

HOUSE OF REPRESENTATIVES

WEDNESDAY, May 21, 1941

The House met at 12 m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

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

O God, in whose sight we live, and by whose holiness we are judged, we confess unto Thee our false standards of value. So often we are careful about outward things, but neglect inward things. So often we are concerned about outward appearance, and yet Thy Word tells us that Thou lookest upon the heart. Graciously restore unto us our vision, so that we may see aright the things which are truly worthwhile. Help us, we pray Thee, to earnestly seek the better things, the things that are true, and lovely and of good report. Guide us this day, and help us to build our lives upon the foundation that cannot fail. In Jesus' name, we pray. Amen.

JOURNAL APPROVED

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

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

BILLS INTRODUCED AND REFERRED

By Mr. BENTLEY. HOUSE BILL No. 1657.

An Act to amend sections one and four of the act, approved the twelfth day of July, one thousand nine hundred and thirty-five (P. L. 722), entitled "An act authorizing cities of the second class to issue and sell short term promissory notes," by providing that cities of the second class may issue and sell short term promissory notes to raise funds for any lawful purpose; and further providing that said short term notes may be paid and funded out of the proceeds of bonds issued and sold for the authorized purpose.

Referred to the Committee on Cities—Second Class.

By Mr. BENTLEY. HOUSE BILL No. 1658.

An Act to further amend the first paragraph of section one of article fifteen of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class," by further regulating the manner of letting contracts relating to city affairs.

Referred to the Committee on Cities—Second Class.

By Mr. FRENCH. HOUSE BILL No. 1659.

An Act making an appropriation to the Department of Revenue for the payment of accounts settled against the Commonwealth and that department in favor of certain persons, associations and corporations.

Referred to the Committee on Appropriations.

By Messrs. GERARD and WINNER.
HOUSE BILL No. 1660.

An Act to amend section seven hundred and thirty of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine, (P. L. 343), entitled "An

act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officer of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for state purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by authorizing the furnishing of certain confidential information to other states and the United States.

Referred to the Committee on State Government.

By Messrs. ACHTERMAN and WOODSIDE.

HOUSE BILL No. 1661.

An Act to amend section three of the act, approved the tenth day of May, one thousand nine hundred and thirty-nine (P. L. 111), entitled "An act relating to, and providing for, the promotion and development of business, industry and commerce in the Commonwealth; conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth; abolishing the Pennsylvania State Publicity Commission; terminating the terms of its members and conferring its powers upon, and transferring and appropriating the balance of its current appropriation to, the Department of Commerce; and repealing certain laws," providing for the promulgation or adoption and administration by the Department of Commerce of voluntary plans to control the output of mineral resource industries located preponderantly within the Commonwealth.

Referred to the Committee on State Government.

By Mr. READINGER.

HOUSE BILL No. 1662.

An Act to amend the title and further amend section one of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 844), entitled "An act authorizing the Commonwealth of Pennsylvania, or any department or division thereof, and counties, cities, boroughs, incorporated towns, townships, school districts and poor districts to make contracts of life, health, and accident policies for the benefit of employes thereof, and contracts for pensions for such employes; and providing for the payment of the cost thereof," authorizing the making of contracts for hospitalization; and extending the provisions of the act to vocational school districts and institution districts.

Referred to the Committee on State Government.

By Mr. LOVETT.

HOUSE BILL No. 1663.

An Act making an appropriation to the Special Committee of the House of Representatives which completed an investigation of the administration of W. P. A. Sewing Projects of the Commonwealth to reimburse the committee for expenses incurred by it in making such an investigation.

Referred to the Committee on Appropriations.

By Mr. MORAN.

HOUSE BILL No. 1664.

An Act to further amend sections three hundred two, three hundred three and three hundred four 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 epileptic 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," by further regulating admission or commitment of any mental patient to hospitals or institutions for such mental patients.

Referred to the Committee on Judiciary General.

By Mr. CORRIGAN.

HOUSE BILL No. 1665.

An Act to amend section six hundred five of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by providing that said section shall not apply to certain games or devices where free plays are given or allowed; and providing that such free plays shall not be considered things of value.

Referred to the Committee on Judiciary General.

By Messrs. LEISEY and GYGER.

HOUSE BILL No. 1666.

An Act to amend 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," providing for township planning, and the creation, organization, and powers of township planning commissions.

Referred to the Committee on Townships.

By Messrs. LEISEY and GYGER.

HOUSE BILL No. 1667.

An Act to add section ten to the act, approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2624), entitled "An act authorizing townships of the second class to adopt and enforce zoning ordinances regulating the location, construction, and use of buildings, the size of courts and open spaces, the density of population, and the use of land," providing for the employment of personnel and the payment of expenses.

Referred to the Committee on Townships.

By Mr. RHEA.

HOUSE BILL No. 1668.

An Act to further amend section eleven and section seventeen of the act approved the twenty-seventh day of June, one thousand nine hundred twenty-three (P. L. 858), entitled "An act establishing a State employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employees; 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 employees serve; excepting annuities, allowances, returns, benefits and rights from taxation and judicial process; and providing penalties" by permitting a member to borrow from his or her funds under certain provisions and regulating exemption from execution.

Referred to the Committee on State Government.

By Mr. RILEY.

HOUSE BILL No. 1669.

An Act to further amend the first paragraph of section eleven of the act, approved the seventh day of August, one thousand nine hundred and thirty-six (P. L. 106), entitled as amended "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works and improvements, carrying into effect of such plans, assistance, aid and co-operation with public and private agencies and the Federal Government in Federal flood control work and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power of eminent domain; providing for the setting off of benefits; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, and the Department of Highways," requiring claimants in eminent domain proceedings to give bond for costs before viewers may be appointed.

Referred to the Committee on State Government.

By Mr. BENTZEL.

HOUSE BILL No. 1670.

An Act validating the action of cities of the third class in constructing sections of their sewer systems outside of their territorial limits; and making such sections lawful sewers of such cities.

Referred to the Committee on Cities—Third Class.

By Messrs. O'NEILL and HARKINS.

HOUSE BILL No. 1671.

An Act to further amend subdivisions seven and nine-teen of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," fixing the minimum annual salary and increments of members of the teaching and supervisory staff in school districts of the fourth class; increasing the percentage of state-aid for all districts; and providing additional state-aid through an equalization fund created by this act to be maintained from state appropriations.

Referred to the Committee on Education.

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. 572. (HOUSE BILL No. 1672).

An Act extending the time for taking appeals to the Supreme and Superior Courts in actions or proceedings at law or in equity in the courts of common pleas, orphans' courts, municipal court of Philadelphia and county court of Allegheny County where petitions for rehearing or reargument are filed.

Referred to the Committee on Judiciary General.

SENATE BILL No. 592. (HOUSE BILL No. 1673).

An Act to further amend section one of the act, approved the thirtieth day of May, one thousand eight hundred and ninety-three (P. L. 183) entitled "An act pro-

viding for the acquisition by the State of certain ground at Valley Forge for a public park, and making an appropriation therefor," reducing the amount of land to be acquired by the Valley Forge Park Commission.

Referred to the Committee on State Government.

SENATE BILL No. 374. (HOUSE BILL No. 1674).

An Act to provide for the settlement of disputes among estates with respect to domiciliary death taxes, and imposing certain duties upon the Department of Revenue, the Attorney General and executors and administrators.

Referred to the Committee on Ways and Means.

SENATE BILL No. 566. (HOUSE BILL No. 1675).

An Act to amend clause (b) of section twenty-seven of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates, including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees; reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction powers, and proceedings of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by further regulating the discharge of charges on real estate.

Referred to the Committee on Judiciary General.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. POLASKI and KOMOROWSKI.
(Concurrent) RESOLUTION No. 95.

In the House of Representatives, May 20, 1941.

Whereas, The Polish Army Veterans' Association of America is an organization composed of veterans of the Polish Army, who enlisted as volunteers in 1917 and 1918, from the United States, for service with the Polish forces in France and in Poland; and

Whereas, By special permission of the State and War Departments, and by proclamation of President Woodrow Wilson, the Polish Military Commission was authorized to recruit from among the Poles in the United States Volunteers for the army, after this country entered as a participant in the World War on the side of the Allies; and

Whereas, In addition to the 250,000 soldiers of Polish extraction, who served in the AEF, the Poles contributed some 27,000 volunteers for service with the Polish Army in France who trained at Niagara-on-the-Lake, Ontario, at Fort Niagara, N. Y.; and

Whereas, Ninety per cent, of these men saw service in

France in 1918 and later in Poland in 1919 and 1920, and upon termination of hostilities between Poland and Soviet Russia, they were returned to the United States, under an agreement between this country and Poland; and

Whereas, In May 1921, the Polish Army Veterans' Association of America was formed in Cleveland, Ohio, for the sole purpose of aiding the physically disabled and otherwise incapacitated veterans; and

Whereas, The task that lay before the founders and succeeding leaders of the organization was tremendous, in as much as neither the American nor the Polish governments felt any responsibility for the care of these unfortunates, for purely technical reasons; and

Whereas, With each succeeding year, the need for aid for these disabled veterans has grown; and

Whereas, This association has found a method of raising funds by adopting the corn flower as its official flower, and selling it on the highways in a manner similar to that in which poppies are now sold; be it therefore

Resolved (if the Senate concur), That the Governor be requested to issue a proclamation setting aside May 3, 1942, and May 3rd of all succeeding years, as "Corn Flower Day," so that the corn flower may be sold by the Polish Army Veterans' Association of America, and the proceeds of such sales applied to the maintenance and upkeep of disabled Polish war veterans.

Referred to the Committee on Rules.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 19, 1941.

Resolved (if the Senate concur), That House Bill No. 610, Printers 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 amendment.

BILLS SIGNED BY SPEAKER

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

HOUSE BILL No. 1228.

An Act to amend sections three and four of the act, approved the fifth day of June, one thousand nine hundred thirty-five (P. L. 266), entitled "An act to protect trademark owners, distributors, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name," exempting the sale of books to libraries from the provisions of said act.

HOUSE BILL No. 1373.

An Act to amend part of section two of the act approved the twenty-seventh day of June one thousand nine hundred thirty-nine (Appropriation Acts of 1939 page 60) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-nine and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending

May thirty-first one thousand nine hundred and thirty-nine' by making the appropriation to the Department of Military Affairs for the use of the Pennsylvania National Guard also available for the use of the Pennsylvania Reserve Defense Corps

Whereupon,

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

FORMER MEMBERS WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon Mr. Jacob A. Elpern, a former member from Westmoreland County, and Mr. Frank R. Bernhard a former member from Carbon County.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Woodside for Mr. TURNER for the remainder of the week.

Mr. BOORSE for himself for the remainder of the week.

Mr. GILLETTE for himself for tomorrow's session.

Mr. HALL for himself for today's session.

Mr. FLEMING for himself for tomorrow's session.

Mr. Hamilton for Mr. NAGEL for the remainder of the week.

Mr. WATKINS for himself for tomorrow's session.

Mr. CADWALADER for himself for tomorrow's session.

Mr. HARMUTH for himself for tomorrow's session.

Mr. VOLDOW for himself for tomorrow's session.

Mr. HIRSCH for himself for tomorrow's session.

The SPEAKER for Mr. BRETH for the remainder of the week.

Mr. ECKELS for himself for tomorrow's session.

Mr. LYONS for himself and Mr. SIMONS for the remainder of the week.

Mr. STANK for himself for tomorrow's session.

REPORTS FROM COMMITTEES

Mr. PAUL A. BRUNNER, from the Committee on Highways, reported as committed, House Bill No. 1597, entitled:

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

Mr. WOLF, from the Committee on Education, reported as committed, House Bill No. 1437, entitled:

An Act to further amend section one thousand four hundred and thirty-two 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," further providing for home and school visitors, and attendance officers, and for their compensation.

Mr. WEISS, from the Committee on Education, reported as committed, House Bill No. 706, entitled:

An Act authorizing and empowering school districts to furnish food including milk, free, to needy school children in their districts; providing for payment of the cost thereof; permitting cooperation with public and private agencies for such purposes; imposing duties on the Superintendent of and the Department of Public Instruction; making an appropriation, and providing procedure for the apportionment thereof to such school districts.

Mr. WEISS, from the Committee on State Government, reported as committed, House Bill No. 1493, entitled:

An Act to amend the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "An act providing that appointive officers and employes; employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time or war or contemplated war; prohibiting the removal from their offices or employments or such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes, respectively, and providing for the compensation of such substitutes," by providing for the payment into the State Employees' Retirement Fund of certain amounts of the salaries or wages of such officers or employes under certain circumstances.

Mr. WEISS, from the Committee on State Government, reported as committed, House Bill No. 1494, entitled:

A supplement to the act, approved the twenty-seventh day of June, one thousand nine hundred twenty-three (P. L. 858), as amended, 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."

Mr. WEISS, from the Committee on State Government, reported as committed, House Bill No. 1495, entitled:

A supplement to the act approved the twenty-ninth day of June, one thousand nine hundred thirty-seven (P. L. 2423), as amended, entitled, "An act establishing a Pennsylvania Motor Police Retirement System; providing for payments upon retirement, death, disability, involuntary retirement, and of certain medical expenses from the State Employees' Retirement Fund, under the administration of the State Employees' Retirement Board; providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth; providing for the guarantee by the Commonwealth of certain of said funds; pro-

viding for the subrogation of the Commonwealth to the rights of the members or dependents against certain third parties; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial processes; and providing penalties."

Mr. PETROSKY, from the Committee on Education, reported as committed, House Bill No. 1586, entitled:

An Act to further amend and reenact clauses one, two, three, and four of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by increasing the minimum salaries and increments required to be paid certain employes in school districts of the first class by establishing a minimum salary schedule and increments for school secretaries, school nurses, attendance officers, special class teachers, vocational school teachers, and heads of departments in high schools in school districts of the first class.

Mr. O'NEILL, from the Committee on Liquor Control, reported as committed, House Bill No. 1630, entitled:

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

Mr. FINNERTY, from the Committee on Professional Licensure, reported as committed, House Bill No. 637, entitled:

An act for safeguarding persons and property, and promoting the welfare of the public; creating an electrical administrative board of the Commonwealth of Pennsylvania, and prescribing its duties and authority; establishing minimum standards for electrical equipment and its installation; providing for State-wide inspection of installations of electrical equipment; providing for the appointment of electrical inspectors for carrying out the provisions of this act, and prescribing their qualifications, duties, rights and authority; making it unlawful to undertake or perform the installation of electrical equipment without applying for inspection therefor except as otherwise provided; providing for the licensing by the electrical administrative board of persons, firms, or corporations engaged in the business of electrical contracting and electrical journeymen employed by them in the work of installing, maintaining, altering or repairing electrical equipment; making it unlawful to undertake or perform the installation of electrical equipment without a license except as otherwise provided; providing penalties for the

violation of this act, and repealing all statutes and parts of statutes in conflict with this act.

Mr. MONKS, from the Committee on Military Affairs, reported as committed, House Bill No. 1559, entitled:

An Act to amend the definition of "Peace Officer" as set forth in section one hundred and two 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 animal upon the highway of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensin, the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds." by including therein military police and certain other persons in the armed service of the United States.

Mr. POLEN, from the Committee on Education, reported as committed, House Bill No. 1423, entitled:

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

Mr. TARR, from the Committee on Education, reported as committed, House Bill No. 94, entitled:

An Act to amend section fifteen hundred and nine of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws, general, special or local or any parts thereof that are or may be inconsistent therewith," by providing that the board of directors of any school district may appropriate funds to pay for medical examinations for tuberculosis for pupils, teachers, janitors, or other employes.

Mr. REUBEN E. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 1470 entitled:

An Act providing for practical arts and vocational agriculture, home economics, industrial and commercial schools, and classes through public school districts, and in cooperation with employment offices for the training, retraining, instruction and adjustment of out-of-school un-

adjusted individuals in order to enable them to enter, re-enter, or continue employment under changing conditions, conferring powers and imposing duties upon the Superintendent of Public Instruction, and making an appropriation.

Mr. McDERMOTT, from the Committee on Appropriations, reported as committed, House Bill No. 1331, entitled:

An Act making an appropriation from the Manufacturing 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 Manufacturing Fund.

Mr. McDERMOTT, from the Committee on Liquor Control, reported as committed, House Bill No. 1505, entitled:

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

Mr. O'BRIEN, from the Committee on Appropriations, reported as committed, House Bill No. 472, entitled:

An Act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children.

Mr. MATTHEW J. WELSH, from the Committee on Appropriations, reported as committed, House Bill No. 300, entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon, through the Cornplanter Indian Reservation, in Elk Township, Warren County, Pennsylvania.

Mr. BENTZEL, from the Committee on Education, reported as committed, House Bill No. 1116, entitled:

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

Mr. LEONARD, from the Committee on Labor, reported as committed, House Bill No. 568, entitled:

An Act to further amend the act approved the first day of June, one thousand nine hundred and thirty-seven, P. L. 1168) entitled "An act to protect the right of employes to organize and bargain collectively; creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government, and courts; providing for the right of employes to organize and bargain collectively; declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes be the exclusive representative of all the employes; authorizing the board to conduct hearings and elections, and certify as to representative of employes for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice, and providing a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court; providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the board; prescribing certain penalties," redefining the powers and duties of the Pennsylvania Labor Relations Board; redefining "labor dispute" the rights of employers and certain unfair labor practices by employers and employes; further changing the provision for designation and selection of representatives for the purpose of labor bargaining; changing the practice and procedure before the board; further prescribing the qualifications for, and increasing the salaries of, members of the board; eliminating the provision making the rules and regulations of the board subject to the approval of the Secretary of Labor and Industry; and eliminating certain forfeiture of rights.

Mr. BONEY, from the Committee on Ways and Means, reported as committed, House Bill No. 820, entitled:

An Act to amend section one of the act, approved the second day of May, one thousand eight hundred and ninety-nine (P. L. 184), entitled "An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods, wares, and merchandise, and providing for the collection of said tax," as amended, exempting from the mercantile license tax so much of the business of manufacturers and mechanics as comprises the vending of goods of their manufacture from their factories and workshops.

