

corporate and politic with power to construct, improve, equip, furnish and operate projects and to lease the same and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act;" empowering the General State Authority through the exercise of its powers under existing law to construct, equip, furnish, maintain and operate an official residence in the City of Harrisburg for the use of the Governor of 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 Senate proceeded to the first reading and consideration of Senate Bill No. 998, entitled:

An Act to authorize the Secretary of Property and Supplies with the approval of the Governor to sell, convey or exchange the Executive Mansion located at Front and Barbara Streets in the City of Harrisburg, County of Dauphin.

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

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1005, entitled:

An Act relating to the adoption of the song entitled "Pennsylvania," words and music written by Gertrude Martin Rohrer and providing for its adoption as the State song of Pennsylvania.

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

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1029, entitled:

An Act creating a Joint Legislative Committee for the purpose of making a thorough study and investigation of the State Employees Retirement System; providing for its appointment; authorizing the employment of necessary clerks and assistants; authorizing the subpoenaing of witnesses and records and making an appropriation.

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

### BILL SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

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 Common-

wealth," 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.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

### ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Wednesday, May 28, 1941, at 2:00 o'clock, p. m. Eastern Standard Time.

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

The motion was agreed to.

The Senate adjourned at 2:57 o'clock p. m., Eastern Standard Time until Wednesday, May 28, 1941, at 2:00 o'clock, p. m., Eastern Standard Time.

## HOUSE OF REPRESENTATIVES

TUESDAY, May 27, 1941

The House met at 12 m.

The SPEAKER (Elmer Kilroy) in the Chair.

### PRAYER

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

Almighty God, teach us, we pray Thee, the more excellent way of love. Help us to realize the power, the beauty, and the enduring worth of love. Rebuke us for our loveless living and for our trust in forces alien to the life of the Spirit.

Remind us of the danger of dreaming and not daring, of resolving and not acting. Give unto each of us a freshness of Spirit that together we may do good to all men.

We pray Thee, our heavenly Father, that Thy healing hand may touch the body of Representative Welsh of Fayette, of whom it was reported met with an accident. May we, not only as Representatives, but as Thy children, give thanks to Thee this day for the measure of health and strength that is ours. This we ask in the name of Him from whom we learned that God is love. 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. POWERS, unanimously agreed to, the further reading was dispensed with and the Journal approved.

### BILLS INTRODUCED AND REFERRED

By Mr. ROSENFELD.

HOUSE BILL No. 1701.

An Act to add section thirteen to the act, approved the eighth day of June, one thousand nine hundred eleven (P. L. 705), entitled "An act creating the office of Fire Marshal, to be attached to the Department of Public Safety

in cities of the first class; prescribing his duties and powers; and providing penalties for violations of the provisions of the act; and providing for the method of appointment, compensation, and for the maintenance of his office," by authorizing the Fire Marshal to order vacated buildings and premises constituting nuisances dangerous and detrimental to life and property, and authorizing the Fire Marshal to abate such nuisance under the police power.

Referred to the Committee on Cities — First Class.

By Mr. ROSENFELD. HOUSE BILL No. 1702.

An Act to amend section ten of article two of the act, approved the twenty-fifth day of June, one thousand nine hundred nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," by further regulating the term of appointment of the city planning commission; imposing powers and duties on such commission; and imposing certain restrictions on the transfer of certain lands or the erection of certain buildings.

Referred to the Committee on Cities — First Class.

By Mr. CHUDOFF. HOUSE BILL No. 1703.

An Act limiting the amount of costs of prosecution payable by persons, when appeals from the payment of fines for summary convictions, are not sustained.

Referred to the Committee on Judiciary Special.

By Mr. HEWITT. HOUSE BILL No. 1704.

An Act authorizing the Department of Public Instruction, with the approval of the Board of Trustees of the Indiana State Teachers' College, to contract with the Borough of Indiana for the erection of a sewage disposal plant and the connection therewith and use thereof, by the Indiana State Teachers' College, and the payment of part of the cost of maintenance thereafter; and making an appropriation.

Referred to the Committee on Education.

By Mr. STANK. HOUSE BILL No. 1705.

