish a colored unit in the National Guard.

Mr. Speaker, I would like to set the gentleman straight on the facts of the matter. As a matter of fact, after a delegation had called upon the Governor he sent for General Martin, and after a conference with General Martin he wrote to Washington asking for permission to establish such a unit. He was referred to a letter which had previously been written to this Commonwealth by the President of the United States in which he had refused definitely to establish such a unit in the Commonwealth of Pennsylvania and said that such a unit could not be established in the Commonwealth of Pennsylvania. Thereafter General Martin had four other conferences with the delegation concerning the establishing of such a unit, and on three separate occasions at the request of the Governor made trips to Washington in order to attempt to establish such a unit and each time he was told by the army officials and the officials of the Federal Government in Washington that no such unit could be established.

I think the record should be straightened out on that matter, so that it will show that an effort was made on the part of the Governor to establish such a unit and that he was prevented from doing so by the Federal Government in Washington.

PERMISSION TO ADDRESS HOUSE

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

Mr. Speaker, I hope that the gentleman from Dauphin is correct in the information that he has received, but I received some information from that conference also, that when this committee waited on the Governor and called his attention to this failure to include negroes in the National Guard of Pennsylvania and called his attention to the fact that it was against the law of the Commonwealth, that the Governor replied there were some customs that were so time honored that they were above the law. That was the statement he gave out to the newspapers at the time, and members of the same committee told me that was what the Governor said. Anyway I know that no negro has been admitted to the National Guard of Pennsylvania, and whose fault it is is a matter between the Governor and the officials in Washington, but the fact remains.

BILL ON THIRD READING

Agreeably to order,

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

The House resumed the consideration on third reading of House Bill No. 1254, as follows:

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

The General Assembly of the Commonwealth of Pennsylvania enacts as follows

Section 1 Powers of Chief The Chief of the Bureau of Building Inspection shall have authority to enforce the provisions of any building code provided for by ordinance of cities of the first class in the form and manner herein provided

Section 2 Right of Entry The Chief of any inspector attached to the Bureau of Building Inspection on producing the necessary credentials or proofs of identity shall have the right of entry upon any premises for the purpose of making any inspection during daylight hours and at such other times only as might be required in an emergency as provided in Section 4 of this Act

Section 3 Approval of Materials and Construction The Chief shall have the right at any time to require tests of any materials used in building construction for the purpose of determining their suitability and to make regulations for the testing of all new building materials or types of construction as may be provided for in any ordinance of cities of the first class

Section 4 Protection or Demolition of Dangerous Structures In any case where a wall or building is found to be in such a dangerous condition as to constitute an immediate menace requiring instant action and where because of such emergency the mode of procedure prescribed in Section 5 of this Act is ineffective the Bureau shall have the right to order the premises vacated and if necessary to secure the co-operation of the police authorities in the execution of such vacating order and to temporarily shore up any dangerous wall or walls or tear same down the cost to be collected as provided in Section 5 of this Act

Section 5 Violations In the event of failure to obtain a permit or in any case where final decision of an inspector or of the Chief or of any examining commission is rendered such decision or order or certificate indicating that no permit has been issued or that violations have occurred after issuance of permit may be at once certified to any Court of Common Pleas The court shall upon application of such bill of complaint against the registered owner of the premises involved duly verified by affidavit of the Director of Public Safety the Chief any inspector or any member of an examining commission issue a mandatory injunction requiring compliance with such order or decision within five days or within a shorter time if the relief sought is the removal of a dangerous wall ceiling chimney or other structure or unsafe portion thereof Should the court deem proper to fix a shorter time then all petitions bills or complaints to compel compliance with the provisions of this Act or any ordinance relating to building code shall be given priority over other business or cases by any Court of Common Pleas to which the final decision of an inspector the Chief or an examining commission appointed by the Director of Public Safety shall be certified If said injunction is not complied with within the time specified by the Court or if it cannot for any reason be served upon the registered owner the court shall have power to enforce its order by attachment or to issue an order to the Chief of the Bureau of Building Inspection commanding him to remove the wall building or structure condemned by the building inspectors (either as contrary to the provisions of any ordinance or as dangerous) under the supervision of the Bureau of such inspector as the Chief may designate The Chief of the Bureau of Building Inspection shall have power to employ such competent builders riggers and workmen as shall be