Mr. SARRAF, from the Committee on Professional Licensure, reported as committed, House Bill No. 876, entitled:

An Act to further amend section forty-three of the act, approved the seventh day of June, one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cess-pools in cities of the second class; and imposing fines, penalties, and forfeitures for violation thereof," by permitting the use of enclosed woodwork about sinks in all except tenement-houses and lodging-houses.

Mr. KEENAN, from the Committee on Appropriations, reported as committed, House Bill No. 1100, entitled:

An Act to further amend section 713 and to amend sec-

tion 724 of the act approved the first day of May, one thousand nine hundred 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," increasing the fee for an operator's license and providing for the payment of the increase into the general fund.

Mr. KEENAN, from the Committee on Appropriations, reported as committed, House Bill No. 1099, entitled:

An Act to provide reimbursement for hospitals on account of expenses of the care, treatment and maintenance of indigent persons without ability or means to support themselves, injured in motor vehicle accidents; imposing powers and duties upon certain State Departments; and making an appropriation.

Mr. LONGO, from the Committee on Counties, reported as committed, House Bill No. 1195, entitled:

An Act to amend article three 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," by authorizing the formation of State and county associations of assessors or other assessing and taxing officers; providing for the organization, operation and meetings thereof; and imposing the duty of paying certain expenses connected therewith upon counties.

Mr. GILLAN, from the Committee on Education, reported as committed, House Bill No. 1461, entitled:

An Act to further amend subsection (a) of section one thousand two hundred five 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 same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the retirement of professional employes.

Mr. VAN ALLSBURG, from the Committee on Education, reported as committed, House Bill No. 1380, entitled:

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

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

Mr. McKINNEY, from the Committee on Judiciary General, reported as committed, House Bill No. 1611, entitled:

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 owner.

Mr. SOLLENBERGER, from the Committee on Education, reported as committed, House Bill No. 848, entitled:

An Act to further amend paragraph nineteen of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for the continuation of payments for closed schools to districts which by reason of any increase in population have been changed from a fourth class district to one of another class.

Mr. WATKINS, from the Committee on Education, reported as committed, House Bill No. 495, entitled:

An Act to amend article nineteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local or any parts thereof that are or may be inconsistent therewith," by providing for the establishment of free city colleges in school districts of the first class.

Mr. GOODWIN, from the Committee on Counties, reported as committed, House Bill No. 1283, entitled:

An Act authorizing and directing county commissioners to execute and deliver good and sufficient fee simple deeds transferring all their right, title and interest when lands purchased by them at county treasurer's tax sales are subsequently resold by such county commissioners.

Mr. MALLOY, from the Committee on State Government, reported as committed, House Bill No. 1508, (Senate Bill No. 645) entitled:

An Act to reenact and further amend the title and the act, approved the first day of June (one thousand nine hundred and thirty-three (P. L. 1409), entitled as amended, "An act creating the Highway Mining Commission with judicial powers, to have exclusive jurisdiction over the mining of coal within or under the right of ways of State highways; and the assessment and award of benefits, improvements, and damages for coal required to be left in place by reason of the obligation to furnish support

for State highway routes, whether payable by the Commonwealth or a county; authorizing counties to enter into agreements to indemnify or reimburse the Commonwealth for damages to highways caused by the removal of coal under or adjacent thereto," by extending said act, as amended, to all lands, easements and right of ways purchased, condemned, or otherwise acquired by the Commonwealth; waiving vertical and lateral support therefor under certain conditions; reserving the right to acquire absolute vertical and lateral support; reserving the power to establish detours for the removal of coal underlying State highways; renaming the Highway Mining Commission and making certain changes in its membership and procedure; providing for appeals to the courts of common pleas from orders assessing damages for coal required to be left in place; and further clarifying the provisions of the act.

Mr. HEATHERINGTON, from the Committee on Highways, reported as committed, House Bill No. 1605, (Senate Bill No. 32), entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Irwin in Westmoreland County, the western terminus of the turnpike heretofore constructed by said commission, to a point on the western boundary line of the Commonwealth of Pennsylvania touching on the State of Ohio; or the State of West Virginia, and conferring powers and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such turnpike bonds exempt from taxation; constituting such bonds legal investments in certain instances; requiring suits against the commission to be brought in Dauphin County; prescribing conditions upon which such turnpike shall become free; providing for grade separations, grade changes and relocation and restoration of public roads and State highways affected by the turnpike; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds.

Mr. COOK, from the Committee on Highways, reported as committed, House Bill No. 1551, (Senate Bill No. 551), entitled:

An Act to amend route 25008 of section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth."

Mr. COOK, from the Committee on Highways, reported as committed, House Bill No. 1552, (Senate Bill No. 552), entitled:

An Act to abolish and repeal route 25008 in Girard Township, Erie County, established by the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

Mr. O'NEILL, from the Committee on Appropriations, reported as amended, House Bill No. 267, entitled:

An act making an appropriation to aid certain school districts.

Mr. FINNERTY, from the Committee on Appropriations, reported as amended, House Bill No. 571, entitled:

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred forty-one, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred and forty-one and providing for certain allocations from such appropriation by the Department of Public Assistance and also by the Governor, the Auditor General, and the State Treasurer or the majority thereof.

Mr. LESKO, from the Committee on State Government, reported as amended, House Bill No. 1429, entitled:

An Act to amend section four of the act, approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April nineteen hundred and five, and providing penalties for violations of this act," providing for the appointment of local registrars of vital statistics by county commissioners and removing certain appointees from office, and declaring such offices vacant.

Mr. McINTOSH, from the Committee on Judiciary General, reported as amended, House Bill No. 1572, entitled:

An Act to amend the act, approved the second day of March, one thousand nine hundred thirty-three (P. L. 6), entitled "An act to enable persons, associations, partnerships and corporations engaged in farming, and raising, breeding, fattening and marketing livestock, to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock, farm machinery, farm equipment, and crops; and designating the operation and effect of the lien of such mortgages" as amended, by extending, enlarging, and removing the limitations upon the class of those who may become chattel mortgages, by making further provisions respecting the fees of recorders of deeds in connection with chattel mortgages, the extension of the lien and defaults of said mortgages and by defining violations and prescribing penalties.

Mr. READINGER, from the Committee on Appropriations, reported as amended, House Bill No. 573, 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 forty-one; 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 forty-one.

Mr. BONEY, from the Committee on Education, reported as amended, House Bill No. 1375, entitled:

An Act providing for the payment of moneys to school districts of the fourth class, the taxes of which have been reduced by the acquisition of certain lands and property by the Commonwealth.

Mr. CADWALADER, from the Committee on Counties, reported as amended, House Bill No. 957, entitled:

An Act to amend the act, approved the fourth day of June, one thousand nine hundred and thirty-seven (P. L. 1625), entitled "An act providing for the creation, maintenance and operation of a county employes retirement system in counties of the third class; and imposing certain charges on counties, extending and further regulating such retirement systems.

Mr. EARLY, from the Committee on Counties, reported as amended, House Bill No. 1604 (Senate Bill No. 352), entitled:

An Act providing for the creation, maintenance and operation of a county employes retirement system in counties of the fifth class; imposing certain charges on counties, and prescribing penalties.

Mr. THOMAS H. LEE, from the Committee on Professional Licensure, re-reported as amended, House Bill No. 678, entitled:

An Act to safeguard life, health and property; defining, regulating and licensing contractors and journeymen engaged in the business of painting, paperhanging and decorating; fixing the license fees; providing for the revocation of such licenses and appeals therefrom; creating the Painting and Paperhanging Licensing Board as a departmental administrative board in the Department of Labor and Industry, and conferring powers and imposing duties thereon; providing penalties and making an appropriation.

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

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

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

An Act to further amend the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (1933-34, P. L. 15), entitled, as last amended, "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the

premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," changing the provisions of said act with respect to natural wines, as herein defined.

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

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

Mr. BOIES, from the Committee on Ways and Means, re-reported, as committed, House Bill No. 231, entitled:

An Act to reenact and amend the title and the act, approved the sixteenth day of May, one thousand nine hundred thirty-five (P. L. 208), entitled, as amended, "An act to provide revenue for State purposes by imposing an excise tax, for a limited period of time, on the net incomes of certain corporations, joint stock associations, and limited partnerships; providing for the assessment, collection, settlement and resettlement of taxes, and reviews and appeal therefrom; conferring powers, and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State and county officers, boards, and departments; making an appropriation; and providing penalties," as previously reenacted and amended, by extending the provisions of the act for a further limited period of time.

Mr. BOIES, from the Committee on Ways and Means, re-reported as committed, House Bill No. 233, entitled:

An Act to further amend section one of the act, approved the thirteenth day of June, one thousand nine hundred seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens, and encumbrances; and of companies entitled to the benefits of, and of companies having any of the powers of, companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies,"

by continuing the increased rate of tax for a further limited period of time, and reducing the rate of tax after such limited period of time.

Mr. BOIES, from the Committee on Ways and Means, re-reported as amended, House Bill No. 663, entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June, one thousand nine hundred forty-one; evidenced by tax anticipation notes secured by and payable from current revenues, levied, assessed, collectible, and accruing during such two fiscal years; defining the powers and duties of the Governor, the Auditor General, and the State Treasurer in relation thereto; providing for the payment of interest on and the repayment of such loans; and making an appropriation.

Mr. MELCHIORRE, from the Committee on Appropriations, re-reported as amended, House Bill No. 1418, entitled:

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

Mr. STANK, from the Committee on Appropriations, re-reported as amended, House Bill No. 1419, entitled:

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

Mr. ELLWOOD B. WELSH, from the Committee on Education, reported as committed, House Bill No. 460, entitled:

An Act converting the State teachers' colleges and the Cheyney Training School for Teachers into advanced technical and trade schools to be known as "Pennsylvania State Trade School Defense Training Centers," to train men for defense work; providing for admissions to and regulation of such schools and alteration and equipment of buildings therefor; and conferring powers and imposing duties on certain State departments and agencies.

Mr. McFALL, from the Committee on Labor, reported as amended, House Bill No. 771, entitled:

An Act to amend subsection (d) of section two hundred eight of the act, approved the fifth day of December, one thousand nine hundred thirty-six (1937 P. L. 2897), 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," further regulating the fixing and the increasing of salaries of persons employed for the purpose of administering said act, in certain cases.

Mr. OWENS, from the Committee on Labor, re-reported as amended, 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 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 certain employes; 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.

Mr. SCANLON, from the Committee on Professional Licensure, reported as committed, House Bill No. 1096, entitled:

An Act to regulate the practice of general contracting in Pennsylvania; to establish a State Registration Board for Contractors, and to define its powers and duties; to provide the method of obtaining a certificate of registration to engage in the practice of general contracting, and to fix fees for such certificates; to dispose of the moneys raised; to provide the method of suspension and cancellation of such certificate of registration; and to prescribe the punishment for violation of the provisions of this act.

Mr. SCANLON, from the Committee on Education, reported as amended, House Bill No. 1191, entitled:

An Act to further amend clause one of section three of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by further extending the time for present employes, as defined in the act, to elect to be covered by the retirement system, and providing for payments by and to the funds in such cases.

COMMUNICATION FROM THE GOVERNOR

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

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 610

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 21, 1941.
To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 610, Printer's No. 503, for the purpose of amendment.

Accordingly the original bill is herewith returned.

ARTHUR H. JAMES

RECONSIDERATION OF VOTE

Mr. WEINGARTNER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. FISHER. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Lawrence, Mr. WEINGARTNER, vote on the final passage of this bill?

Mr. WEINGARTNER. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Huntingdon, Mr. Fisher, vote on the final passage of this bill?

Mr. FISHER. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. WEINGARTNER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. WEINGARTNER. 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 page 1, line 8 of the title, by inserting at the end of the line the following: "and limiting the amount of such appropriations."

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

On the question,

Will the House agree to the amendments.

They were agreed to.

On the question,

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

It was agreed to.

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

MESSAGE AND BILL TAKEN FROM TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 376, Printer's No. 563, together with the message from the Senate which was laid on the table on May 20, 1941, be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

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. 376, entitled:

An Act to amend section eight hundred sixty-five of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by providing the sale exposing for sale and offering for sale of certain lubricants in a manner to deceive the purchaser and the disguising and

camouflaging of equipment used for marketing liquid fuels lubricating oils and similar products

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate to House Bill No. 376, and that a Committee of Conference be appointed.

The motion was agreed to.

CONFERENCE COMMITTEE APPOINTED ON HOUSE BILL NO. 376

The SPEAKER. The Chair appoints as a Committee of Conference on House Bill No. 376, Messrs. McLANE, REUBEN E. COHEN and KNOBLE.

Ordered, That the Clerk inform the Senate accordingly.

MR. VAN ALLSBURG IN THE CHAIR.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1545, entitled:

An Act to amend section one of the act, approved the twenty-seventh day of May, one thousand nine hundred and thirty-seven (P. L. 901), entitled "An act for the protection of producers of farm produce; providing for the licensing, the bonding or holding collateral of and the regulation of certain dealers in farm produce, as herein defined, within this Commonwealth; conferring powers, and imposing duties on the Department of Agriculture; providing for appeals and injunctions; and prescribing penalties," by redefining the term dealer.

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. 1489, entitled:

An Act to amend section six, eleven, twelve, sixteen and twenty-one of the act, approved the twenty-first day of April, one thousand nine hundred and thirty-seven (P. L. 318), entitled "An act relating to the protection of agriculture and horticulture, including all field crops, vegetables, trees, shrubs, vines, florist and nursery stock and all other plants and parts, or products thereof, from plant pests; and revising, consolidating, and changing the law relating thereto; defining the powers and duties of the Department of Agriculture relating thereto; providing penalties; and repealing present laws," further regulating the business of dealing in, and the transportation and sale of nursery stock coming from without the Commonwealth.

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

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1350, entitled:

An Act validating certain deeds and conveyances made by trustees without setting forth their authority to convey

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. 1480, entitled:

An Act authorizing the Commonwealth, political subdivisions and certain institutions to purchase services from organizations for the blind without contracts or advertise-

ment; providing for the fixing of fair market prices for such services by a committee composed of heads of certain departments and representatives of institutions for the blind; imposing certain duties upon the Department of Property and Supplies, and the State Council for the Blind.

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. 1346, entitled:

An Act designating certain days of each year as Arbor Days and Bird Days; one of which days shall be the ninth day of April except when the ninth day of April falls on Saturday, Sunday or Good Friday; providing that the week of the ninth of April be proclaimed as Conservation Week; and directing suitable observance of Arbor Days and Bird Days in public schools under the direction of superintendents and teachers.

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. 1280, entitled:

An Act limiting the time within which suits or actions shall be brought for damages to surface property resulting from the mining of coal; and excepting from the operation thereof any suits or actions pending on its effective date.

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. 1636, entitled:

An Act authorizing the Secretary of Property and Supplies to give and transfer certain visual and radio aviation navigational aids to the Federal Government.

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. 1451, entitled:

An Act creating a commission to make a study and investigation of the various phases of aeronautics and aviation in the Commonwealth of Pennsylvania for the purpose of advising the General Assembly with respect to the expenditure of public funds in these fields; directing such commission to make a report and recommendations to the General Assembly; conferring certain powers upon such commission, including the power to issue subpoenas, retain employes and expend funds; and making an appropriation.

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. 1550, (Senate Bill No. 345), entitled:

An Act to amend subsection (a) of section sixteen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 415), entitled "An act relating to the qualifications, jurisdiction, powers and duties of registers of wills, and regulating proceedings before said registers, and the costs thereof, the effects of their acts, and appeals therefrom," decreasing the period

within which appeals may be taken from decrees of registers of wills probating or refusing to probate wills.

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. 1655, (Senate Bill No. 141), entitled:

An Act providing that a juvenile court adjudication against a juvenile shall not bar his appointment to a position with the Commonwealth or its political subdivisions.

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. 1548, (Senate Bill No. 223), entitled:

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

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. 910, entitled:

An Act providing State-aid for certain agricultural associations and counties holding annual agricultural exhibitions; regulating the payment thereof; and conferring powers and imposing duties on the Department of Agriculture.

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

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1385, (Senate Bill No. 507), entitled:

An Act to apportion the State into congressional districts.

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 Erie, Mr. VanAllsburg, for presiding.

BILLS ON SECOND 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. ACHTERMAN.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1526, entitled:

An Act to amend section two hundred seven of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising consolidating, and changing the law relating thereto," further prescribing method by which second class townships may be classified as first class townships; and providing for the costs and holding of special elections for that purpose.

The first section was read.

On the question,

Will the House agree to the section?

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

The amendments were read by the Clerk as follows:

Amend sec. 1, (sec. 207), page 2, line 1, by striking out the light face bracket before the word "the"

Amend sec. 1, (sec. 207), page 2, line 2, by striking out the words "j a special".

Amend sec. 1, (sec. 207), page 2, line 2, by inserting after the word "occurring" the following: "or at a special election held".

Amend sec. 1, (sec. 207), page 2, lines 8, 9, 10 and 11, by striking out the words "and after the filing" in line 8, all of lines 9 and 10, and the words "quarter session court" in line 11.

Amend sec. 1, (sec. 207), page 2, line 17, by inserting after the word "Commonwealth" the following: "A special election for such purpose shall be held on a day to be fixed by the court of quarter sessions of the county, upon petition signed by at least five per centum of the registered voters of the township."

Amend sec. 1, (sec. 207), page 2, lines 18 and 19, by striking out the words "petitioners as the court may direct" and inserting in lieu thereof the following: "township."

The amendments were agreed to.

The section was agreed to as amended.

The second section and title were separately read and agreed to.

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 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 herein creating a revolving fund in the State Treasury to be used for the purposes of the act 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. 1111, (Senate Bill No. 329), entitled:

An Act to amend clause (a) of section twenty 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," fixing the time of day that the open season shall begin for charr, commonly called brook trout and any species of trout except lake or salmon trout and prohibiting any fishing whatsoever in certain stocked streams for a prescribed period prior to the hour when such open season begins

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 bill having been called up from the postponed calendar, by Mr. O'NEILL.

The House resumed the consideration on second reading of House Bill No. 931, entitled:

An Act to further amend section six of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2603) entitled "An act relating to vocational education creating vocational school districts for the purpose of conducting systems of vocational schools departments or classes providing for their government prescribing their powers and duties conferring powers and imposing duties on school districts and on the State Board for Vocational Education and providing for referendum in certain cases" fixing the rate of the annual tax levy requiring county commissioners or boards for the assessment and revision of taxes to furnish at the expense of the county certified duplicate of last adjusted valuations of real estate making the same taxable for vocational school purposes and making further provision with reference to the bond of tax collectors

The first section was read.