An Act to amend the act, approved the fifth day of May, one thousand nine hundred and twenty-seven (P. L. 787), entitled "An act establishing certain public roads as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," by changing certain routes and adding certain new routes.

Referred to the Committee on Highways.

By Mr. HAMILTON. HOUSE BILL No. 1706.

An Act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire by gift the Harmony Society Graveyard in the Borough of Ambridge, Pennsylvania; providing for the control, management, and maintenance thereof; authorizing the Commission to make and enforce rules and regulations for the preservation, maintenance, and visitation thereof.

Referred to the Committee on State Government.

By Mr. SKALE. HOUSE BILL No. 1707.

An Act directing judges of courts of record in criminal cases to order the acquittal of any defendant notwithstanding a verdict of guilty by any jury or judge without a jury, where it appears such a verdict cannot be sustained by the evidence.

Referred to the Committee on Judiciary Special.

By Mr. RUSH.

HOUSE BILL No. 1708.

An Act requiring every board of school directors, board of public education, board of trustees or other governing body of any school or other public institution supported in whole or in part from public funds to exercise exclusive supervision and control over any band, orchestra or other musical organization maintained by such institution; authorizing the adoption of rules and regulations by such governing bodies relating to the activities of such musical organizations; prohibiting any person having charge of such musical organization from permitting any use of the equipment thereof or any performance thereby, except in connection with some function of the institution; requiring persons in charge of such bands to accept no compensation for their services other than that granted them by the school districts; and prescribing penalties.

Referred to the Committee on Education.

By Mr. ACHTERMAN. HOUSE BILL No. 1709.

An Act to further amend the definition of "Liquid Fuels" contained in section two of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by excluding certain gasoline not used in internal combustion engines to propel vehicles on the public highways in this Commonwealth.

Referred to the Committee on Ways and Means.

By Messrs. D'ORTONA and VOORHEES.

HOUSE BILL No. 1710.

An Act creating a Board of Inspection in the Department of Public Works in cities of the first class; imposing powers and duties on such board and cities of the first class and any lessee of water or gas mains owned by such city; prescribing rights of persons suffering damage to property or personal injuries because of defective conditions of such mains and imposing liability on cities of the first class and lessees of water or gas mains owned by such city; and repealing inconsistent legislation.

Referred to the Committee on Cities — First Class.

By Messrs. RAUSCH and LICHTENWALTER.

HOUSE BILL No. 1711.

An Act to further amend part of section fourteen of the act, approved the thirty-first day of March, one thousand eight hundred and seventy-six (P. L. 13), entitled "An act to carry into effect section five, of article fourteenth, of the constitution, relative to the salaries of county officers and the payment of fees received by them into the state or county treasury, in counties containing over one hundred and fifty thousand inhabitants," further prescribing compensation of clerks of the courts.

Referred to the Committee on Counties.

By Mr. MALLOY.

HOUSE BILL No. 1712.

An Act making an appropriation to the Department of

Military Affairs to be used for the payment of subscriptions to "The Pennsylvania Guardsman Monthly" or "The Pennsylvania Guardsman Weekly" for distribution to all officers and men who are or may become members of the units of the Pennsylvania National Guard in active service of the United States, and to the officers and men of the Pennsylvania Reserve Defense Corps.

Referred to the Committee on Appropriations.

By Mr. MALLOY. HOUSE BILL No. 1713.

An Act providing that moneys heretofore or hereafter appropriated to the Department of Military Affairs for the payment of subscriptions to the Pennsylvania National Guardsman for distribution to the officers and men of the National Guard may be used for the payment of subscriptions to "The Pennsylvania Guardsman Monthly" or "The Pennsylvania Guardsman Weekly" heretofore distributed or for distribution to all officers and men who are or may become members of units of the Pennsylvania National Guard in active service of the United States, and to the officers and men of the Pennsylvania Reserve Defense Corps.

Referred to the Committee on Appropriations.

By Messrs. EDWIN A. LEE and HERSCH.  
HOUSE BILL No. 1714.