necessary to carry out the order of the court He shall certify to the court when he has performed the work required to be done and the costs incurred and such bill being approved by the court and not being paid by the owner of the premise the court shall have power to compel the city to pay such costs by warrant The City shall thereupon issue a warrant to pay the costs of the said work and shall proceed to enter a lien for the costs thereof including the court costs as may be necessary to constitute the aggregate of said costs and expenses and the said lien shall not be discharged by any judicial sale until paid and the said city paying such costs may also by action of assumpsit recover the same from the owners of said premises.

Section 6 Penalties Any person or persons firm corporation or other legal entity whether owner architect builder contractor or workman who shall make or cause to be made any alteration construction or removal of any building or structure whatsoever without permit therefor first issued or in violation of any of the provisions of this Act or any ordinance relating to building code or who shall have become the owner thereof after the same has been so done and who shall omit neglect or refuse to remove the same if dangerous or in violation of this Act or any ordinance relating to building code or to make the same safe and secure and in all respects conform to the requirements of this Act or any ordinance relating to building code within one week after notice to that effect shall forfeit and pay for each offense the sum of One Hundred (\$100) Dollars and the further sum of fifty (\$50) Dollars for every period of one week for which the said person or persons shall omit neglect or refuse to remove the same or make it comply with this Act or any ordinance after the expiration of the notice aforesaid and any person or persons firm corporation or other legal entity who shall contract for the erection or construction of any building addition alteration or other thing in violation of any of the provisions of this Act or any ordinance relating to building code shall be subject to the same penalties as aforesaid All of the aforesaid penalties to be recovered as penalties of equal amount are or shall be recoverable in the name and for the use of the City and when collected shall be paid into the treasury thereof

Section 7 Board of Appeals The Zoning Board of Adjustment shall constitute the Board of Appeals The decision of a majority of the members shall constitute the decision of the board The board shall hear all appeals as hereinafter provided for and after hearing shall render decision or issue such orders as to them may seem proper Notice of any such decision or order shall be given forthwith to the applicant or the party or parties affected thereby and the time within which an appeal may be taken from such decision or order shall be set forth in said notice

Section 8 Appeals (a) Any applicant for a permit from the Bureau of Building Inspection whose application has been refused or any person who has been ordered by an inspector to incur any expense may appeal by giving notice in writing of such appeal If the appeal shall be from an order refusing a permit it shall be taken within fifteen days from the refusal of such permit If the appeal is from an order to take down and remove a dangerous building or structure or a dangerous wall or walls it shall be taken within five days from the issuing of such order

(b) Any person the value of whose property may be affected by work done or to be done under any permit granted by the Bureau of Building Inspection may within five days from the commencement of the work appeal by giving notice in writing that he does so appeal (c) In Computing the time within which an appeal may be taken if the last day shall fall on Saturday Sunday or on a legal holiday the appeal shall be taken on the next succeeding full business day Notice of appeal may be given either by leaving such notice in writing with the Chief or the chief clerk at the office of the Bureau of Building Inspection or it may be mailed addressed to the Bureau If mailed the date of the postmark shall be taken as the date of the appeal