On the question,

Will the House agree to the section?

Mr. O'NEILL. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1 (Sec. 6), page 2, line 20, by inserting after the word "all" the following "real"; Amend Sec. 1 (Sec. 6), page 4, lines 3 to 13, by striking out the following: "the county commissioners or board for the as-" in line 3, and all of lines 4 to 13, both inclusive, and inserting in lieu thereof: "the said board is hereby authorized to enter into suitable arrangements either with the county commissioners or with the various school districts or tax collectors of the municipal subdivisions involved whereby the taxes due to the vocational school district shall be computed and entered, for collection purposes, in separate columns either in the county or school tax duplicates. The various tax collectors shall make separate accounting and returns covering the taxes due to the vocational school districts."

The amendments were agreed to.

The section was agreed to as amended.

The second section was read and agreed to.

The title was read.

On the question,

Will the House agree to the title?

Mr. O'NEILL. Mr. Speaker, I desire to offer the following amendments.

Amend title, page 1, lines 11 to 16 of title, by striking out the following: "requiring" in line 11, all of lines 12 to 15, both inclusive, and the words "vocational school purposes" in line 16, and inserting in lieu thereof: "on real estate; and authorizing the computation and entry, for collection purposes, in tax duplicates of the county or school districts, of the taxes due to vocational school districts and the separate accounting and return thereof."

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.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 666, as follows:

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

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

Section 1 Section one of the act approved the twenty-sixth day of August one thousand nine hundred thirty-two (P. L. 101) entitled "An act authorizing collectors of delinquent taxes except in cities of the first class to accept payments of delinquent taxes or water-rents or rates in installments" as amended by the act approved the twenty-fourth day of April one thousand nine hundred thirty-three (P. L. 58) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representative of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the collector of taxes collector of delinquent taxes constable or delinquent tax collector or other official authorized to collect delinquent taxes under the provisions of existing general or special legislation during the period in which he is authorized to collect the delinquent taxes of any county [except a county of the second class] city except a city of the first class and of any borough incorporated district township poor district or school district shall have the power at the request of any taxpayer to accept payment in installments of delinquent taxes or water-rents or rates both before and after the filing of liens therefor but he shall not be obliged to accept any installment of less than ten per centum (10%) of the face amount of the tax water-rent or rate when it became delinquent The acceptance of any installment or installments by any delinquent tax collector shall not prejudice the city county borough incorporated district township poor district or school district in the collection of any balance due or in any way impair the validity of any lien filed for such delinquent taxes water-rents or rates or any balance due thereon according to the provisions of any act of assembly applicable thereto nor shall any penalty be abated or diminished because of the acceptance of any such installment or installments but interest on the amount of any installment shall cease after the month in which such installment is paid

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

On the question,

Shall the bill pass finally?

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

YEAS—201

Achterman.	Foor,	Lyons,	Royer,
Allmond,	French,	Malloy,	Rush,
Auker,	Gallagher,	Marks,	Sarge,
Baker,	Gates,	Maxwell,	Sarraf,
Balthaser,	Gerard,	McClanaghan,	Scanlon,
Baugher,	Gillan,	McClester,	Schwab,
Bentley,	Gillette,	McDermott,	Serrill,
Bentzel,	Goodwin,	McDowell,	Shaffer,
Boles,	Greenwood,	McFall,	Shaw,
Boney,	Gross,	McGrath,	Shepard,
Bower,	Gryskewicz,	McIntosh,	Skale,
Braley,	Cyger,	McKinney,	Snyder,
Bretherick,	Habbyshaw,	McLanahan,	Sollenberger,
Brown,	Haberlen,	McLane,	Sorg,
Brunner, C. H.,	Haines,	McMillen,	Stambaugh,
Brunner, P. A.,	Hamilton,	McSurdy,	Stank,
Burns,	Hare,	Melchiorre,	Stine,
Burris,	Harkins,	Mhm,	Stockham,
Cadwalader,	Harmuth,	Modell,	Tarr,
Chervenak,	Harris,	Monks,	Tate,
Chudoff,	Heatherington,	Mooney,	Taylor,
Cochran,	Helm,	Moran,	Thompson, E. F.,
Cohen, M. M.,	Hering,	Moul,	Thompson, R. L.,
Cohen, R. E.,	Herman,	Muir,	Trout,
Cook,	Hersch,	Munley,	VanAllsburg,
Cooper,	Hewitt,	Nunemacher,	Verona,
Cordier,	Hirsch,	O'Brien,	Vincent,
Corrigan,	Holland,	O'Darr,	Vogt,
Croop,	Huntley,	O'Mullen,	Voldow,
Cullen,	Imbrie,	O'Neill,	Voorhees,
Dairympie,	James,	Owens,	Wagner,
Dennison,	Jefferson,	Petrosky,	Watkins,
DiGenova,	Jones, G. E.,	Pettit,	Welingartner,
Dix,	Jones, P. N.,	Polaski,	Weiss,
Dolan,	Keenan,	Polen,	Welsh, E. E.,
D'Ortona,	Kenehan,	Powers,	Welsh, M. J.,
Duffy,	Kilne,	Prosen,	Wilkinson,
Early,	Knoble,	Rank,	Williams,
Eckels,	Kolankiewicz,	Rausch,	Winner,
Elder,	Komorofski,	Readinger,	Wolf,
Elliott,	Krise,	Reagan,	Wood, L. H.,
Ely,	Lee, E. A.,	Reese, D. P.,	Wood, N.,
Falkenstein,	Lee, T. H.,	Reese, R. E.,	Woodring,
Finestone,	Leisey,	Regan,	Woodside,
Finnerty,	Leonard,	Reynolds,	Wright,
Fisher,	Lesko,	Rhea,	Yeakel,
Fiss,	Levy,	Riley,	Yester,
Fleming,	Leydic,	Rooney,	Young,
Fletcher,	Lichtenwalter,	Rose, S.,	Kilroy,
Flynn	Longo,	Rose, W. E.,	Speaker
	Lovett,	Rosenfeld,	

NAYS—0

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

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

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 616, as follows:

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

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

Section 1 Section seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to Consolidate Revise and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings" is hereby amended to read as follows

Section 7 In all cases the party accused on oath or affirmation of any crime or misdemeanor against the laws

shall be admitted to bail by one or more sufficient sureties to be taken before any judge justice mayor recorder or alderman where the offense charged has been committed except such persons as are precluded from being bailed by the constitution of this Commonwealth Provided also That persons accused as aforesaid of murder or manslaughter shall only be admitted to bail by the supreme court or one of the judges thereof or a president or associate law judge of a court of common pleas And provided further however That persons accused of involuntary manslaughter involving the use of an automobile trolley or train may be admitted to bail by a magistrate committing magistrate justice of the peace or alderman the amount thereof to be fixed by the magistrate committing magistrate justice of the peace or alderman or the coroner Persons accused as aforesaid of arson rape mayhem sodomy buggery robbery or burglary shall only be ballable by the supreme court the court of common pleas or any of the judges thereof or a mayor or recorder of a city

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—197

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

NAYS—0

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

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

RESOLUTION

RECALLING HOUSE BILL NO. 1021 FROM THE GOVERNOR

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

In the House of Representatives, May 21, 1941.

Resolved (if the Senate concur), that House Bill No. 1021, Printer's No. 528, entitled "An act to add section six hundred seventeen and one-tenth to the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith authorizing school districts under certain conditions to appropriate money to non-profit corporations established for the purpose of constructing school buildings for the use of the district,' be recalled from the Governor for the purpose of amendment.

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. 567, as follows:

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

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

Section 1 The title of and the entire act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine [P. L. 748] entitled "An act for the registration and regulation of certain individuals and entities selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them or in the business of buying securities directly from individuals who are not registered thereunder providing for the revocation and suspension of registrations conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and prescribing fees and penalties" are hereby reenacted and amended to read as follows

An Act relating to and regulating the purchase and sale of securities providing for the registration and regulation of certain individuals and entities selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them in the business of buying securities directly from individuals who are not registered hereunder 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 providing for the revocation and suspension of registrations conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and to appoint receivers and prescribing fees and penalties

Section 1 This act shall be known and may be cited as "The Pennsylvania Securities Act"

Section 2 The following terms shall unless the context otherwise indicates have the following respective meanings

(a) The term "security" means any bond stock collateral trust certificate transferable share investment contract certificate under a voting trust agreement treasury stock note debenture certificate in or under a profit sharing or participation agreement subscription or preorganization certificate fractional undivided interest in oil gas or other mineral rights evidence of indebtedness certificate of deposit for a security certificate or instrument representing or secured by an interest in the capital assets or property of any company other instrument commonly known as a security or certificate of interest or participation in temporary or interim certificate for receipt for guarantee of or warrant or right to subscribe to or purchase any of the foregoing

(b) The terms "sale" and "sell" include every contract of sale or disposition of attempt or offer to dispose of or solicitation of an offer to buy a security or interest in a security for value except that [and] such terms do not [shall] include preliminary negotiations or agreements between an issuer and any underwriter Any security given or delivered with or as a bonus on account of any purchase of securities or any other thing shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value The use of any newspaper or magazine advertisement in connection with the sale of securities to the purchasers specified in section two subsection (f) subdivision (5) hereof shall not be deemed a "sale" when such newspaper or magazine advertisement bears a legible legend in substance as follows "This offer is confined in Pennsylvania exclusively to national banks

and to banks savings institutions insurance companies and trust companies created under the laws of Pennsylvania and to persons registered under the provisions of the Pennsylvania Securities Act.

(c) The term "person" means an individual or a company

(d) The term "commission" means the Pennsylvania Securities Commission

(e) The term "company" means a corporation joint stock company partnership association company syndicate trust or unincorporated organization As used herein the term "trust" shall be deemed to include a common law trust but shall not include a trust created or appointed under or by virtue of a last will and testament or by a court of law or equity

(f) The term "dealer" means any person other than a salesman who engages in this State either for all or part of his time directly or through an agent who is not registered hereunder as a dealer in selling securities issued by another person The term "dealer" also includes any person other than a salesman who engages in this State either for all or part of his time directly or through an officer director employe or agent (such officer director employe or agent not being registered hereunder as a dealer) in selling securities issued by such person

The term "dealer" also includes any person other than a salesman who engages in this State in the business of inducing holders of securities to effect the sale thereof through a person registered hereunder or otherwise directly or indirectly in order to produce funds to pay for other investments sold by such person or in the business of buying securities directly from individuals who are not registered hereunder

None of the following transactions shall constitute the person engaging therein a "dealer" within the meaning of this act that is to say

(1) Sales of securities or of certificates of deposit for securities issued or guaranteed 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

(2) Judicial executors' administrators' guardians' committees and conservators' sales and sales by receivers or trustees in insolvency or bankruptcy

(3) Isolated transactions in which securities are sold by the owner thereof or by his agent for the owners' account such sales not being made in the course of repeated and successive transactions of a like character by such owner or on his account by such agent and such owner or agent not being the underwriter of such securities

(4) Sales by or for the account of pledge-holders or mortgagees selling in the ordinary course of business to liquidate bona fide debts securities pledged in good faith as security for such debts

(5) Sales to insurance companies authorized by the Insurance Commissioner to carry on an insurance business within this State banks or to persons registered hereunder

(6) Sales of commercial paper

(7) Sales of securities secured by mortgage deed of trust or other lien upon real or personal property where the entire mortgage deed of trust or other lien is transferred with the entire security thereby secured

(8) Sales wherein the issuer a company organized under the laws of this State or a company organized under other laws which has at least one-half of its paid-in capital invested employed or used in this State disposes of its own securities in good faith and not for the purpose of avoiding the provisions of this act for the sole account of the issuer without any commission or fee and at a total expense of not more than three per centum of the proceeds realized thereon and where no part of the issue is used directly or indirectly in payment for patents serv-

ices good will or for property located outside of this State

(9) Sales wherein the securities are the securities of any corporation organized under the laws of this State whose authorized capital stock added to its other outstanding securities does not exceed twenty-five thousand dollars (\$25,000) shares of stock without nominal or par value being considered for the purpose of this act to be one hundred dollars (\$100) each and such securities are issued and disposed of for the sole account of the issuer in good faith and not for the purpose of avoiding the provisions of this act

(10) The original issuance and sale by any corporation organized under the laws of this State of its securities in good faith and not for the purpose of avoiding the provisions of this act for the sole account of the issuer so long as the number of stockholders of said corporation does not exceed twenty-five (25) and the securities are issued and disposed of without the use of advertisements circulars agents salesmen solicitors or any form of public solicitation

(11) The distribution by a corporation of securities issued by it to its security holders as stock dividend or other distribution out of earnings or surplus

(12) The issue of securities to the security holders or creditors of a corporation in the process of a bona fide reorganization recapitalization or refinancing of such corporation made in good faith [either] in exchange for the securities of such security holders or claims of such creditors [or partly for cash and partly in exchange for the securities or claims of such security holders or creditors]

(13) The issue of increased capital stock of a corporation sold or distributed by it entirely among its own stockholders

(14) The transfer or exchange [by or on account of one corporation to another corporation of their own securities in connection with a proposed consolidation or merger of such corporations] by the security holders of the securities of one or more corporations who are parties to a merger or consolidation for the securities of the resulting or continuing corporation

(15) The issuance and sale of its own stock by a building and loan association organized under the laws of this State

(16) The issuance and sale of its own securities by a corporation not organized and not engaged in business for profit

(17) The sale to 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

Provided however That the Exemptions granted by subdivisions (8) (9) and (10) of this subsection (f) shall not be effective to exempt any person as a "dealer until (5) days after such person shall have filed in the office of the commission or mailed to the commission at Harrisburg Pennsylvania by prepaid registered mail a statement in such form as the commission may prescribe of the facts relied on by such person to bring the proposed transaction within the term of one or more of said subdivisions (8) (9) or (10) and shall not be effective if the commission shall have notified such person that exemption has been denied

(g) The term "salesman" means any individual employed appointed or authorized by a dealer to sell securities in this State and the term includes any individual employed appointed or authorized by a dealer to engage in this State in the business of inducing holders of securities to effect the sale thereof through a person registered hereunder or otherwise directly or indirectly in order to produce funds to pay for other investments sold by such individual for a dealer or in the business of buying securities directly from individuals who are not registered hereunder

(h) The term "secretary" means the secretary of the Pennsylvania Securities Commission

(i) The terms "fraud" 'fraudulent' and 'fraudulent practice' include any misrepresentation in any manner of a relevant fact not made honestly and in good faith any promise representation or prediction as to the future not made honestly and in good faith an intentional failure to disclose a material fact any fictitious or pretended purchase or sale of securities the gaining directly or indirectly through the sale of any security of any underwriting or promotion fee or profit selling or managing commission or profit so gross and exorbitant as to be unconscionable and fraudulent [and] any scheme device or other artifice to obtain such a profit fee or commission or to defraud any customer client subscriber or prospective customer client or subscriber of his securities money or property and any act practice transaction or course of business which is fraudulent or which has operated or would operate as a fraud upon a customer client or subscriber or prospective customer client or subscriber Provided however That nothing herein shall limit or diminish the full meaning of the terms "fraud" and "fraudulent" as applied or accepted in courts of law or equity

(j) The term "prospectus" means any circular advertisement pamphlet prospectus program circular-letter circular-telegram or other matter in the nature thereof which offers any security for sale

(k) The term "analysis" means any report letter telegram pamphlet writing or other matter in the nature thereof wherein advice as to the value of securities or as to the advisability of investing in purchasing or selling securities is given or wherein securities are analyzed but does not include documents which are delivered by a registered person to five or less clients

(l) The term "bank" means a bank a bank and trust company a savings bank a trust company or a private bank as defined in the Banking Code or banking institution or trust company organized under the laws of the United States or a receiver conservator or other liquidating agent of any of the foregoing

(m) The term "investment adviser" means any person who for compensation engages in the business of advising others either directly or through publication or writing as to the value of securities or as to the advisability of investing in purchasing or selling securities or who for compensation 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 but does not include (1) a bank (2) any person giving investment advice in this Commonwealth in isolated instances only provided such person does not represent himself as being in the business of an investment adviser in this Commonwealth (3) any registered dealer or registered salesman (4) any publisher of the bona fide newspaper news magazine or financial publications of general and regular circulation (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 adviser (8) such other persons not within the intent of this subsection as the commission may designate by orders rules or regulations

(n) The term "investment advisory contract" means any contract or agreement whereby a person agrees to act as investment adviser or to manage any investment or trading account for a person other than a dealer investment company insurance company a bank or fiduciary 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 services 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 service (3) the basis or bases upon which such investment adviser or dealer is compensated for 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

Section 3 (a) Unless registered hereunder no dealer shall sell any security in this State or engage in the business of inducing holders of securities to effect the sale thereof directly or indirectly in order to produce funds to pay for other investments sold by such dealer or in the business of buying securities directly from individuals who are not registered hereunder (b) Unless registered hereunder as a salesman of such dealer no salesman shall on behalf of any dealer sell any security in this State or engage in the business of inducing holders of securities to effect the sale thereof through a person registered hereunder or otherwise directly or indirectly in order to produce funds to pay for other investments sold by such salesman for the dealer for whom he acts as a salesman or in the business of buying securities directly from individuals who are not registered hereunder (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 (e) The list of dealers salesmen investment advisers and solicitors registered hereunder shall at all times be open to the public

Section 4 A dealer or investment adviser to be registered must submit sworn application therefor to the commission in such form as the commission may determine which shall state the principal place of business of the applicant wherever situated the location of his principal place of business and all his branch offices in this State if any his name or style of doing business and address the names residences and business addresses of all persons interested in the business as principals Partners officers

directors or managing agents specifying as to each his capacity and title the general plan and character of his business the length of time during which he has been engaged in such business [such application shall also contain a financial statement] and such additional information as to the applicant's previous history record and associations as may be required by the commission Such application shall be accompanied by information and evidence satisfactory to the commission as to the financial responsibility of the applicant Each application shall be accompanied by certificates or other evidences satisfactory to the commission establishing the good repute in business of the applicant his directors officers partners and principals