An Act to protect the public health by prohibiting the use of steel wool or other similar material for cleaning or polishing cooking or eating utensils used in public eating or drinking places or in certain institutions.

Referred to the Committee on Public Health and Sanitation.

By Mr. ELLWOOD B. WELSH. HOUSE BILL No. 1715.

An Act to amend section seven of the act, approved the seventeenth day of May, one thousand nine hundred seventeen (P. L. 208), entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the words 'drug' and 'poison'; and providing for the appointment of a board which shall have in charge the enforcement of said law, and the power to make rules and regulations for the enforcement of said law; and providing for the purchase of samples of drugs for determining their quality, strength, and purity," by requiring a copy of the latest edition of the Year Book of the Pennsylvania Pharmaceutical Association to be kept in every pharmacy.

Referred to the Committee on Public Health and Sanitation.

By Messrs. GERARD and BAKER.  
HOUSE BILL No. 1716.

An Act to further amend sections three and ten of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 284), entitled, as amended "An act imposing a State tax, payable by those herein defined as manufacturers and by others, on malt or brewed beverages used, sold transported, or delivered within the Commonwealth; prescribing the method and manner of evidencing the payment and collection of such tax; conferring powers and imposing duties on the Department of Revenue, and those using or engaged in the sale, at retail or wholesale, or in the transportation of malt or brewed beverages taxable hereunder; and providing penalties," by prescribing malt beverage tax rates for certain original containers or standard fractions thereof; fixing a minimum quantity of malt or brewed beverages which may be sold in cases, cartons or boxes; and providing for refunds of tax for malt or brewed beverages sold to commissaries, ship's stores and voluntary

unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy.

Referred to the Committee on Ways and Means.

## 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. 609

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, May 23, 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. 609, Printer's No. 132, entitled, "An Act to amend section four hundred thirty-eight of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws 1278) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' changing the qualifications of historical societies to receive county appropriations."

ARTHUR H. JAMES.

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

### APPROVAL OF HOUSE BILL NO. 1205

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, May 23, 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. 1205, Printer's No. 311, entitled, "An Act to amend subsections (b) and (c) of section two of the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 626) entitled 'An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class creating and prescribing the powers and duties of a Board of Property Assessment Appeals and Review imposing duties on certain county and city officers abolishing the board for the assessment and revision of taxes in such counties and prescribing penalties' to provide for the appointment of the members of the Board of Property Assessment Appeals and Review in second class counties by the county commissioners."

ARTHUR H. JAMES.

## SENATE MESSAGE

### AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

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

### HOUSE BILL No. 524:

An Act to further amend section two hundred and ten of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by prohibiting the purchase sale or exposure for

sale of striped bass or rock fish under eighteen inches in length.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

#### SENATE MESSAGE

##### AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

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

##### HOUSE BILL No. 666.

An Act to 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

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

#### LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Weiss for Mr. LOVETT for the remainder of the week on account of death in the family.

#### BILL 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. 666:

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

##### HOUSE BILL No. 524:

An Act to further amend section two hundred and ten of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by prohibiting the purchase sale or exposure for sale of striped bass or rock fish under eighteen inches in length

Whereupon,

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

#### REPORTS FROM COMMITTEE

Mr. COOK, from the Committee on Boroughs, reported as Committed, House Bill No. 1197, entitled:

An Act to amend Sections 201, 202, 204, 205, 211 and 805

of the act, approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," changing certain provisions relating to the incorporation of new boroughs, and providing for the incorporation of boroughs from townships of the first class having a population of eight thousand or more, and for the organization of the government therein.

Mr. WOLF, from the Committee on Counties, reported as Committed, House Bill No. 1653, (Senate Bill No. 587), entitled:

An Act to amend section three hundred six of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare, and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," authorizing the county commissioners to appoint and fix the compensation of a solicitor for county institution districts in counties of the third class.

Mr. PROSEN, from the Committee on Judiciary General, reported as committed, House Bill No. 1672, (Senate Bill No. 572), entitled:

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 re-argument are filed.