Section 9 Further Appeal to Examining Commission

Should any party aggrieved object to the decision of the Board of Appeals he may further appeal in writing to the Director of the Department of Public Safety within three (3) days of the decision of the Board of Appeals specifying in such appeal the reasons and ground therefor and accompanying the same by the sum of forty-five dollars (\$45) The Directors of the Department of Public Safety shall thereupon appoint an examining commission to consist of three experts who shall be either practical builders engineers or architects one of whom shall be named by the Chief one by the party taking the appeal and the third by the first two who shall within such time as the Director shall specify carefully consider the said appeal and make decision thereon The decision of any two shall be the decision of the commission They shall be paid for their services fifteen dollars (\$15) each out of the aforesaid sum of forty-five dollars (\$45)

Section 10 Finality of Decisions (a) The decision of a building inspector or of the Board of Appeals unappealed from shall be final and conclusive in any subsequent proceeding on the matter in question in court or otherwise

(b) The decision of an examining commission in case of appeal to such commission shall be final and conclusive when certified to the building inspectors Provided however That no commission named in accordance with this Act in cities of the first class shall have any power or authority to set aside or nullify or alter any of the provisions herein or order or require any permit to be issued for a building to be constructed otherwise than as is herein required

Section 11 In the event that any provision of this Act should be judicially declared unconstitutional and invalid such invalidity shall be restricted to the sentence paragraph or section containing such provision and shall in no way affect the validity of the remainder of this act

Section 12 This Act shall become effective immediately upon its final enactment

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

On the question,

Shall the bill pass finally?

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

YEAS—192

- | | | | |
|-----------------|----------------|----------------|------------------|
| Achterman, | Fletcher, | Lichtenwalter, | Rose, S., |
| Allmond, | Flynn, | Longo, | Rose W. E., |
| Auker, | French, | Lovett, | Rosenfeld, |
| Baker, | Gallagher, | Lyons, | Royer, |
| Balthaser, | Gates, | Malloy, | Sarge, |
| Baugher, | Gerard, | Marks, | Sarraf, |
| Bentley, | Gillette, | Maxwell, | Schwab, |
| Bentzel, | Goodwin, | McClanaghan, | Serrill, |
| Boles, | Greenwood, | McClester, | Shaffer, |
| Boney, | Gross, | McDermott, | Shaw, |
| Boorse, | Gryskewicz, | McDowell, | Shepard, |
| Bower, | Gyger, | McFall, | Snyder, |
| Bradley, | Habbyshaw, | McGrath, | Sollenberger, |
| Breth, | Haberlen, | McIntosh, | Sorg, |
| Bretherick, | Haines, | McKinney, | Stank, |
| Brown, | Hall, | McLane, | Stine, |
| Brunner, C. H., | Hamilton, | McMillen, | Stockham, |
| Brunner, P. A., | Hare, | McSurdy, | Tarr, |
| Burns, | Harkins, | Melchiorre, | Tate, |
| Burris, | Harmuth, | Mihm, | Taylor, |
| Cadwalader, | Harris, | Modell, | Thompson, E. F., |
| Chudoff, | Heatherington, | Mooney, | Thompson, E. L., |
| Cochran, | Helm, | Moran, | Trout, |
| Cohen, M. M., | Hering, | Moul, | Turner, |
| Cohen, R. E., | Herman, | Muir, | Van Allsburg, |
| Cook, | Hersch, | Munley, | Verona, |
| Cooper, | Hewitt, | Nunemacher, | Vincent, |
| Cordier, | Hirsch, | O'Brien, | Voldow, |
| Corrigan, | Holland, | O'Connor, | Voorhees, |
| Croop, | Huntley, | O'Dare, | Wagner, |
| Cullen, | Imbrie, | O'Mullen, | Watkins, |
| Dalrymple, | James, | O'Neill, | Weingartner, |
| Dennison, | Jefferson, | Owens, | Wei s., |
| DiGenova, | Jones, G. E., | Petrosky, | Welsh, E. B., |
| Dix, | Jones, P. N., | Pettit, | Welsh, M. J., |
| | Keenan, | Polaski, | Williams, |