If the applicant is a corporation organized under the laws of any other state or territory or government and shall not have qualified to do business as a foreign corporation in this State it shall accompany the application with a copy of its articles of incorporation certified by the proper officers of such state territory or government and of its regulations and by-laws if a limited partnership a copy of its articles of partnership and if an unincorporated association organized under the laws of any other state territory or government or having its principal place of business therein a copy of its articles of association trust agreement deed of settlement or equivalent documents

Section 5 Every company organized under the laws of any other state [or] and having no office in this state at which process may be served on it and every nonresident individual applying for registration hereunder as a dealer [or] salesman investment adviser or shall file with his application an irrevocable written consent under seal that actions against him arising out of doing the business in this State for which he is registered hereunder or from violations of this act may be commenced (a) in civil cases in the proper court of the county in this State where his principal office is located at the time of service or if he has no office at that time in this State in the proper court of any county of this State in which the cause of action may arise or in which the plaintiff may reside [(b) in criminal cases in the proper court of any county of this State in which the cause of action may arise and (c) (b) in actions by the commission for injunctions against violations by him of the provisions of this act in the Court of Common Pleas of Dauphin County in each case by a service of process upon the commission as his agent Such consent shall stipulate and agree that such service of process and similar service of pleadings and notices in such actions shall be taken and held in all courts to be as valid and binding as if due service had been made upon the person himself according to the laws of this or any other state Such consent shall be authenticated by the signature of all the members of such partnership or if it is a corporation or association shall be authenticated by the signature of the president and secretary thereof and accompanied by a duly certified copy of the resolutions of the board of directors trustees or managers of the corporation or association authorizing the said secretary and president to execute the same In case any process pleadings or notices mentioned in this act are served upon the commission it shall be by duplicate copies one of which shall be filed in the office of the commission and the other immediately forwarded by the commission by registered mail to the dealer [or] salesman investment adviser or against whom said process pleadings or notice are directed

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 certificate stating the principal place of business and address of the dealer or investment adviser the names residences and business addresses of all persons interested in the business as principals partners officers directors or managing agents and the fact that the dealer or investment adviser has been registered for the current calendar year as a dealer in securities or investment adviser as the case may be Pending final disposition of an application the commission may for special cause shown grant temporary permission revocable at any time and subject to such terms and conditions as the commission may prescribe to transact business as a dealer or investment adviser hereunder At least ten days before putting into effect a change in the general plan and character of business contained in his application for registration every registered dealer and every registered investment adviser shall notify the commission of such proposed change If the commission is not satisfied that the change is fair just and equitable the commission may within such ten days give notice of that fact to such dealer or investment adviser Thereafter until he shall have been notified to the contrary by the commission such dealer or investment adviser shall not put into effect any such change Upon request from such dealer or investment adviser filed within ten days after the receipt of such notice the commission shall fix a time and place for hearing of which ten days' notice shall be given to such dealer or investment adviser to offer evidence relating to such change If satisfied as aforesaid as a result of said hearing the commission shall thereupon notify such dealer or investment adviser of that fact

Section 7 The certificates of registered dealers and investment advisers shall be in such form as the commission may determine Changes in the certificates necessitated by changes in the personnel of a partnership or in the principals officers directors or managing agents of any dealer or investment adviser may be made at any time upon written application setting forth the fact necessitating the change Upon the issue of the amended certificates the original certificate and the certified copies thereof outstanding shall be promptly surrendered to the commission

Section 8 Upon written application by a registered dealer or investment adviser and upon satisfactory evidence as to good repute fitness and qualification the commission shall register as salesmen of such dealer or as solicitors of such investment adviser such individuals (not already registered hereunder) as the dealer or investment adviser may request The application shall be in such form as the commission may prescribe and shall state the residences and addresses of the individual whose registration is requested together with such information as to such salesman's or solicitor's previous history record and association as may be required by the commission Such application shall also be signed and sworn to by the salesman or the solicitor for whom registration is requested The commission shall issue to each individual so registered a registration certificate stating his name and residence the address of the dealer or investment adviser and the fact that he is registered for the current calendar year as a salesman of the dealer or solicitor of the investment adviser The certificate shall be in such form as the commission shall determine Upon application either (a) by the salesman or the solicitor if the commission finds that such dealer or investment adviser arbitrarily refuses to apply after a hearing which shall be held at the request of any salesman or solicitor and notice of the time and place of which shall have been sent to the dealer and salesman or investment adviser and solicitor at least seven days prior thereto or (b) by the dealer

or investment adviser the registration of any salesman or solicitor shall be cancelled

Whenever a salesman or solicitor leaves the employ of the dealer or investment adviser on whose application the salesman or solicitor was registered hereunder such dealer or such investment adviser shall at once notify the commission of that fact and such salesman or solicitor shall at once surrender his registration certificate to the commission

Section 9 If the commission declines to register an applicant for registration or to renew an applicant's registration as a dealer [or] salesman investment adviser or representative hereunder the commission shall immediately give notice of the fact to the applicant and upon request from such applicant filed within ten days after the receipt of such notice shall fix a time and place for hearing of which ten days' notice shall be given to such applicant and to other persons interested or protesting to offer evidence relating to his application If satisfied as aforesaid as a result of said hearing the commission shall thereupon register the applicant

Section 10 All registrations shall expire at the close of the calendar year but new registrations for the succeeding year shall be issued upon written application and upon payment of the fee as hereinafter provided without filing of further statements or furnishing any further information unless specifically requested by the commission except that applications for renewals of registrations as dealers and investment advisers shall be accompanied by or the applicant shall file with the commission at such further time as the commission may authorize in any case information and evidence satisfactory to the commission as to applicant's financial responsibility and as to customers' or clients' securities in applicants' possession Applications for renewals must be made not less than thirty nor more than sixty days before the first day of January of the ensuing year All applications for renewals received otherwise shall be treated as original applications Provided That if an applicant is registered after December first of any year he may immediately apply for a renewal of his registration for the ensuing year

Section 11 Any registered dealer may and any individual named in the registration certificate as above provided as a dealers salesman may in behalf of such deal sell any securities in this State Any registered person may engage in the business of investment adviser in this State but a registered salesman or solicitor may so act only on behalf of the person for whom he is registered [But such] A dealer investment adviser solicitor or salesman shall at all times when acting on the business for which he is registered hereunder when carry with him a registration certificate or a copy thereof certified by the commission which shall at any time be shown to a prospective customer or client upon such customer's or client's request

No dealer or salesman shall use the fact of his registry by public display or advertisement except as herein expressly provided or the registry certificate or any certified copy thereof in connection with any sale or effort to sell any security except to a prospective customer upon such customer's request

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

Section 12 Immediately upon receipt of a dealer's or investment adviser's registry certificate issued pursuant to the authority of this act the dealer or investment adviser named therein shall cause such certificate to be posted and at all times conspicuously displayed in such dealer's or investment adviser's principal place of business in this State and shall likewise forthwith cause a duplicate of such certificate to be posted and at all times conspicuously displayed in each branch office located in this State

Section 13 (a) No dealer or salesman shall issue or

publish in this State any analysis or prospectus until such dealer shall have been registered or temporary permission shall have been obtained as in this act provided. The inclusion on the face of or within a prospectus or in a newspaper or magazine advertisement issued or published by or on behalf of a dealer who has been registered or by whom temporary permission has been obtained as in this act provided of the names of dealers not so registered shall not constitute a violation of this act. Any advertising matter may by an appropriate readily legible legend printed thereon limit the offering thereby made to any particular character of sales or class of transactions in which event such advertising matter shall not be deemed to be for any other or additional purpose. No dealer or salesman shall issue or publish in this State any prospectus or analysis unless a copy thereof in which or on a list attached to which the dealer's name appears as a proposed vendor shall have been filed in the office of the commission or mailed to the commission at Harrisburg Pennsylvania by prepaid registered mail. No dealer or salesman shall issue or publish within this State any prospectus or analysis after notice in writing given to him by the commission that in the commission's opinion the same contains any statement that is fraudulent false misleading or otherwise likely to deceive a reader thereof. After three years from the receipt thereof by the commission it may in its discretion destroy any and all documents filed with it or mailed to it under the provisions of this subsection.

(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. No 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 of 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 expense (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 rights with every other share.

(c) No dealer or salesman shall sell any security in this State until there shall have been filed with the commission a notice of intention to sell the security in question. Provided That the provisions of this subsection (c) and of subsections (d) (e) (f) and (g) of this Section 13 shall not apply to (a) any security which prior to or within sixty days after the enactment of this act has been sold or disposed of by the issuer or bona fide offered to the public (b) the sale of any security the disposition of which does not constitute a person a dealer within the

meaning of Section 2 subsection (f) of this act (c) any security registered with the Securities and Exchange Commission under the provisions of the Securities Act of 1933 (d) any security exempted from any provisions of the Securities Act of 1933 by any subsection of Section 3 (a) thereof or any future similar section other than subsection 11 of said Section 3 (a) (e) the sale of any security the disposition of which is a transaction exempted from any provisions of the Securities Act of 1933 by Section 4 of said act or any future similar section (f) any security issued by a person registered under the provisions of the act approved the fifth day of May one thousand nine hundred twenty-one (P. L. 374) as amended. Upon the filing of said notice such security may be sold by any dealer or salesman registered hereunder except during such period or periods as such sale may be forbidden under or pursuant to other provisions of this act. Within seven days after the filing of said notice or such further time as the commission may authorize in any case there shall be filed with the commission a statement in such form as the commission may prescribe containing the following information relative to the security and the person issuing the same:

(1) The name and address of the person and in the case of an organization the names and addresses of the partners trustees directors or other board of management president treasurer secretary auditor or corresponding officers thereof.

(2) The state or other government if the person be an organization under the laws whereof such person was organized and a reference to such laws.

(3) The general nature of the business transacted within the past five years or to be transacted by such person with if the person be an organization a statement of the purpose for which it was organized or formed.

(4) The amount of capital devoted and proposed to be devoted to the business in question with the number of and a classification of the securities issued and to be issued the amount of the secured debt and the unsecured debt with a brief description of the date of issuance maturities and character of such debt and the security if any therefor and the authorized amount of capital stock certificates of beneficial interest or other securities of like character with the number and classes of shares into which the same is divided and a brief description of the respective voting rights preferences right to dividends or profits and rights to capital with respect to each class.

(5) The purposes to which the proceeds of the security proposed to be sold are to be applied.

(d) The commission may accept in lieu of such statement or of any part thereof a reference to recognized sources of information selected by the commission and containing such information as it deems to be an adequate substitute therefor.

(e) The notice of intention above prescribed may be filed by a dealer who proposes to sell the security or by the person issuing the security. The statement shall be filed by or on behalf of the person proposing to sell as principal or the person issuing the security and shall be dated and verified by the oath of such person if an individual or if an organization by the oath of a majority of the partners trustees directors or other members of a managing board thereof or its duly authorized officers or representatives.

(f) The commission shall make such investigation of any security of which notice of intention to sell shall have been filed with it as it may deem advisable to enable it to determine whether the sale of such security would be fraudulent or would result in fraud. At any time after the filing of the notice of intention and pending such determination the commission may make an order forbidding the sale of such security which order shall remain in force until revoked by the commission. Such security shall not be sold while such order remains in effect.

(g) The failure to submit the statement required by subsection (c) when due shall in the absence of satisfactory explanation be deemed prima facie evidence of fraud. Whenever the commission is of the opinion from informa-

tion disclosed or in its possession that the sale of any security is fraudulent or would result in fraud it shall fix a time and place for hearing of which notice shall be given to the issuer and the person who has filed with the commission a notice of intention to sell the security in question at which time and place testimony and evidence may be presented by all parties having an interest in the subject matter. If satisfied as a result of said hearing that the sale of said security is fraudulent or would result in a fraud it shall make a finding to that effect. Thereafter such security shall not be sold until and except in accordance with further action by the commission or by the court as provided in this act.

Section 14 (a) The commission may at any time require a dealer to file with it a list of securities which such dealer has sold in this State within the preceding six months or which he is at the time selling or any portion thereof and thereupon if it shall appear that any of such offering of the dealer either (1) have not been made honestly or (2) have not been made in good faith (3) have not been made with intent to deceive or defraud or (4) have been made without the dealer's having a reasonable amount of information concerning the issuer thereof the commission may in addition to its other powers prohibit the dealer from selling such securities in this State.

(b) The commission may at any time require an investment adviser or dealer to submit to the Commission copies of all analyses 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.

Section 15 If the commission at any time has reason to believe that any registered dealer or investment adviser has become of bad repute that his plan of business has become unfair unjust or inequitable or is being conducted in an unfair unjust or inequitable manner that he has become of insufficient financial responsibility to deal with the public that he has in any way violated or is violating or is about to violate any of the provisions of this act or has been guilty of any fraud or fraudulent practice then the commission may after hearing and having reasonable cause to believe that the dealer has been guilty of such offense so believe refuse to renew or revoke said dealer's or investment adviser's registration. Notice of the time and place of any such hearing shall be sent to such dealer or investment adviser. If the commission believes that the public interest may be endangered by such dealer or investment adviser continuing in business pending or during such hearing the commission may also suspend such dealer's or investment adviser's registration pending [such hearing] the commission's final order. In [either] the event of refusal to renew revocation or suspension of a dealer's or investment adviser's registration the dealer or investment adviser shall not be regarded as registered under the provisions hereof until restored to registration by the commission either on its own initiative or upon order of the court as in this act hereinafter provided. In case of revocation or suspension of a dealer's or investment adviser's registration all his registration certificates shall at once be surrendered to the commission upon its request. The revocation or suspension of the dealer's or investment adviser's registration shall constitute a revocation or suspension of the registration of all salesmen of the dealer or all of the investment adviser and notice of its operation on such salesmen's or solicitor's registration shall be forthwith sent by the commission to each of such salesmen

or Until the entry of a final order by the commission the suspension thereof though binding upon the persons notified thereof shall be deemed confidential and shall not be published unless it shall appear that the order of suspension has been violated after notice.

Section 16 If the commission at any time has reason to believe that any salesman of any dealer or of any investment adviser has in any way violated or is violating or is about to violate any of the provisions of this act or has been guilty of any fraud or fraudulent practice then the commission may after hearing and having reasonable cause to believe that the salesman or has been guilty of such offense refuse to renew or revoke such salesman's or registration. Notice of the time and place of such hearing shall be sent to such dealer or investment adviser and to such salesman or solicitor. If the commission believes that the public interest may be endangered by such salesman or continuing in business pending or during such hearing the commission may also suspend such salesman's or registration pending the commission's final order in the event of the refusal to renew revocation or suspension of a salesman's or solicitor's registration the salesman or shall not be regarded as registered under the provisions hereof until restored to registration by the commission either on its own initiative or upon order of the court as in this act hereinafter provided. In case of the refusal to renew revocation or suspension of a salesman's or registration as a result of proceedings under this section or in case of the refusal to renew revocation or suspension of a salesman's or representative's registration as a result of proceedings against a dealer or investment adviser under section fifteen hereof any such event the registration certificate of such salesman or shall at once be surrendered to the commission upon its request. Until the entry of a final order by the commission the suspension thereof though binding upon the persons notified thereof shall be deemed confidential and shall not be published unless it shall appear that the order of suspension has been violated after notice.

Section 17 Any notice required by this act shall be sufficient if sent by registered mail addressed to the dealer [or] salesman investment adviser or as the case may be at the address designated in the application for registration. All testimony taken at any hearing before the commission shall be reported stenographically and a full and complete record shall be kept of all proceedings before the commission on any hearing or investigation.

All decisions of the commission including decisions of the commission not to register a dealer [or] salesman investment adviser or and decisions to prohibit the issuance or publication of particular prospectuses or analyses or to prohibit the sale of particular securities shall be in writing signed by the secretary of the commission under its seal and shall fully state the grounds therefor.