Mr. LEONARD, from the Committee on Cities-First Class, reported as committed, House Bill No. 1474, (Senate Bill No. 365), entitled:

An Act to provide that notices to delinquent taxpayers or statements of such delinquents and the publication of municipal liens or notices thereof shall not be required of the receivers of taxes or of the city solicitor and repealing inconsistent legislation.

Mr. WILKINSON, from the Committee on Counties, reported as committed, House Bill No. 790, (Senate Bill No. 151), entitled:

An Act authorizing and directing county treasurers to execute deeds for unseated and seated lands sold by their predecessors in office, and validating deeds heretofore so executed.

Mr. McFALL, from the Committee on Counties, reported as committed, House Bill No. 1619, (Senate Bill No. 346), entitled:

An Act to amend section two hundred one and to further

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

Mr. WEISS, from the Committee on Judiciary General, reported as amended, House Bill No. 664, entitled:

To amend section seventy-six of the act approved the sixteenth day of June, one thousand eight hundred and thirty-six (P. L. 755), entitled "An act relating to executions," by providing for the filing of a transcript of the judgment with testatum writs of execution and permitting defenses to be interposed in counties to which such writs are directed in certain cases.

Mr. O'MULLEN, from the Committee on Public Utilities, reported as committed, House Bill No. 2, entitled:

An Act authorizing cities, boroughs, towns and townships to construct, acquire, own, operate, control, sell and lease facilities for the production, generation, transmission, distribution or furnishing of natural or artificial gas, electricity, steam or water, or the collection, disposition or treatment of sewage and to furnish or render such services to the public within or beyond their corporate limits, or both; conferring the power of eminent domain, conferring certain powers and imposing certain duties on such municipalities, and the controller or auditors thereof, providing for and authorizing the incorporation and election of a board of directors to operate and manage such works and defining its powers and duties, conferring certain powers and imposing certain duties on the Pennsylvania Public Utility Commission, and prescribing penalties.

Mr. SNYDER, from the Committee on Dairy Industries, re-reported as amended, House Bill No. 908, entitled:

An Act to amend the next to the last paragraph of section four and to further amend section sixteen of the act, approved the thirtieth day of April, one thousand nine hundred and twenty-nine (P. L. 885), entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock; and defining agriculture so as to include persons engaged in agriculture, dairying, livestock raising, poultry raising, floriculture, mushroom growing, beekeeping, horticulture, and other allied occupations; and providing penalties," by defining the jurisdiction of the Pennsylvania Milk Control Commission over certain associations.

Mr. READINGER, from the Committee on Judiciary General, reported as committed, House Bill No. 1424, entitled:

An Act prescribing the degree of care to be exercised by the driver of any vehicle at the crossing of a highway and a railroad or railway at grade, providing that the failure to stop shall not in itself constitute negligence or contributory negligence; and providing that the issue of negligence or contributory negligence in such case shall be a question of fact for the jury.

Mr. CORRIGAN, from the Committee on Cities-First Class, reported as committed, House Bill No. 1475 (Senate Bill No. 364, entitled:

An Act requiring receivers of Taxes in and for cities of the first class to furnish certificates of taxes, water

rents and claims which are liens on real estate without charge to owners of said real estate or other parties having an interest therein, and limiting the liability of the Receiver for errors in said certificates, and retaining the liens of all unpaid taxes, water rents and claims against such property though the same are not set forth in said certificate, and repealing inconsistent legislation.

Mr. SHAW, from the Committee on Counties, reported as committed, House Bill No. 1581, (Senate Bill No. 224), entitled:

An Act to amend section three hundred and ten of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," providing for the administration of the finances of institution districts in counties having a county controller; and conferring powers and imposing duties on county controllers, commissioners and treasurers.

Mr. CHERVENAK, from the Committee on Counties, reported as amended, House Bill No. 1328, entitled:

An Act to reenact and amend the title and the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 526), entitled "An act providing for and regulating joint purchases by counties (other than counties of the first and second classes), cities of the third class, boroughs, towns, townships, school districts, and poor districts," by including second class counties within the provisions of the act.

Mr. CULLEN, from the Committee on Municipal Corporations, re-reported as amended, House Bill No. 1232, entitled:

An Act to further amend section one thousand eight hundred and four 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," authorizing the council in such cities from time to time to make supplemental appropriations.