- | | | | |
|--------------|---------------|---------------|--------------|
| Dolon, | Kenehan, | Polen, | Winner, |
| D'Ortona, | Kilne, | Powers, | Wolf, |
| Duffy, | Knoble, | Prosen, | Wood, L. H., |
| Eckels, | Kolankiewicz, | Rank, | Wood, N., |
| Elder, | Komorowski, | Rausch, | Woodring, |
| Elliott, | Krise, | Readinger, | Woodside, |
| Ely, | Lee, E. A., | Reagan, | Wright, |
| Falkenstein, | Lee, T. H., | Reese, D. P., | Yeakel, |
| Finestone, | Leisey, | Reese, R. E., | Yester, |
| Finnerty, | Leonard, | Regan, | 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.

RECONSIDERATION OF HOUSE BILL NO. 891

Mr. O'BRIEN. Mr. Speaker, I move that the vote by which House Bill No. 891, Printer's No. 483, entitled:

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

was defeated on final passage Tuesday, May 13, 1941, be reconsidered.

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

The SPEAKER. How did the gentleman from Philadelphia, Mr. O'Brien vote on the final passage of this bill?

Mr. O'BRIEN. Mr. Speaker, I voted in the majority.

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

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

On the question,

Will the House agree to the motion?

The SPEAKER declared the "ayes" appeared to have it,

Whereupon, a division was called for ninety-five members having voted in the affirmative and fifty in the negative, the question was determined in the affirmative and the motion was agreed to.

BILL POSTPONED

Mr. O'BRIEN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

PERMISSION TO ADDRESS HOUSE

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

Mr. Speaker, you will all recall that on the third day of the session this House appointed a special committee to investigate the trouble between the W.P.A. and the State administration over the sewing project. Your committee has to report this evening that on last Friday the agreement under which the sewing project will be continued for one year from today was signed and sent to Washington. We will make a formal report a little later. Thank you.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 692, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by making further provision for the granting of easements or rights-of-way upon across over under or along lands and waters of the Commonwealth making further provision for the granting of commissions to certain air pilots authorizing the Pennsylvania Historical Commission to charge certain admission fees conferring power upon the Department of Property and Supplies to control and supervise certain buildings devised to the Commonwealth authorizing the micro filming of records in the various administrative departments boards or commissions and authorizing the leasing of Indiantown Gap Military Reservation and certain other real estate of the Commonwealth to the United States

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

CONFERENCE COMMITTEE APPOINTED ON HOUSE BILL NO. 692.

The SPEAKER. The Chair appoints as a Committee of Conference Messrs. Readinger, Reuben E. Cohen and Habbyshaw.

Ordered, That the Clerk inform the Senate accordingly

SENATE MESSAGE

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 19, 1941

Resolved, (if the House of Representatives concur). That when the Senate adjourns this week, it reconvene on Monday, May 26, 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 26, 1941, at 8:00 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.

REPORTS FROM COMMITTEES

Mr. LOVETT, from the Committee on Welfare, reported as committed, House Bill No. 1521, entitled:

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

Mr. HERING, from the Committee on Welfare, reported as committed, House Bill No. 1512, entitled:

An Act to improve the condition of the blind in the Commonwealth of Pennsylvania by providing for vending and refreshment stands in public and private buildings to be operated by blind persons; empowering the State Council for the Blind to do all things necessary for the establishment, maintenance and supervision of such stands and to select and provide for the compensation of suitable blind operators therefor; authorizing the State Council for the Blind to designate persons to operate stands in Federal buildings under authority of any act of Congress; authorizing officers and agencies in charge of State, county or municipal buildings to allow the establishment and operation of stands therein; creating a revolving fund in the State Treasury to be used for the purposes of the act; and making an appropriation.

Mr. LOVETT, from the Committee on Rules, reported as committed, House Resolution No. 94.

CONDOLENCE 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 19, 1941.