Section 18 Any person aggrieved by any decisions of the commission may file within thirty days thereafter in the Court of Common Pleas of Dauphin County a petition against the commission officially as defendant alleging therein in brief detail the action and decision complained of and praying for a reversal thereof. Every such petition shall specify the petitioner's objection to the action and decision of the commission and no objection not so specified and no grounds for such decision not stated therein shall be considered by the court. Upon service of a summons upon the commission returnable within ten days from its date the commission shall on or before the return day file an answer in which it shall allege by way of defense the grounds for its decision. It shall also on or before the return day of such summons certify to the Court of Common Pleas of Dauphin County the record of the proceedings to which the petition refers. Such record shall include the testimony taken therein the findings of fact of the commission based upon such testimony exceptions of any a copy of all orders made by the commission in the proceedings and a copy of the action or decision of the commission which the petition calls upon the court to reverse. The cost of preparing and certifying such record shall be paid to the commission.

by the petitioner and taxed as part of the costs in the case to be paid as directed by the court upon the final determination of the case

Upon the filing of the commission's answer the case before the Court of Common Pleas of Dauphin County shall be at issue without further pleadings and upon application of either party the case shall be advanced and heard without further delay Mere technical irregularities in the procedure of the commissioned shall be disregarded

The case shall be heard upon the record certified to the court by the commission Additional testimony shall not be taken before the court but the court may in proper cases remit the record to the commission for the taking of further testimony

From the decision of the Court of Common Pleas of Dauphin County an appeal may be taken by either party to the Supreme Court of Pennsylvania as in other cases

A judgment sustaining a revocation of or a refusal of the commission to grant or renew a registration shall not bar after one year a new application by the plaintiff for registration nor shall a judgment in favor of the plaintiff prevent the commission from thereafter revoking or refusing to renew such registration for any proper cause which may thereafter accrue or be discovered The court shall have full power to dispose of all costs

Section 19 The commission may require by subpoena or summons issued by it the attendance and testimony of witnesses and the production of any books accounts records papers correspondence relating to any matter which the commission has authority under this act to consider or investigate and for this purpose it may sign subpoenas administer oaths and affirmations examine witnesses and receive evidence The commission may require or permit any person to file with it a statement in writing under oath or otherwise as to all the facts and circumstances concerning the subject matter under investigation All information of every kind and nature so obtained shall be treated as confidential by the commission and shall not be disclosed to the public except under order of the court but nothing in this section shall be interpreted to prohibit or limit the publication of the commission's rulings or decisions or of summaries abstracts or reports of the evidence received at hearings which resulted in such rulings or decisions or of summaries abstracts or reports of the reasons of the commission for declining to register any applicant if the applicant does not request a hearing upon his application Provided however That no publication shall be made of lists of security holders clients subscribers or customers of any person 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 client's funds or 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 In case of disobedience of any subpoenas or of the contumacy of any witness appearing before the commission the commission may invoke the aid of the court of common pleas within the jurisdiction of which the principal place of business of the investment adviser dealer solicitor or salesman under investigation in this State is located or of any court of common pleas within the jurisdiction of which the witness may be found and such court may thereupon issue its subpoena requiring the person subpoenaed to appear before it and there to give evidence to produce books accounts records papers and correspondence or to file a statement under oath as aforesaid touching the matter in question Any failure to obey such order of the court may be punished by such court as a contempt thereof

Each witness required to attend before the commission shall receive for each day's attendance the sum of two

dollars (\$2.00) and shall receive in addition the sum of ten cents (\$.10) for each mile of circular travel by such witness by the usual route between his home and the place where his presence is required All disbursements made in the payment of such fees shall be included in and paid in the same manner as is provided for the payment of other expenses incident to the administration and enforcement of this act as hereinafter provided for

The fees for serving a subpoena shall be the same as those paid the sheriff for similar services The fees and costs of or in connection with any hearing may be imposed by the commission upon any party to the record or may be divided between any or all parties to the record in such proportions as the commission may determine

Section 20 (a) In any prosecution or proceeding under this act the accused shall be deemed to have knowledge of any fact or circumstances where in the exercise of reasonable diligence he could or should prior to the commission of the offense complained of have secured such knowledge

(b) In any prosecution or proceeding under this act all papers instruments or documents certified by the secretary under the commission's seal as appearing in the files of the commission shall be presumed to have been filed with the commission at its offices in Harrisburg Dauphin County Pennsylvania by the person on whose behalf said paper instrument or document purports to have been filed

Section 21 [No person shall by fraud or fraudulent practice induce holders of securities (a) to exchange the same directly or indirectly for any property real or personal tangible or intangible or (b) to permit such person to dispose of such securities for the holders] No person registered hereunder shall directly or indirectly enter into extend or renew any investment advisory contract or in any way perform any investment advisory contract entered into extended or renewed on or after the effective date of this act if such contract

(a) Provides for compensation to such person on the basis of a share of capital gains upon or capital appreciation of the funds or any portion of the funds of the client

(b) Fails to provide in substance that no assignment of such contract shall be made by such person without the consent of the other party to the contract

(c) Fails to provide in substance that such person if a partnership will notify the other party to the contract of any change in the membership of such partnership within a reasonable time after such change

(d) Fails to provide for periodic accounting to the client if by the terms of the contract or in fact such person manages investment or trading accounts in securities for or has custody of the securities of his client

Provided however That nothing in this subsection shall be construed to prohibit an investment advisory contract which provides for compensation based upon the total value of a fund averaged over a definite period or as of definite dates or takes as of a definite date or to prohibit an oral investment advisory contract not in violation of this section and terminable at will by the client or subscriber

Section 22 Any dealer or salesman who shall in this State without being registered hereunder either (a) sell any security (b) engage in the business of inducing holders of securities to effect the sale thereof through a person registered hereunder or otherwise directly or indirectly in order to produce funds to pay for other investments sold by such dealer or by such salesman for a dealer or (c) engage in the business of buying securities directly from individuals who are not registered hereunder [or] and any person who shall by fraud or fraudulent practice induce holders of securities (1) to exchange the same directly or indirectly for any property real or personal tangible or intangible or (2) permit such person to dispose of such securities for the holders and any person who shall make or shall concur in making any false statement [of fact] in any statement or matter of information required by this act or by the rules or regulations of the commission promulgated hereunder to be filed with the

commission or in any prospectus or communication which offers any security for sale or in any oral solicitation to purchase or in any commendatory matter concerning any security with intent to aid in the sale of the same or in any analysis or who shall represent himself as an investment adviser or solicitor without being registered hereunder who shall make any false statement or representation concerning any registration made under the provisions of this act who shall be guilty of any fraud or fraudulent practice or who shall represent that the Commonwealth of Pennsylvania the commission or any member thereof of the Department of Banking or any officer or employe of any of the foregoing has approved of or recommended any security shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five thousand dollars (\$5,000) or imprisonment for not more than five (5) years or both Any person who shall commit in whole or in part any other act declared unlawful by this statute shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than one (1) year or both

Section 23 Neither the members of the commission nor the secretary nor any deputy examiner clerk or other employe of the commission shall publish or divulge to any one any information contained in or ascertained from any examination or investigation made by the commission or any letter report or statement sent to the commission or any other paper or document in the custody of the commission except when the publication or divulgement of such information is made by the commission pursuant to the provisions of this act or of any other law of this Commonwealth or when the production of such information is required by subpoena or other legal process of a court of competent jurisdiction or when it is used in prosecutions or other court actions instituted by or on behalf of the commission or in cooperation with any other governmental agency or when pursuant to specific written authorization by the commission it is used in investigations by the commission or when the divulgement of such information is made to any other governmental agency security exchange or association of security dealers 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 client's 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

A violation of the provisions of this section by any member of the commission or by the secretary or by any deputy examiner clerk or other employe of the commission shall be sufficient ground for his removal from office In addition any member of the commission or the secretary deputy examiner clerk or other employe committing such violation shall be deemed guilty of a misdemeanor and shall upon conviction thereof be subject to imprisonment for a period not exceeding one (1) year or a fine not exceeding one thousand dollars (\$1,000) or both

Section 24 Copies of all papers instruments or documents filed in the office of the commission certified under its seal shall be admitted to be read in evidence in all courts of law and elsewhere in this State in all cases where the originals would be admitted in evidence Provided That in any proceeding the court having jurisdiction may on cause shown require the production of the originals

Section 25 Nothing herein contained shall limit or diminish the liability of any person now imposed by law or prevent the prosecution of any person for the violation of the provisions of any other act

Section 26 The administration of the provisions of this act shall be vested in the commission The commission shall have authority from time to time to make amend and rescind such rules and regulations including rules of

practice hereunder before it and to prescribe such forms as may be necessary or convenient to carry out the provisions of this act It shall be the duty of the commission to see that the provisions of this act are at all times properly administered and obeyed and to take such measures and in its discretion to make such investigations upon complaint or otherwise as will or may in its opinion detect the violation of any provision hereof In the event that it shall discover any such violation it shall in addition to revoking any registration take such measures as may be necessary to cause the apprehension and prosecution of all persons deemed guilty thereof The commission may at any time or from time to time and with or without notice make periodic special or other examinations of the books accounts correspondence securities memoranda papers and other records of any investment adviser or dealer engaged in business in this State Provided That the Commission may make no such examinations of any investment adviser engaged in rendering investment supervisory services and not having custody of clients' 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 Whenever it shall appear to the commission that any person shall have violated is violating or is about to violate any of the provisions of this act or any person registered hereunder is suffering serious impairment to his or its capital structure or is in danger of becoming insolvent the commission may in addition to any other remedies bring an action in equity in the name and on behalf of the Commonwealth of Pennsylvania against any such person to enjoin such person from doing any act or acts in violation of this act in any of the several courts of common pleas of Pennsylvania and may ask for such equitable relief action or remedies as it may deem necessary under the circumstances and the several courts of common pleas in this State shall have jurisdiction over the subject matter and may enter judgments awards decrees or orders which they may deem fit including permanent or temporary injunctions or restraining orders without bond and the appointment of receivers to take possession of any property which may be involved real or person together with any or all books of accounts and papers relating to the same to hold operate distribute or liquidate any such property for the benefit of all persons establishing any interest in the said property Such receiver shall have the rights powers and duties of a general receiver including the power to execute in his name as receiver any instrument incident to the exercise of any power granted to or imposed upon him as receiver In any such court proceedings the commission may apply for and on demand shall be entitled to have issued the court's subpoena requiring forthwith the appearance of any defendant and his employe salesmen or agents and the production of documents books and records as may appear necessary for the hearing for such [petition] application to testify and give evidence concerning the acts or conduct or things complained of in such application

A certificate under the seal of the commission showing that the persons in question have not been registered either as dealers [or] salesmen investment advisers or shall constitute prima facie evidence that such persons have not been registered hereunder and shall be admitted in evidence in all proceedings in courts of law or equity within this Commonwealth

Section 27 The commission shall charge and collect the following fees and shall daily pay all fees received into the State Treasury through the Department of Revenue

(a) For the filing of any original or renewal application the sum of ten dollars (\$10)

(b) For each registration certificate of a dealer or investment adviser whether on an original or a renewal application forty dollars (\$40) except as hereinafter provided

(c) For each registration certificate of a salesman or whether on an original or renewal application ten dollars (\$10)

(d) For each registration certificate of a dealer or investment adviser issued after the first day of July of any year twenty dollars (\$20)

(e) For each amended registration certificate twenty dollars (\$20)

(f) For the filing of a notice of a proposed change in a dealer's or investment adviser's plan of business twenty dollars (\$20)

(g) For each duplicate of a registration certificate of a dealer or investment adviser twenty dollars (\$20)

(h) For each duplicate of an amended registration certificate of a dealer or investment adviser five dollars (\$5)

For copies of any papers filed in the office of the commission or for the certification thereof for transcripts of testimony taken at hearings before the commission for the preparation of records of proceedings before the commission and for issuing subpoenas and summons the commission shall charge such fees as it shall by general rule or regulation prescribe Provided however That the provisions of this section shall not prohibit the commission from issuing free of charge copies of records to other states or to the United States or any of their agencies

Section 28 This act shall become effective ten days after the final enactment thereof Provided however That all registration certificates issued by the Pennsylvania Securities Commission prior to the effective date of this act under the provisions of the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 273) entitled "An act for the registration and regulation of certain individuals and entities selling offering for sale or delivery soliciting subscriptions to or orders for or undertaking to dispose of inviting offers for or inquiries about or dealing in any manner in securities defined herein including securities issued by them conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the court of common pleas of Dauphin County and to the Supreme Court of Pennsylvania prescribing penalties and making appropriations" as amended shall be valid during the period for which they were issued unless sooner revoked or suspended by the commission for any cause for which the commission is authorized by this act to revoke or suspend a certificate of registration issued by it and all applications and proceedings pending before the Pennsylvania Securities Commission under the provisions of said act approved the thirteenth day of April one thousand nine hundred and twenty-seven shall be continued before the commission and shall be disposed of according to the provisions of the said act And provided further That this act shall not affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of said act approved the thirteenth day of April one thousand nine hundred and twenty-seven as amended

Section 29 The act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 273) entitled "An act for the registration and regulation of certain individuals and entities selling offering for sale or delivery soliciting subscriptions to or orders for or undertaking to dispose of inviting offers for or inquiries about or dealing in any manner in securities defined herein including securities issued by them conferring powers and imposing duties on the Pennsylvania Securities

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

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 197

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

NAYS 0

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

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

BILL PASSED OVER

There being no objection House Bill No. 1094, Printer's No. 659, was passed over at the request of Mr. ELLWOOD B. WELSH.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1070, entitled:

An Act prohibiting owners of restaurants pool rooms bowling alleys confectionery stores barber shops grocery

stores or hotels from encouraging or permitting gambling and prescribing penalties

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

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

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 1444, Senate Bill No. 315, Printer's No. 194, 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. 849, as follows:

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

On the question,

Will the House agree to the bill on third reading?

Mr. WOODSIDE. 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 page 6 lines 11 12 13 14 by striking out after the word "weighing" line 11 the following "one copy shall be transmitted by the weighmaster to the city or county inspector of weights and measures of the city or county in which the scale is located."

Amend page 6, lines 16-17 by striking out after the word "weighmasters" line 16 the following "city and county inspectors of weights and measures".

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

On the question,

Will the House agree to the amendments.

They were agreed to.

On the question,

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

It was agreed to.

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

BILL PASSED OVER

There being no objection House Bill No. 814, Printer's No. 646, 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. 750, as follows:

An Act Authorizing the Department of Property and Supplies with the approval of the Governor to convey to the county commissioners of Somerset County certain real property located in said county and heretofore acquired by the Commonwealth for development as an airport

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

Section 1 The Department of Property and Supplies acting on behalf of the Division of Aeronautics Department of Revenue and subject to the approval of the Governor is hereby specifically authorized to grant and convey to the county commissioners of Somerset County all that certain piece parcel or tract of land situate lying and being in the township of Somerset County of Somerset and Commonwealth of Pennsylvania

Beginning at a spike in the center line of the concrete pavement in State Highway Route No 53 and being also a common corner of land now being described land of Samuel S Berkley and other land of Webster W Barron one of the grantors herein thence with said center line of said State Highway Route and other land of Webster W Barron north 68° 51' E 1421.37 ft to a spike in the center line of the concrete pavement of said State Highway Route No 53 thence by land of Fred F Smith for the next three lines S 41° 35' E 292.21 ft to a concrete monument marked as corner No 1 thence S 83° 35' E 557 ft to a concrete monument marked as corner No 2 thence N 56° 25' E 511.5 ft to a concrete monument marked as corner No 3 thence by lands of George W Pile S 19° 35' E 1410.7 ft to a concrete monument marked as corner No 4 thence by lands of Harry W Berkley for the next three lines to wit S 89° 25' W 518.1 ft to a concrete monument marked as corner No 5 thence S 13° 25' W 1106.12 ft to a concrete monument marked as corner No 6 thence S 39° 59' E 322.13 ft to a concrete monument marked as corner No 7 thence by land of Stauffer-Quemahoning Coal Co S 52° 25' W 447.75 ft to a concrete monument marked as corner No 8 thence by land of the Stauffer-Quemahoning Coal Co and lands of Mrs Charles Walker N 57° 15' W 2026.2 ft to a concrete monument marked as corner No 9 thence by lands of John DeFilippis and land of Samuel S Bergley N 14° 39' W 1363.72 ft to a spike in the center line of the concrete pavement of the said State Highway Route No 53 being the place of beginning containing 119.9 acres more or less

This being the same tract of land which was acquired by the Commonwealth on the twenty-third day of April one thousand nine hundred and thirty-seven by deed recorded in Somerset County Deed Book Vol 313 page 195 and intended to be developed and improved for use as an airport

The conveyance herein authorized shall be subject to the same reservations and exceptions as expressed in the deed to the Commonwealth hereinbefore described

Section 2 The grant or conveyance herein authorized may be made for such consideration or without consideration as the Governor may approve Said grant or conveyance shall be effected by execution of a deed in regular form from the Commonwealth executed and delivered by the Department of Property and Supplies to the Board of County Commissioners of Somerset County

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 197

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

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. 828, as follows:

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 thence, further regulating the making of contracts and purchases by the townships

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

Section 1 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" as

amended by the act approved the fourteenth day of May one thousand nine hundred thirty-seven (P. L. 628) and by the act approved the fifth day of June one thousand nine hundred thirty-seven (P. L. 1738) is hereby further amended to read as follows

Section 802 Letting Contracts All purchases of materials equipment and machinery for the construction reconstruction and improvement of roads and bridges involving an expenditure in excess of [two] five hundred dollars shall be by contract in writing and shall be made only after competitive bidding The secretary of the board shall [either] advertise once a week for two weeks in one or more newspapers of general circulation in the township for competitive bids for shall obtain quotations from at least 3 responsible concerns! It shall be unlawful for the supervisors to evade the provisions of this section by making two or more contracts for small amounts which should have been in one If the auditors find there has been any such evasion they shall refuse to approve the same

The supervisors shall not hire any work to be done purchase any material or make any contract in any amount which will cause the sums appropriated for such purposes to be exceeded No contracts or purchases not provided for by an appropriation or which shall cause any appropriation to be exceeded shall be valid

All contracts which in this section are required to be in writing and all contracts for the construction reconstruction and improvement of roads and bridges shall be valid only when approved by the Department of Highways of the Commonwealth

A record of all purchases of material equipment and machinery for road purposes involving an expenditure of less than two hundred dollars shall be kept by the supervisors and furnished to the Department of Highways in the annual report!

All plans and specifications shall be on file at least fifteen days in advance of opening bids This section shall not apply in the case of any township repairing its public highways except as to any purchases of materials or equipment for the purpose of such repairs

In every instance in which any contract for any public work construction materials supplies or other matters or things for any township shall be awarded upon competitive bids it shall be the duty of the authorities authorizing the same to award said contract to the lowest responsible bidder Any published notice for bids shall contain full plans and specifications or refer to the places where copies thereof can be obtained and give the time and place of meeting of the township supervisors at which meeting bids shall be publicly opened and read If through lack of a quorum or other reason no meeting shall be held at such time and place notice of the same kind shall be repeated once at least six days before the meeting of the subsequent time and place fixed and the foregoing provisions as to bids shall apply The same course shall be pursued until a meeting shall actually be held for receiving and opening bids Any contract made in violation of the provisions hereof shall be void

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 197

- | | | | |
|------------|-------------|--------------|------------|
| Achterman, | Foor, | Lovett, | Rosenfeld, |
| Allmond, | French, | Malloy, | Royer, |
| Auker, | Gallagher. | Marks, | Rush, |
| Baker, | Gates, | Maxwell, | Sarge, |
| Balthaser. | Gerard, | McClanaghan. | Sarraf, |
| Baughner, | Gillan, | McClester, | Scanlon, |
| Bentzel, | Gillette, | McDermott, | Schwab, |
| Bentley, | Goodwin, | McDowell. | Serrill, |
| Boles, | Greenwood. | McFall, | Shaffer. |
| Boney, | Gross, | McGrath, | Shaw, |
| Bower, | Gryskewicz, | McIntosh. | Shepard, |
| Bradley, | Gyger, | McKinney, | Skale, |

Bretherick,	Habbyshaw.	McLanahan.	Sollenberger.
Brown,	Haberlen,	McLane,	Scrg.
Brunner, C. H.,	Haines,	McMillen,	Stambaugh,
Brunner, P. A.,	Hamilton,	McSurdy,	Stank,
Burns,	Hare,	Melchiorre,	Stine,
Burris,	Harkins,	Mihm,	Stockham,
Cadwalader,	Harmuth,	Modell,	Tarr,
Chervenak,	Harris,	Monks,	Tate,
Chudoff,	Heatherington.	Mooney,	Taylor,
Cochran,	Helm,	Moran,	Thompson, E. F.,
Cohen, M. M.,	Hering,	Moul,	Thompson, R. L.,
Cohen, R. E.,	Herman,	Muir,	Trout,
Cook,	Hersch,	Munley,	VanAllsburg.
Cooper,	Hewitt,	Nunemacher.	Verona,
Cordier,	Hirsch,	O'Brien,	Vincent,
Corrigan,	Holland,	O'Dare,	Vogt,
Croop,	Huntley.	O'Mullen,	Voldow,
Cullen,	Imbrie,	O'Neill,	Voorhees,
Dairympfle,	James,	Owens,	Wagner,
Dennison,	Jefferson,	Petrosky.	Watkins,
DiGenova,	Jones, G. E.,	Pettit,	Weingartner,
Dix,	Jones, P. N.,	Polaski,	Weiss,
Dolon,	Keenan,	Polen,	Welsh, E. E.,
D'Ortona,	Kenehan,	Powers,	Welsh, M. J.,
Duffy,	Kline,	Prosen,	Wilkinson,
Early,	Knoble,	Rank,	Williams,
Eckels,	Kolankiewicz.	Rausch,	Winner,
Elder,	Komorofski,	Readinger,	Wolf,
Elliott,	Krise,	Reagan,	Wood, L. H.,
Ely,	Lee, E. A.,	Reese, R. E.,	Wood, N.,
Falkenstein.	Lee, T. H.,	Regan,	Woodring,
Finestone,	Laisey,	Reynolds,	Woodside,
Finnerty.	Leonard,	Rhea,	Wright,
Fisher,	Lesko,	Riley,	Yeakel,
Fiss,	Levy,	Rooney,	Yester,
Fleming,	Leydic,	Rose, S.,	Young,
Fletcher,	Lichtenwalter.	Rose, W. E.,	Kilroy, Speaker
Flynn.	Longo,		

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

The SPEAKER. House Bill No. 1210 (Senate Bill No. 24) Printer's No. 291, is not on file and will be passed over.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1275, as follows:

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

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

Section 1 The song "The Rolling Hills of Pennsylvania" the words and music of which were composed by Lois Miller of the City of Pittsburgh Pennsylvania is hereby adopted as the State song of Pennsylvania and shall be the official song for all public purposes The words of said song are as follows

"When first our history began
Pennsylvania played a part
At Brandywine and Gettysburg
Heroes fought with all their heart
Now we sing the praises of
This state of ours we love

Refrain

"O the rolling hills of Pennsylvania
Finest State in all the land
With mills and mines and fertile valleys
And brotherhood on ev'ry hand

In the Keystone place of honor
Cradle of our liberty
O the rolling hills of Pennsylvania
God will keep us free
The azure skies reflect the flames
Of our factories and mills
Our farms are finest in the land
Nestled in the fair foothills
Teeming cities world's acclaim
Honor for all our aim"

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

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

On the question,

Shall the bill pass finally?

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

YEAS 197

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

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. 918, entitled:

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

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMENDED

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

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

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

HOUSE BILL No. 401.

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

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

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend Section 1, page 4, line 13, by striking out at the beginning of said line the word "sale" and inserting in lieu thereof the following: "the sale of products of the soil meats live stock timber or other materials by the Department of Military Affairs from property acquired for use in connection with the Indiantown Gap Military Reservation."

On the question,

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

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

YEAS 197

Achterman,	Foor,	Longo,	Rose, W. E.,
Allmond,	French,	Lovett,	Rosenfeld,
Auker,	Ballagher,	Malloy,	Royer,
Baker,	Gates,	Marks,	Rush,
Balthaser,	Gerard,	Maxwell,	Sarge,
Baughner,	Gillan,	McClanaghan,	Sarraf,
Bentley,	Gillette,	McClester,	Scanlon,
Bentzel,	Goodwin,	McDermott,	Schwab,
Boles,	Greenwood,	McDowell,	Serrill,
Boney,	Gross,	McFall,	Shaffer,
Bower,	Gryskewicz,	McGrath,	Shaw,
Bradley,	Gyger,	McIntosh,	Shepard,
Bretherick,	Habbyshaw,	McKinney,	Skale,
Brown,	Haberlien,	McLanahan,	Sollenberger,
Brunner, C. H.,	Halnes,	McLane,	Sork,
Brunner, P. A.,	Hamilton,	McMillen,	Stambaugh,
Burns,	Hare,	McSurdy,	Stank,
Burrils,	Harkins,	Melchiorre,	Stine,
Cadwalader,	Harmuth,	Mihm,	Stockham,
Chervenak,	Harris,	Modell,	Tarr,
Chudoff,	Heatherington,	Monks,	Tate,
Cochran,	Helm,	Mooney,	Taylor,
Cohen, M. M.,	Hering,	Moran,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Moul,	Thompson, R. L.,
Cook,	Hersch,	Muir,	Trout,
Cooper,	Hewitt,	Munley,	VanAllsburg,
Cordier,	Hirsch,	Nunemacher,	Verona,
Corrigan,	Holland,	O'Brien,	Vincent,
Croop,	Huntley,	O'Dare,	Vogt,
Cullen,	Imbrle,	O'Mullen,	Voldow,
Dalrymple,	James,	O'Neill,	Voorhees,
Dennison,	Jefferson,	Owens,	Wagner,
DiGenova,	Jones, G. E.,	Petrosky,	Watkins,
Dix,	Jones, P. N.,	Pettit,	Weingartner,
Dolon,	Keenan,	Polaski,	Weiss,
D'Ortona,	Kenehan,	Polen,	Welsh, E. B.,
Duffy,	Kilne,	Powers,	Welsh, M. J.,
Early,	Knoble,	Prosen,	Wilkinson,
Eckels,	Kolankiewicz,	Rank,	Williams,
Elder,	Komorowski,	Rausch,	Winner,
Elliot,	Krise,	Readinger,	Wolf,
Ely,	Lee, E. A.,	Reagan,	Wood, L. H.,
Falkenstein,	Lee, T. H.,	Reese, R. E.,	Woodring,
Finestone,	Lelsey,	Regan,	Woodside,
Finnerty,	Leonard,	Reynolds,	Wright,
Fisher,	Lesko,	Rhea,	Yeaker,
Fiss,	Levy,	Riley,	Yester,
Fleming,	Leydic,	Rooney,	Young,
Fletcher,	Lichtenwalter,	Rose, S.,	Kilroy, Speaker
Flynn,			

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

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

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR
CONCURRENCE

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

HOUSE BILL No. 316.

An Act authorizing certain officers on active duty with the armed forces of the United States to act as notaries public; and requiring certification of their authority.

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

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend Section 1, page 1, line 5, by inserting after the word "advocates" the words "and adjutants of companies"; also in line 6, by inserting after the word "with" the words "the same rights and powers as though duly commissioned and qualified as such according to law including"; also on page 2, line 2, by inserting after the word "certifying" the words "the army order and the rank and company"; also on same page, line 3, by striking out after the word "held" the words "such rank"; also by striking out at the beginning of line 4, the words "such duty"; also in same line by inserting after the word "acknowledgment" the words "and containing reference to this Act."

On the question,

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

Mr. ACHTERMAN. Mr. Speaker, I move that the House do non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

PERMISSION TO ADDRESS HOUSE

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

Mr. Speaker, on page 15 of to-day's calendar, Resolution No. 91, Printer's No. 623, I wish to make a very brief statement on that resolution. Mr. Speaker and Members of the House, my co-sponsor and I introduced this resolution at the request of a number of Building and Loan Associations. After the resolution came out of the Banking Committee, we took it up with the minority floor leader, who in turn contacted the Secretary of his Excellency the Governor and he was informed that there was only one vacancy on the Building and Loan Board; there was no vacancy on the Banking Board. At that time we agreed to have the resolution re-committed. Unfortunately I was unable to do so at that time.

HOUSE RESOLUTION No. 91 RECOMMITTED

Mr. SHAW. Mr. Speaker, I move that House Resolution No. 91, be recommitted to the Committee on Banking. The motion was agreed to.

PERMISSION TO ADDRESS HOUSE

Mr. GATES, asked and obtained unanimous consent to address the House.

Mr. Speaker, to each Member of this House at some time comes an unusual pleasure, and this morning an

unusual pleasure has been accorded to me in reporting out of Committee the two bills about which I will speak later.

At this time I wish to recall to the membership of this House that on the twelfth day of February I made a plea before this House, and I wish to quote from that particular address, page 286 of the Legislative Journal.

"We all know a change in direction is now appearing as a result of the stimulation of the Defense Program producing the dual relief of a downward movement of expenditures for public assistance and an upward movement of tax yields. This, of course, affects advantageously both sides of the budget."

At that particular time I also introduced an amendment to House Bill 230, which was a bill levying a four mill personal property tax for the State. I offered that amendment because as I said, it was a step in the right direction, by starting out to give our people some immediate relief from taxes which largely rest upon their shoulders. I offered this amendment to House Bill 230, to reduce the four mill property tax to three mills. I further quote from the statement:

"You say this is small and insignificant and I answer, 'yes,' but let us make a start and as this tax falls largely on the old people of our state who have passed the age when they are able to increase their income by personal efforts. I personally think it is making the start at the proper place by increasing the standard of living for these fathers and mothers rather than continuing to decrease their standard of living."

I at that time asked the members of the House to vote for my amendment. Again I quote, Mr. Speaker, from the Republican platform upon which I was elected, adopted in Pittsburgh on September 10, 1938. It had this to say about taxation:

"Taxation has become a serious burden upon our people. Taxes increase unnecessarily as public money is wasted on useless activities and political drones. After making adequate provisions for the necessary functions of government, public relief, assistance and social security, we pledge ourselves to reduce the State's tax load to the minimum."

If you will recall, Mr. Speaker, two years ago I offered to this House a tax program which would have completely done away with the corporate net income tax and the four mill personal property tax, but I was unable to have that bill considered because of opposition of those in high position. So, at this time, Mr. Speaker I have a great deal of pleasure in reporting to this House, House Bill No. 230 from the Ways and Means Committee, which was recommitted and is now returned to the House.

I also report House Bill 234 as amended from the Ways and Means Committee.

REPORTS FROM COMMITTEE

Mr. GATES, from the Committee on Ways and Means, reported as amended, House Bill No. 230, entitled:

An Act to reenact and amend the title and the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons,

copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," as previously reenacted and amended, by continuing the State personal property tax and the emergency rate of tax on scrip bonds, certificates and evidence of indebtedness, assumed or on which interest is paid by corporations, for further limited period of time.

Mr. GATES, from the Committee on Ways and Means, reported as amended, House Bill No. 234, entitled:

An Act to further amend section one of the act, approved the fifteenth day of July, one thousand eight hundred ninety-seven (P. L. 292), entitled "An act to provide revenue by taxation," by increasing the rate of tax for a further limited period of time.

PERMISSION TO ADDRESS HOUSE

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

Mr. Speaker, you all know I am one of the representatives of the great city of Philadelphia. A city with more historical sites than any city in the country. Among these historical sites is the American Academy of Music, a place where presidents of this great country have addressed the people of Pennsylvania and Philadelphia.

This morning I read in my favorite morning newspaper, the Philadelphia Record, these head lines.

"Lindy is refused use of the Academy of Music for anti-aid talk."

The meeting sponsored by the American First Committee besides being denied the use of the Academy, the committee was denied car-card advertising in the P.T.C. trolleys and buses. Radio Stations WCAU and KYW turned down the committee's request to buy advertising on the air. John Frederick Lewis, President of the Academy Corporation, confirmed his flat refusal to rent the Academy, he said:

"We don't care to rent it for such a purpose. The front of the American First Committee here, as in other cities, consists of sincere American isolationists, but the audience such meetings attracts is made up largely of lovers of Germany and haters of England. In other words, enemies of our form of Government."

Last Sunday a meeting was held in the historical Academy of all those who became citizens of our country during the last year, and was crowded to the doors. At this time we need unity, all other issues should be discarded.

I feel we all should congratulate John Frederick Lewis, the P.T.C. Company, WCAU and KYW for their stand in this matter in refusing to assist and be a part of this un-American meeting at this time.

PERMISSION TO ADDRESS HOUSE

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

Mr. Speaker, I need not tell you what county I come from. I want to address the House this afternoon on a matter that I think is of the greatest importance not only to the Members of this House but to our families as well. Inasmuch as this is what might be termed my maiden

serious speech on the floor of the House I feel the tantalizing and tempestuous turbulence that one usually feels under similar circumstances. However, I do feel a degree of comforting consolation in the knowledge that my subject, while of the greatest importance, is entirely non-partisan.

I am very much concerned and alarmed to know that although America is today, facing a great emergency and although this House has been in Session for three months, no definite action has yet been taken either to investigate or to combat the vicious and subversive teachings of un-American philosophies by foreign agents in the schools of our great Commonwealth.

We have every evidence that there are some teachers in our schools seeking to infiltrate the minds of our children with the rotten and repulsive theories of Communism and other foreign ideologies. Yet this Assembly has sat here complacently and supinely for three months and has done absolutely nothing about it. I say to you, Mr. Speaker and Gentleman of this House, that in this respect this Assembly has been inexcusably negligent and dilatory.

The President of this great Nation has appealed to all Americans for unity in the present emergency. The Governor of this great State has not only expressed his desire to comply with the President's request for unity but he has also appealed to this House to heed the request of the President by showing a spirit of unity in our consideration of those things which have to do with our American way of living.

And so being mindful of the emergency which confronts our nation today, I want to appeal to you, Democrats and Republicans of this House, to exhibit not only the spirit of Unity, but the spirit of speed and action as well, in a matter which I think you will agree with me, is of the greatest importance to our Nation and to this great Commonwealth which you and I represent, and a matter on which we have been inexcusably dilatory and neglectful.

Every day there are many editorials written in our daily newspapers giving evidence of the fact that a lot of foreign Poison is being dangled before the immature minds of our American Youth.

Day after day, reports of honest investigations show so much evidence of this sinister situation that there can no longer be any doubt in the minds of any Legislator that this danger does exist and that something should be done about it.

I feel how weak and futile must be any words of mine which would attempt to effectively bring out this great danger and our responsibility in this matter. And I could read to you, dozens of editorials which would tell you the story much better than I can, but I refrain from doing so because generally nobody listens to the reading of Editorials on the floor of the House. However, I want to take just less than two minutes to quote to you from an Editorial in "The Right of Way."

"One reads with amazement that the American Federation of Labor is considering the revocation of the Philadelphia Chapter of the teachers' union because it is alleged to be in control of Communists.

It is bad enough that Communism is permitted to bore from within at a time when our government is preparing to battle for its very life; it is shockingly outrageous to learn that disciples of Stalin are actually

being paid to teach their destructive doctrines to our boys and girls.

It is high time that the Legislature, now in session, enact such laws as will outlaw Communism in Pennsylvania. It is high time that every Communist teacher be kicked bag and baggage from his or her perch behind a school room desk.

Failure of the lawmakers to recognize their full duty in this respect will result only in an aroused public taking refuge in the Vigilante (an always regrettable and obnoxious extreme) as a court of last resort. Despite the inroads of the radios there are still a lot of telegraph poles in the country, not to mention strong arms and plenty of hempen rope. One way or another we shall have to rid ourselves of this curse of Communism or perish, and the will to live is strong within us."

Also quoting from the Rural Legislator, edited by a former Democratic member of this House "nobody can be a Communist of the Stalin cult without being a traitor and murderer at heart." The average Communist is worse than a sneak. He has the nerve to seek the protection of the very Institutions he seeks to destroy.

While there have been several bills introduced having to do with the investigation of subversive activities and with the thought of providing proper memorials for great Americans, all of which I think are commendable, I wish to talk to you particularly about House Bill No. 396 introduced by the former Speaker of this House, the Honorable Mr. Turner. This bill was introduced on February 12, referred to the Committee on Education on February 17, and has apparently been consigned to the tongueless dust from which no bill returneth. All that this Bill does, is to amend the Act approved the eighteenth day of May, 1911, so that School Boards shall have the power to terminate the contracts of any teachers for un-American or subversive teaching or activity or membership in, or support of any party engaged in un-American or subversive activity.

I can not conceive, particularly in view of the present world crisis, how anyone could object to the passage of this Bill. The Bill is certainly of a nature that can stand on its own merits, but I also think this Bill should be brought out as a courtesy to the Honorable Gentleman who presented it, even though he is a Republican. Certainly it should be easy for any Member of this House, no matter what his party affiliation might be, to concede that when a bill is introduced for a former Speaker of this House and by a man who has the Legislative experience and the integrity of Mr. Turner, it surely must be a good bill. And yet Gentlemen of the House, this very important bill has been lying in Committee for almost three months.

We are indeed fortunate that the very large majority of our teachers are good Loyal Patriotic Americans, but a few disloyal teachers in our schools are agents of a despicable system that likes to work on the immature minds of children. These disloyal puppets of a vile and pernicious theory are agents of a foreign system that teaches what? Un-Americanism and destruction of our sacred precepts of government and corruption of our American way of life.

I think as a rule, we rural Legislators have been too complacent about this situation, usually feeling that this danger only existed in the larger cities such as Pittsburgh and Philadelphia. However, what complacency I may have had, has been rudely shattered by a letter

which I recently received from one of my constituents, a young lady school teacher in the public schools, and I quote you briefly from this letter in which this young lady indicated that she is opposed to compelling school teachers to take the pledge of allegiance, and I say to you, that when a queer philosophy of this kind reaches in to such a staple and conservative County as the County of Lebanon, it is alarming and dangerous.

Mr. Speaker a few weeks ago this legislative body generously and graciously voted an appropriation of \$50,000 for the study of mastitis in cattle. It also voted an appropriation of \$3,000,000 for the study and prevention of Bangs disease among the cattle in our State.

Mr. Speaker and Gentlemen of the House—I say to you in all earnestness and sincerity that in my opinion, the children of Pennsylvania, the children of your constituents and mine, are worthy of more protection and worthy of more consideration than all the cattle in the world.

If there are teachers in our schools filling the minds of our children with the fundamentals of Communism or Naziism, then Gentlemen, our children are confronted with a contamination that is more dangerous to America than all the Bangs disease in the world. Gentlemen, let's do something now and quickly to protect our children from these "red vultures of foreign isms." We have done plenty for the cattle of Pennsylvania, now let us do at least as well for the children of Pennsylvania; and certainly the protection of our school children is a greater responsibility, a more solemn charge than the protection of our cattle.