Whereas, The House of Representatives often pauses in its deliberations to note with sorrow of the passing of one of the distinguished citizens of this Commonwealth; and

Whereas, One of the flower of its young manhood was cut down suddenly on Friday, May 16, 1941, when Lieutenant James Criswell was killed in the crash of his plane; and

Whereas, The family of Lieutenant Criswell are well known and universally respected in their community and in the City of Pittsburgh; and

Whereas, Lieutenant James Criswell died in line of duty,

exhibiting to the end those traits of character and manhood which go so much into making up our true American tradition; and

Whereas, It is fitting that the House of Representatives salute one of our Commonwealth's peace time heroes; therefore be it

Resolved, That the House of Representatives mourns the passing of Lieutenant James Criswell and directs the Clerk of the House of Representatives to mail a copy of this resolution to the parents of the deceased, as a token of the House of Representative's heartfelt and sincere sympathy to them in their great bereavement.

RESOLUTIONS CONGRATULATORY

Messrs. SCANLON and TATE 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 19, 1941.

Whereas, A certain Mr. Smith went to Washington; and
Whereas, The said Mr. Smit' on Saturday, May 17, 1941, took unto him in vinculo matrimonii Miss Regina Dorsey in the City and County of Philadelphia; and

Whereas, The nuptials of Congressman Francis R. Smith of the Fifth Congressional District of Philadelphia and his bride were attended by several members of the House, therefore be it

Resolved, That the House of Representatives felicitates Congressman Smith and his wife and wishes them a long, successful and happy married life; and be it further

Resolved, That the Chief Clerk of the House of Representatives is hereby directed to mail a copy of this resolution to the happy couple.

RECALLING HOUSE BILL No. 610 FROM THE GOVERNOR

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

In the House of Representatives, May 19, 1941.

Resolved (if the Senate concur), that House Bill No. 610, Printer's No. 503, entitled "An act to amend clause forty-seven, of section two thousand four hundred three 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' changing the qualifications of historical societies to receive appropriations." be recalled from the Governor for the purpose of amending.

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

CONDOLENCE RESOLUTION

Messrs O'CONNOR and OWENS offered a privileged

resolution which was read, considered and adopted as follows:

In the House of Representatives, May 19, 1941.

It is with deep regret we learned of the death of the brother of our fellow member, the Honorable Michael C. Chervenak, Jr., John Andrew Chervenak, a veteran of the World War, a member of the American Legion, John Moyer Post No. 430, died May 16 at his home in Portage Township, Cambria County.

Resolved, That this House extends its heartfelt sympathy to his widow and his brothers and sisters and directs that the Chief Clerk transmit a copy of this resolution to his widow, and to our fellow member, the Honorable Michael C. Chervenak, Jr., Portage, Pennsylvania.

ANNOUNCEMENT

Mr. TARR. Mr. Speaker, the meeting that was scheduled for tomorrow of the Game Committee, announced at the last meeting of that Committee will not be held until some later date. I make this announcement, due to the fact that the meeting was announced at the last meeting of the committee.

COMMITTEE MEETINGS

EASTERN STANDARD TIME

Aeronautics, Tuesday, May 20 at 11:30 a. m. in Room 331.

Agriculture, Tuesday, May 20 at 11 a. m. in Room 329.

Congressional & Judicial Apportionment, Tuesday, May 20 at 11 a.m. in Room 323.

Judiciary General, Tuesday, May 20 at 9 a. m. in Room 246.

State Government, Tuesday, May 20 at 11 a. m. in Room 325.

PUBLIC HEARING

There will be a second Public Hearing before the Committee on Judiciary Special on House Bill No. 365 on Wednesday, May 21, 1941 at 6:30 p. m., E.S.T. in the New Caucus Room.

The Steering Committee will meet Tuesday, May 20 at 10 a. m. in the New House Caucus Room.

ADJOURNMENT

Mr. MALLOY. Mr. Speaker, I move that this House do now adjourn until Tuesday, May 20, 1941, at 12 m.

The motion was agreed to, and (at 11:10 p. m. the House adjourned.