I would like to ask what is the reason for the delay in bringing out House Bill No. 396? Is it because it was introduced by a Republican? I hope not. Does the Democratic Party wish to assume the responsibility for obstruction of anti-Communist Legislation? I hope not. Does the Democratic Party wish to deny our school boards the power to fire teachers who have un-American or subversive ideas? I hope not.

Whatever the reason for pickeling this bill in Committee, I want to declare publicly on the floor of this House and have placed on the records of this Legislature this definite and true statement, "The Republican Members of this House are waiting and ready to vote for this Bill. We strongly urge the Democratic members of this House to see to it that this Bill comes out of Committee, promptly."

The Dies Committee has spent thousands of dollars investigating the activities of those foreign agents. They have issued sheaves and sheaves of reports containing hundreds of thousands of words. Investigations and reports are alright and necessary, but the time has now come for action. This is no time for complacency.

Daniel Webster has said "God grants liberty only to those who love liberty and who are always ready to guard and defend it."

And never in the history of this great Commonwealth: never in the history of America was it more evident that "Eternal vigilance is the price of Liberty." And I say to you, Gentlemen, "This Legislature can make no greater contribution to society, or to its constituents, than to protect our children by the passage of this bill."

In the name of the little children of Pennsylvania—in the name of Democracy—in the name of all that's right and decent—I now appeal to the Committee on Education

to bring out this bill against subversive and un-American teachings. What we need today is more of the spirit of Valley Forge—Antietam and Gettysburg. Let's pass this bill so quickly that the Reds will know that in Pennsylvania we have no need for them. By our prompt and united action on this bill let's show, not only the people of Pennsylvania, but let us show America and the World as well that in the Schools of Pennsylvania, we want only one ism and that is Americanism.

PERMISSION TO ADDRESS HOUSE

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

Mr. Speaker, as Chairman of the Education Committee of the House, I believe it to be my duty to inform the gentleman that the bill which he has just been speaking about has been seriously considered by the Committee on Education from the time that it was first introduced. Not only has it been seriously considered, but various other bills of similar nature and character have also been given serious consideration.

It was interesting to me to read a similar resolution requesting such an investigation, and to ascertain that the Member who desired such an investigation, had made no careful study of the particular textbooks which he wished investigated, but had merely used some material from magazines to base his plea for an investigation.

Now, in regard to that angle of the matter I would like to quote from an editorial which appeared in the Philadelphia Record on February 25, 1941. That editorial is as follows:

Leading textbook publishers of the United States have taken up the challenge of the National Association of Manufacturers and others that a substantial number of textbooks used in American schools are un-American.

The charge is emphatically denied by the School Book Publishers' National Association, which appointed a committee to make the National Association of Manufacturers prove its charges by citing specific examples.

This committee includes representatives of some of the largest and most conservative publishing houses in the nation, including Houghton-Mifflin, Harper Brothers, Harcourt Brace, Lippincott and Rand-McNally.

Chief target of the textbook attack is Dr. Harold O. Rugg, dean of Columbia University's Teachers' College. Twenty of Dr. Rugg's books are in use in schools throughout the country. Many are used in Philadelphia, approved by a Board of Education that is about as conservative as they come.

Some of Dr. Rugg's accusers insinuate that his books betray sympathy for Communism. They do not. Here's how one of his books describes the Russian revolution:

"In November, 1917, a few Russian leaders, Lenin, Trotsky, Stalin and some others—seized the Government of Russia by armed force. They killed, exiled from the country or put in prison all those who opposed them. No one outside their own party was allowed to make suggestions, propose plans or vote. The small group of leaders decided how everything was to be owned, what wages should be paid to workers, etc."

Does that sound like a Communist sympathizer?

In contrasting the Russian dictatorship with the American system, Rugg says in the same book:

"Here government is decided by discussing things and voting. It is not done by shooting, rioting and

imprisonment as under the dictators of Germany, Italy and Russia."

Does that sound un-American?

With respect to the question of the bills regarding subversive teaching, it is the attitude as I gather from discussion with the various investigators and teachers, that the teachers as a group do not wish to be exempt from any regulation imposed upon any other public employe, but on the other hand feel it is not fair to them to single out the teaching profession as a group, as a profession, and level at them an accusing finger based largely upon suspicions created mostly by inaccurate reporting at home of incidents that went on in the schools.

I would like to report what a very prominent teacher of an old conservative Republican family in the City of Pittsburgh has informed me. She was reported to have been teaching Communistic propoganda because of a misunderstanding which occurred in her class, and in her explanation of the particular incident there is no question but that she was entirely misunderstood.

She has no objection as an educator, as a teacher and as a former president of the Pennsylvania State Education Association to any regulations which apply equally to all public employes.

I would like to continue to quote from the editorial, which goes on to say:

Rugg's books offend the National Association of Manufacturers because they do not take the view that all is for the best in this best of all possible lands. His books do point to the obvious defects in the working of the American system. They do take notice of a depression in 1929-33. They do call attention to the enormous gap between the poorest and the richest in this country. They do point to unemployment, insecurity, and hunger in the United States.

They should. Honest history is not boosterism—and the citizens of tomorrow are entitled to have honest history taught to them.

The generation that exercises political and economic power in our time has made some grave mistakes; it has failed to meet some fundamental problems.

Those mistakes and failures will affect tomorrow. It is not honest and it is not educationally sound to cover up those errors. Rugg calls widespread unemployment an important question before the American people. It is. And the National Association of Manufacturers cannot beg the question by attempted censorship.

Not many years ago it was revealed that powerful business interests, especially utilities, were subsidizing school textbooks that denounced Government regulation of utilities.

The N. A. M. did not cry out against that. Neither did the American Legion, nor other groups now active in the textbook fight.

What these groups want are biased textbooks, biased their way.

One of the leaders of the fight in this area has said so in so many words. Mrs. Elwood J Turner, corresponding secretary of the Daughters of Colonial Wars, charged that Rugg's books were "unbiased." She explained:

"All the histories taught 'my country right or wrong.' That's the point of view we want our children to adopt. We can't afford to teach them to be unbiased and let them make up their own minds."

Frankly, that attitude seems more totalitarian than American to us. What's more, it doesn't work. Youngsters react against overdoses of biased indoctrination.

The worst—and the best—that has been proved about Dr. Rugg's works is that they are "unbiased."

We hope the book publishers' committee succeeds in bringing that home to the public.

Mr. Speaker, it seems to me that the difficulty does not come in the purpose of various bills introduced on the subject, but does come about in the manner in which that purpose is being attempted to be accomplished. There are bills in the House which are in other Committees which probably cover the subject in a much better way. I think there is a bill, one of the co-sponsors of which is Mr. Robert Cordier—I forget the other gentleman who co-sponsored with him—I think Mr. Keneham was the other gentleman on the bill, which I think is a bill that more likely would suit the occasion than any bill which is in the Education Committee.

These bills have been and still are being considered by the committee, and they will all be acted on in due time. By that I mean that they will not be kept from a vote by the Members of the committee.

With respect to the argument or the possibility advanced by the gentleman that House Bill 396 may have been consigned to some dark dungeon because it is sponsored by a Republican, I might state that the only bills which I know of which emanated originally from the House Committee on Education which have managed to survive the test and which have also come out of the Senate Committee have been some of the Republican bills in which we have been very fair and honest about recognizing and seeing the merit of them.

If you will look at tomorrow's calendar you will find that Republican sponsored bills were released by the Committee on Education today, so that it is not a question of partisanship at all, but it is a question of the Committee seriously attempting to do a good job.

I might further say that material has constantly come to various members of the committee indicating that all of the people of the various groups interested do not support this program wholeheartedly. The Chairman of the Pennsylvania State Education Association Legislative Committee is a man named Ben Byers who is a member of the American Legion and who very definitely feels that any legislation of this sort should apply to public employees and not specifically apply to any particular group of public employees.

Before closing I would like to read a few lines of a speech which was made in the halls of Congress by a man who later became a very eminent American patriot and I say to you that if such a speech were read today by a teacher to a group of children, folks outside of the school inspired by hysteria generated by the conditions of the times, might well feel that the speech perhaps was not as American as it should have been and yet, I am certain that when I tell you the name of the person who made the remarks, there will be no question of his Americanism. This member of Congress said:

"Any people anywhere being inclined and having the power have the right to rise up and shake off the existing government and form a new one that suits them better. This is a most valuable, a most sacred right, a right which we hope and believe is to liberate the world. It is this right confined to cases in which the whole people of an existing government may choose to exercise it. Any portion of such people that can, may revolutionize and make their own of so much of the territory as they inhabit. More than this, a majority of any portion of such people may

revolutionize putting down a minority, intermingled with or near about them, who may oppose this movement. Such minority was precisely the case of the Tories of our own revolution. It is a quality of revolutions not to go by old lines or old laws but to break up both and make new ones."

I submit to the Members of the House that if a teacher today would read those words in an appropriate course in problems of democracy, even in a senior high school, a twelve year class, it could very easily lead to a situation of saying that the teacher was promulgating un-American doctrines. Yet the author of those lines, the man who gave those words utterance was Abraham Lincoln, who was speaking concerning the Mexican War in the House of Representatives of the United States Congress on January 12, 1848.

So I say to you that it ill behoves us as a deliberative group of mature people, an assembly which is supposed to reason, to rush headlong into something of this nature and to allow ourselves to take a biased view of questions of such magnitude and such importance.

I also have before me a statement signed by a group of clergymen who believe in the right of free speech and who believe that if our Democratic government is to maintain itself and to progress it must be through education in our public schools. They believe that the best way to create real Americanism is to see that we do not have cumbersome laws restricting the right of free thinking and right of free speech in our school system.

There is one point more thought that I wish to leave with this group, and that is this: if it is the thought of the gentleman that we should prohibit a teacher from teaching because he or she may be a member of any political party, that the policy of the Federal Department of Justice, which I think is best qualified to take a stand in this matter, is not to go out and arrest people because they suspect them of subversive thinking or because they suspect them of subversive teaching, but it is only to make arrests and prosecutions where there have been actual violations of Federal Laws governing these subjects.

I say to you that if the policy of the Federal Department of Justice is to recognize that its attention should only be directed to violations of the law, we ought to go slow when we proceed in the same direction. I do not think that we should establish in Pennsylvania a system of legislative inquiries and prosecutions, and I believe that we here in the House should be satisfied to accept the verdict of the Committee on Education, which I am sure will continue to give these various bills their proper study. I do not believe that the subcommittee which is studying these bills is motivated by any other than the purest of reasons from the standpoint of good government, and I believe that our efforts in this direction should be directed to the other bill, which I think is a broader bill, which I think is a fairer bill and certainly has more hope of attaining the right and the merited objectives which I am sure all of us desire.

CONGRATULATORY RESOLUTION

Messrs. O'BRIEN and MELCHIORRE offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, May 21, 1941.

Whereas, Certain members of the House are successful in many fields of endeavor; and

Whereas, One of the members of the House today celebrates his twenty-second year of marital bliss; and

Whereas, It is fitting that the House of Representatives signalize so joyous an occasion; therefore be it

Resolved, That the House of Representatives today felicitates the Honorable David M. Boies and his wife, Mabel, on this their twenty-second wedding anniversary; and be it further

Resolved, That the Chief Clerk of the House mail a copy of this resolution to the happy couple as a token of the House of Representatives's well wishes to them for many more happy and successful anniversaries.

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

Mr. BOIES. Mr. Speaker and members of the House, I just want to extend my thanks to the gentlemen from Philadelphia and to the Members of the House for their kind felicitations and all I should like to say is this, I would do the same thing over.

CONGRATULATORY RESOLUTION

Messrs. CHUDOFF, TATE and VOLDOW offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, May 21, 1941.

Whereas, Today marks the twenty-fourth wedding anniversary of one of the members of the House; and

Whereas, During that period he has enjoyed a most happy married life; and

Whereas, His son was signally honored at a dinner in the White House by President Roosevelt; and

Whereas, All the Herman's have contributed to the renown of the name; be it therefore

Resolved, That the House of Representatives hereby congratulates the Honorable Mayer E. Herman on this, his twenty-fourth wedding anniversary, and wishes him many more to come; and be it further

Resolved, That a copy of this resolution be mailed by the Chief Clerk of the House to the Honorable Mayer E. Herman, and the members of his family.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Herman.

Mr. HERMAN. Mr. Speaker, it is with a great sense of gratitude that I express my appreciation this week of the privilege of being married twenty-four years. It is not a joke especially when you have to raise a family, but as the previous speaker said if I had it to do over again I would have done the same thing. It is a great pleasure to bring up a family. I appreciate having a lovely wife and three lovely children, and in their behalf and in behalf of myself I wish to thank the sponsors of this resolution and the Members of the House from the bottom of my heart. I thank you.

SENATE MESSAGES

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 20, 1941.

Resolved (if the Senate concur), that House Bill No. 1098, Printer's No. 296, entitled "An act to amend section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449) entitled 'An act establishing a court of record in the County of Allegheny for control

care guidance treatment placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the courts and regulating procedure therein providing for the transfer thereto of certain functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties' to provide for the payment of the costs of maintenance of children under care of the Juvenile Court by the city or county institution district liability to be determined on the basis of the legal settlement of such child at the time of assumption of jurisdiction by the court."

be recalled from the Governor for the purpose of amendment.

RESOLUTION CONCURRED IN BY THE SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 20, 1941.

Resolver (if the Senate concur) that House Bill No. 364, Printer's No. 500, entitled "An act to amend the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566) entitled 'A supplement to the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents' amplifying the provisions thereof as to persons entitled to such payments,'

be recalled from the Governor for the purpose of amendment.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 20, 1941.

Resolved (if the Senate concur) that House Bill No. 1021, Printer's No. 528, entitled "An act to add section six hundred seventeen and one-tenth to the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing school districts under certain conditions to appropriate money to non-profit corporations established for the purpose of constructing school buildings for the use of the district

be recalled from the Governor for the purpose of amendments.

PERMISSION TO ADDRESS HOUSE

Mr. AUKER, asked and obtained unanimous consent to address the House.

Mr. Speaker, I wish to speak briefly on a matter that has come up this afternoon in relation to un-American teachings and unamerican teachers and subversive teaching and subversive teachers in our public schools, our colleges and universities.

As has been said here before, the Honorable George E. Jones and myself early in the session presented a bill to have an investigating committee appointed to investigate such teaching and teachers not only in our public schools but also in our colleges and universities, which are partly financed or wholly financed by the taxpayers money.

The previous speaker, the gentleman from Allegheny, rather intimated or implied that in introducing this bill for an investigating committee, we, more or less, went off halfcocked, that we did not read every one of the so-called Rugg text books and guides and reference books of which there are twenty. That is true, we did not read them. What brought our bill forth more than anything else was the action of private citizens of a municipality of this Commonwealth who had to go into the schools and steal books out of the school that they regarded as subversive, and when any body of citizens has to do that it is high time that an investigating committee be appointed.

There was also defended on the floor of this House a gentleman known as Doctor Rugg. May I quote? I am not going to take very much time,—I am just going to read one or two samples. Here is a pamphlet by R. Worth Shumaker, Assistant National Americanization Director of the American Legion, in which he quotes Doctor Counts, a colleague of Doctor Rugg, in which Doctor Counts says in his book entitled "Dare the Schools Build a New Social Order?"

"Almost everywhere it is the grip of conservative forces and is serving the cause of perpetual ideas and institutions suited to an age that is gone." That is on page 5. I quote further: "That the teachers should deliberately reach for power and then make the most of their conquest is my firm conviction."

In reference to Democracy, Doctor Counts writes:

"Democracy of course should not be identified with political forms and functions with the Federal Constitution, the popular election of officials, or the practice of universal suffrage."

That is from page 40.

Finally, Dr. Counts advises the teachers of the nation:

"The times are literally crying for a new vision of American destiny, The teaching profession or at least its progressive elements, should eagerly grasp the opportunities which the fates have placed in their hands."

That is from page 54.

So much for Dr. Counts. Let us go on to Dr. Rugg. Here is an extract from the Rugg social science textbooks presenting the five-year plan of the Soviet Union in a most favorable light. From "An Introduction to Rugg's 'Problem of American Culture,' published in 1931, a textbook for the first semester of the ninth grade, recently revised, I quote:

"The necessity for careful planning is now beginning to be recognized. Two things help to arouse our leaders. The first was the World War. * * * Hence, the whole must be planned. The second factor was, and is, Russia's 'Five Year Plan.'

"So are the number and kind of schools and colleges

social centres and public buildings to be erected. In fact, every aspect of the economic, social, political life of a country of 140,000,000 people is being carefully planned."

That is from page 596 and 597.

And then also from his book on "Changing Governments and Changing Cultures," a second semester textbook for ninth grade, also recently revised:

"The Five-Year plan," it is the most daring and at the same time the most scientific attempt that a large nation has ever made to plan its ways of living."

That is from page 437.

I quote again:

"There were two aims behind the plan. The first was to transform a backward farming country into a rich industrial one, one in which all wastes in the production and distribution of physical goods would be eliminated, one which would be even more efficient than America. The second was to do away with private capitalism, to set up the completely socialized state."

Then in Doctor Rugg's Teachers Guide which book only the teachers have in their hands and the parents cannot see,—and I quote from pages 126-129:

"We suggest that the new regime in Russia be discussed as a great experiment. Indeed treat all the forms of government in the world today as experimental. A central concept of the entire social science course is increasing change."

I quote further.

"Thus the socialist leaders have exactly the same fundamental education idea and purpose as have the leaders of America, that is the building up of the culture of the people by the finest kind of education." And he says in his book, "Democracy in the curriculum"; "To bring forth on this continent in the form of a cooperative commonwealth, the civilization of abundance, democratic behavior, and integrity of expression and of beauty which is now potentially available"

And then he goes on and says this in Doctor Rugg's textbook—"The Great Technology".—here is what Doctor Rugg thinks of our fundamental and basic institutions and the founding fathers.

"Second, that every form of government on earth today must be regarded frankly as an experiment tentative and to be changed as new social and economic conditions develop. The trend has revealed scores of experiments, a great variety of forms and methods of collective living. The danger is that the young nationals of each of the sixty countries will grow up with the conviction that the form peculiar to his country is of proved superiority rather than that it is one of many experiments and could very likely be greatly improved by the substitution of many foreign practices." That is from page 270. And he goes on to say.

"Thus through the schools of the world we shall disseminate a new conception of government one that will embrace all of the collective activities of men; one that will postulate the need for scientific control and operation of economic activities, in the interest of all people."

He clearly sets forth in this book "The Great Technology" that he believes in collectivity. I don't know the brand of Americanism that Doctor Rugg lays down as a standard for me. I will take the brand of Americanism that the American Legion believes in and formulates and which the American Legion is trying to teach to the young Nationals of this country, and not the kind of patriotism, nationalism or Americanism as put out by

these men, Dr. Rugg, Dr. Counts, and by Dr. Stoddard of Philadelphia, if you please, and others of like ilk. They are deliberately seeking to brand their opinion and what kind of government we should have on our school children of tender age of the sixth grade and up rather than trying to teach facts, as facts should be taught in our public schools.

I could go on and on all afternoon, Mr. Speaker. I have here in my hand a report of investigating committees which have made investigations throughout this country, which shows that Dr. Rugg and his colleagues are very much not to be desired. This man is dangerous. He should be thrown out, together with all of his text books, and teachers like him should be thrown out of our public schools. I submit to you, Mr. Speaker, that this question does call for investigation by the Members of this House.

Referring to the \$50,000 which is asked to be appropriated, as has been previously stated by a speaker we appropriated \$50,000 for soil erosion, we appropriated a couple of million dollars for Bangs disease and so forth, but apparently we cannot spare one cent to see whether or not our school children are receiving the proper kind of education in our schools.

The Board of Education in the City of Philadelphia said that there is nothing wrong with Dr. Rugg, but they threw some of his books out of the school system and tried to whitewash the whole thing. I can show you Members of the House a report which knocks into a cocked hat the conclusions reached by the Board of Education of Philadelphia. They say that school boards are the proper people to do that. I will grant that, but when the school board refuses to do a good job it is time for the Legislature sitting down here to see that they do it.

Mr. Speaker, I ask that the Education Committee give every possible consideration to House Bill No. 201 and that this bill for the purpose of appointing an investigating committee, be reported out of committee. There won't be anything unfair about it, as the personnel of the committee is to consist of three Senators, three Representatives and three laymen, which would be undoubtedly, an unbiased committee. Certainly nothing can be lost, but everything can be gained by reporting out this bill now and that an investigating committee be appointed.

PERMISSION TO ADDRESS HOUSE

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

Mr. SPEAKER, I am a member of the American Legion, I am a member of the Veterans of Foreign Wars. I have just heard it quoted on the Floor of the House that the American Legion was back of a certain movement, and I want to point out to the gentleman from Blair and to the gentleman from Lebanon that all the laws in the world will not stop the growth of communism. The only way that growth will be stopped is by good government. Russia had laws that put to death those in the day of the Czars who fought the government. We read of those days in Russia when the Cossacks rode down those people who asked for more money for their work, and who asked for good food for their starving children. What did that government send them? They sent them the Cossacks. I want to point out to the Republican members of this House that in the Republican days of Pennsylvania we had those same Cossacks in State Police and in the Coal and Iron

Police who rode down those workers of Pennsylvania who asked for more living wages and food for their children. What has stopped the growth of communism in Pennsylvania was the Democratic Party who put an end to the Cossacks and an end to the Coal and Iron Police.

PERMISSION TO ADDRESS HOUSE

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

Mr. SPEAKER, a few minutes ago my good friend, Mr. Finnerty from Philadelphia, called the attention of this House to the fact that the Academy of Music had refused to permit an American citizen to make a free American speech. In line with that and in answer to my friend from Philadelphia, Mr. Finnerty, I would like to say this, American tolerance is a thing of the past when United States citizens noted for their bravery and integrity are condemned and vilified because they voice their honest opinions and convictions concerning war in Europe.

We reap as we sow. And just as long as American sows these seeds of fear, hatred, paganism and political gangsterism, just so long will America reap the fruits of physical, political, and moral disintegration. Christian America is decaying because old world politics, fear, intolerance and paganism are preached from the highest sources in our land.

PERMISSION TO ADDRESS HOUSE

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

Mr. Speaker, I have five or six of the books of Doctor Rugg back here and I do not propose that we go into a Committee of the Whole to investigate them now. I do wish to call to the attention of the Members a brief part of an article which appeared in the issue of Time under date of September 9, 1940, on page 65, where under a picture of Doctor Rugg the following statement is made, after some preceding paragraphs that have described several bits of book burning. This article says:

"Last month Professor Rugg looking harassed and unhappy, rose before summer students at Teachers College denounced 'Witchhunting.' Cried he: 'Those who say that we don't believe in private enterprise lie.' Meanwhile Professor Rugg's publishers, Ginn and Co. announced that Fall orders for Rugg books were bigger this year than last."

I believe that the school boards of the Commonwealth of Pennsylvania have sufficient discretion and sufficient power to buy the text books that they believe are proper. I do not believe we should impose upon the school boards our will or our wisdom in buying certain text books.

With respect to one of the books of Dr. Rugg which I have just picked up and opened at random, while I have no interest in the question whether Dr. Rugg's books are used in the Commonwealth or not used in the Commonwealth, other than the interest that we ought to allow free speech and to that end ought not take any action which would interfere with or proscribe free speech and the privileges that we have through free speech, and I would like to read a brief page or two from a book written by Dr. Rugg called "The Building of America."

Chapter III is headed "People of Many Countries Built America," and it goes on to say:

"Look at the picture on Page 29 and see this crowd of 'Americans.' All of them live in our country, the United States of America, and all are proud to call themselves Americans.

"Very likely the parents of many of these children came from countries far away. Some may have come from Russia; others from Italy or Spain or Mexico; still others from Great Britain or Germany or Denmark. In a large group or high school pupils like this every country may seem to be represented. Yet they are all Americans.

"As we read the stories in this book we shall often ask ourselves: 'Who were the people that settled the vast wilderness that is now the United States? What people had the courage to cut down the forests, cross the plains and prairies, climb up and down the mountains?'"

"The answer is that no one people did it. It was people from many lands, many countries, many races. Daring and restless people came from England and Scotland. In all, several million came from the British Isles.

"The Dutch came from Holland and the Swedish immigrants from Sweden. Irishmen filled many boats for years and years, crossing the Atlantic from Ireland to North America. Later it was the Germans, who came by the tens of thousands, and the Danes and Norwegians, and still more Swedish people.

"If you will recall the countries of Europe as you studied them in Peoples and Countries, you will notice that all these peoples we have named came from western and northern Europe. For nearly 300 years those who built America came mostly from northwestern Europe. The negroes from Africa were almost the only exception.

"Only a few years ago millions of people began to come from southern and eastern Europe. Today there are several million Italians, an equal number of Jews, and even more Slavs from Poland, Russia, Czechoslovakia, Yugoslavia, and other parts of eastern Europe.

"From Mexico, to the south of us, have come quite a number of Mexicans, and from Asia came Chinese and Japanese. From Islands in the Pacific Ocean came Filipinos and Hawaiians. From still other places came other peoples.

"So we see that many, many different peoples built our country. From all over the world they came to North America. Their children and their children's children are the people we call Americans today.

"The pictures of this chapter show some famous Americans. If you were skillful in the study of faces, you would see from the photographs that most of these men and women came from families belonging to the British Isles or Germany or Scandinavia. Indeed, the ancestors of most of our presidents, lawyers, scientists, writers, architects, and teachers were from northern and western Europe. But some of our finest artists, lawyers, musicians, and leaders in government today were born of parents from Italy or Poland, from Russia, or from other parts of eastern and southern Europe.

"Let us remember that nearly every race and every country has sent us some fine people who have helped to make our America the country that it is today."

Mr. Speaker, I wish to say again I rise to defend the action of our committee and I believe that the committee is giving the serious consideration to this matter that it deserves. I again call to the attention of all the Members that the bill which I spoke of a few moments ago, which I think is House Bill 413, and I understand it is in the Committee on State Government. I believe that whatever we do should be done so that it will apply universally and will not apply to any individual group. I did not mean to reprimand or censure the gentleman

from Blair, Mr. Auker, or to be impertinent to him, but I do recall that he indicated to me he had not read these books which he wished investigated. I have several of these books. They have been up in the Committee room for quite a while and anybody who wants to read them may borrow them from me if they will give me a receipt for them because I will have to return them to the State Library. If anybody wants to read them, I will be glad to let them have them.

PERMISSION TO ADDRESS HOUSE

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

Mr. Speaker, I desire to call to the attention of the Members that reservations are still available for the dinner to be held at Hershey Hotel next Wednesday, May 28th, in honor of our able floor leader, the majority floor leader. Tickets for the dinner may be procured from Walter Miller in the Chief Clerk's Office, and for those who do not intend to drive transportation will be made available. The evening of May 28th will be devoted to the consumption of fine food and the dissemination of good fellowship. There will be no talk on budgets or anything of that kind, and since none of the money from the tickets is going into the Democratic party coffers I expect to see a great many Republicans there.

PERMISSION TO ADDRESS HOUSE

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

Mr. Speaker, I have listened with a great deal of interest to the remarks of the gentleman from Allegheny, Mr. Harkins. I have heard him prate about freedom of speech, and prattle about democracy. It seems to me if we are going to be able to maintain democracy we ought to bring this bill out on the floor of the House and let the Members of this General Assembly as a whole, pass upon its merits or its demerits. There is much to be said for it and much to be said against it but I think a bill which has aroused as much public interest as this bill has, ought to be brought on to the floor of the House so that every man in the House would have a right to cast his vote either for or against it.

I heard the gentleman from Allegheny, Mr. Holland rise to say that he was a member of the American Legion, and I too am a member of the American Legion. I want to object to the imputation contained in the remarks of the gentleman from Allegheny, Mr. Harkins to the effect that the American Legion is a selfish group, opposed to the Rugg Books. I am the president of a school board which is now considering those Rugg text books and I tell you that those books are definitely subversive. No books in all the history of this Commonwealth have tended more to create class hatred, partisanship and a feeling of hatred between brother and brother than these books have done. I do not favor an appropriation of fifty thousand dollars for the purpose of studying these books. I think the matter lies with the school districts within our Commonwealth, and I say to you gentlemen that these books are subversive nevertheless.

With regard to the bill introduced by the gentleman from Delaware, Mr. Turner, I say to you it is only fair, if we are going to be able to maintain our democracy,

that a bill of this vast importance ought to be brought on the floor of this House and passed upon by every Member on it.

BILLS SIGNED BY SPEAKER

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

HOUSE BILL NO. 401.

An Act to further amend section five hundred eleven of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An Act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administration 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," appropriating to the Department of Military Affairs, the proceeds of the sale of certain products to be expended for the Indiantown Gap Military Reservation.

Whereupon,

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

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

SENATE BILL NO. 66.

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

SENATE BILL NO. 270.

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

SENATE BILL NO. 447.

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

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

MAJORITY REPORT OF COMMITTEE ON SOIL CONSERVATION

Mr. MOUL. Mr. Speaker, I wish to submit the report of the committee appointed by the Speaker pursuant to House Resolution No. 15, Serial No. 36, to investigate the operation and procedure of the Pennsylvania Soil Conservation Board and the extension service of Pennsylvania State College.

The report was read by the Clerk.

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

PERMISSION TO ADDRESS THE HOUSE

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

Mr. Speaker, on behalf of the majority Members of the committee who have submitted this report, I want to call the attention of the Members of the House to the fact that we have placed a complete copy of this report on the desks of each Member.

At this time I want to call particular attention to the findings of fact as noted on page 16 of that report, and the recommendations of the majority Members of the committee.

I quote from the report as follows:

1. The officials responsible for the promotion and operation of the soil erosion control program—Hon. John H. Light, Secretary of Agriculture, the State Soil Conservation Board, Dr. M. S. McDowell, director of Agricultural Extension of Pennsylvania State College—are guilty of gross dereliction of duty, having deliberately and openly refused to carry out the mandate of the Legislatures of 1937 and 1939.

2. As a result of the failure of the Soil Conservation Board to organize prior to June 13, 1939, funds for erosion control appropriated in 1937 were allowed to lapse, virtually no funds were appropriated to carry on the program after 1939 with a result that the erosion control program of the Commonwealth was almost wiped out.

3. Under the law it is the duty of the Secretary of Agriculture, ex officio head of the State Soil Conservation Board, to see to it the Board performs the functions for which it is responsible under the law. John H. Light, Secretary of Agriculture, is opposed in principle to federal soil erosion legislation, is opposed in principle to the Pennsylvania statute providing for and governing the creation of soil erosion districts. Through his personal leadership and through the activities of his department, an atmosphere of hostility and uncertainty was created which hampered the progress of the cause the State Soil Conservation Board of Pennsylvania was created to promote. The Chairman of the Board, the Secretary of Agriculture, pursued a policy of delay where sentiment in favor of the creation of soil erosion districts rendered open hostility inexpedient.

4. The Chairman of the State Soil Conservation Board of Pennsylvania was actively supported in his efforts to sabotage the 1937 act by Dr. McDowell who is opposed in theory, in practice and in principle to federal soil erosion legislation and to the Pennsylvania Erosion District Statute of 1937, and who does not intend in the future to do anything calculated to place the Pennsylvania Erosion District Statute in full force and effect.

5. The program for which the State Soil Conservation Board of Pennsylvania was primarily responsible was consistently undermined by county agents, operating under Dr. McDowell's direction, who, in a majority of instances, either openly or covertly opposed the formation of soil erosion districts. Dr. McDowell himself exerted direct pressure on his county agents with a view of inducing or requiring them to oppose the formation of erosion districts and to influence those residing within the proposed districts to vote against the district plan.

6. The activities and utterances of both the Secretary of Agriculture and the director of Agricultural Extension at the Pennsylvania State College have been persistently calculated to discourage the formation of erosion districts and promote active hostility to them.

7. Both Mr. Light and Dr. McDowell maintained the position it was not their duty to promote soil erosion by advocating the creation of erosion districts under the law, but that it was instead the duty of the Board and the duty of the Agricultural Extension executives simply to assist in the administration of such districts as were thrust upon them. On the other hand, Dr. S. W. Fletcher, dean of the School of Agriculture, Pennsylvania State College, was consistently interested in furthering the creation of soil erosion districts by means of educational and promotional programs. Dr. Fletcher's attitude, as a member of the State Soil Conservation Board of Pennsylvania, was distinctly helpful to those desirous of operating under the erosion district law. Dr. Fletcher's attitude and activities were in marked contrast to the attitude of the Secretary of Agriculture and the director of Agricultural Extension.

We recommend:

1. That the Soil Conservation Board be reorganized and be made up as follows:

The Secretary of Agriculture

The Dean of the State College Experimental Station

The Pennsylvania State Coordinator of the Soil Conservation Service of the U. S. Department of Agriculture.

Four duly elected representatives from among local soil erosion control district boards.

This will give control to the men who are intimately connected with the problem and who are working on it and will insure the farmers of the State sympathetic hearing of their problems and wholehearted cooperation in bringing to them the benefits of this national conservation program.

2. That John H. Light, Secretary of Agriculture, be cited by this House for gross dereliction of duty in his deliberate refusal to follow the mandate of the Legislature, and that he should be dismissed by the Governor if he is unwilling to cooperate during the remaining term of his office.

3. That the House cite Dr. M. S. McDowell, Director of Agricultural Extension of State College, to the Board of Trustees of State College for his refusal to cooperate in the Erosion Control program and for his failure to use the county agents of the Extension Service for the furtherance of the soil erosion program and the assistance of the districts already formed.

At the same time we would cite with approval to the Board of Trustees Dr. S. W. Fletcher for his interest and determined activity in behalf of the program. That he did not succeed is no fault of his.

4. That the House of Representatives cite Dr. McDowell to the United States Department of Agriculture for his failure to cooperate in this program.

5. We recommend that the appropriation to the Soil Conservation Board and the local districts be increased to \$57,500, to enable them to carry out the wishes of the Legislature and that it be made clear

in the Act making the appropriation that local boards are not to be denied reimbursement of proper expenses.

6. We recommend that the usual appropriation be made to Pennsylvania State College with the stipulation that funds for the Extension Service be paid only if full cooperation is given by it to the soil conservation program.

7. Our investigation has compelled us to give serious thought to the proper function of Pennsylvania State College in relation to the Commonwealth as a whole and to agriculture in particular.

It is not our function to determine the future conduct of the College in relation to any other matter other than soil erosion control. We urge, however, the State College in planning its future curricula lay greater emphasis upon preparing its students for participation in their post-college life in modern methods of farm and forestry technique.

MINORITY REPORT OF COMMITTEE ON SOIL CONSERVATION

Mr. SNYDER. Mr. Speaker, I herewith present to the House the minority report on Resolution No. 15, Printer's No. 20.

I am offering this report for several reasons. First, I feel that the report of the majority fails to cover much of the evidence produced before the investigating committee, and secondly, I sat through all these hearings and gave careful consideration to all of the evidence submitted and I am convinced that the present soil conservation law does not meet with the approval of the farmers generally in the State of Pennsylvania, and for that reason I am going to introduce a bill which I think will be acceptable to the farmers of this state.

The report was read by the Clerk.

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

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. 475

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 21, 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. 475, Printer's No. 51, entitled, "An act To further amend section seven of the act approved the twenty-fourth day of June one thousand eight proved the twenty-fourth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, two hundred twelve), entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice and its relation to the Supreme Court and other courts; providing for the reports of its decisions, the compensation of the judges and other officers and the practice and costs on appeals from its judgments," as amended, to extend the original jurisdiction of the Superior Court to include mandamus and prohibition in certain cases.

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. 1084

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 21, 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. 1084, Printer's No. 227, entitled, "An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate."

ARTHUR H. JAMES.

COMMITTEE MEETINGS

EASTERN STANDARD TIME

Cities—3rd Class, Thursday, May 22 at 9:00 a. m. in

Room 325. Game, Wednesday, May 21 after today's session in Room 324. Mines and Mining, Wednesday, May 21 after today's session in the New House Caucus Room.

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 House Caucus Room.

ADJOURNMENT

Mr. GROSS. Mr. Speaker, I move that this House do now adjourn until Thursday, May 22, 1941, at 10 a. m.

The motion was agreed to, and (at 2:53 p. m.) the House adjourned.