Mr. BENTZEL, from the Committee on Municipal Corporations, re-reported as amended, House Bill No. 1233, entitled:

An Act to amend section three hundred seventy 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," authorizing the county commissioners, from time to time, to make supplemental appropriations.

Mr. CADWALADER, from the Committee on Municipal Corporations, re-reported as amended, House Bill No. 1235, entitled:

An Act to further amend section three hundred and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government and institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" authorizing the commissioners of any county institution district from time to time to make supplemental appropriations.

Mr. MARSHALL M. COHEN, from the Committee on Municipal Corporations, re-reported as amended, House Bill No. 1236, entitled:

An Act to further amend section nine hundred 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" authorizing the township supervisors from time to time to make supplemental appropriations

#### BILL ON FIRST READING

#### BILL PASSED OVER

There being no objection House Bill No. 1505, Printer's No. 679, was passed over at the request of Mr. SCANLON.

#### BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1537, (Senate Bill No. 381), entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto" by authorizing the acquisition and operation of aviation landing fields and airdromes, by counties of the first, second, third, fourth, fifth and sixth classes

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. 1480, entitled:

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

The first section was read.

On the question,

Will the House agree to the section?

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

The amendments were read by the Clerk as follows:

Amend sec. 1, page 2, line 9, by inserting after the word "blind" the words: "or of the blind".

Amend sec. 2, page 2, line 13, by inserting after the word "blind" the words: "and of the blind".

The amendments were agreed to.

The section was agreed to as amended.

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

The title was read.

On the question,

Will the House agree to the title?

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

The amendments were read by the Clerk as follows:

Amend the title, page 1, line 3 of title by inserting after the word "blind" the words: "and of the blind".

Amend the title, page 1, line 7 of title by inserting after the word "blind" the words: "and of the blind".

The amendments were agreed to.

The title was agreed to as amended.

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1208, (Senate Bill No. 80), entitled:

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

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. 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 of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform their 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 Employes' Retirement Fund of certain amounts of the salaries or wages of such officers or employes under certain circumstances.

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. 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."

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. 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 Employes' Retirement Fund under the Administration of the State Employes' 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 providing for the subrogation of the Commonwealth to the rights of the member or dependents against certain third parties exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties."

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

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

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. 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.

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. 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.

The first section was read.

On the question,

Will the House agree to the section?

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

The amendment was read by the Clerk as follows:

Amend sec. 1, page 1, lines 8 and 9, by striking out the words "and it shall be their duty".

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

The amendment was read by the Clerk as follows:

Amend title, page 1, line 1 of title, by striking out the words "and directing".

The amendment was agreed to.

The title was agreed to as amended.

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1657, entitled:

An Act to amend sections one and four of the act approved the twelfth day of July one thousand nine hun-

dred 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.

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. 1658, entitled:

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.

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. 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

The first section was read.

On the question,

Will the House agree to the section?

Mr. REUBEN E. COHEN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 1, by inserting after the word "eight" the following: "sections six hundred two and six hundred three".

Amend Sec. 1, page 5, by inserting after line 27, the following: "Section 602. Administration Fund.—There is hereby created a special fund to be known as the Administration Fund, which shall consist of all moneys or other property received by the department from the United States of America, or any agency thereof, including the Social Security Board, or from any other source whatsoever, to be used for the administration of this act. The department shall pay all costs required for the administration and operation of this act out of the Administration Fund.

In addition, any law to the contrary notwithstanding, this fund shall be subject to a charge by the Treasury Department for the costs incurred by said department

in making disbursements arising from payments out of the Unemployment Compensation Fund, and the fund created in this section.

Section 603. State Treasurer as Custodian.—The State Treasurer shall be the custodian of the Unemployment Compensation fund and the Administration Fund. He shall give a bond or bonds with corporate sureties, conditioned upon the faithful performance of his duties as custodian of such funds, in such amount or amounts as shall be determined and fixed by the Executive Board of this Commonwealth. Premiums for such bond or bonds shall be paid by the department out of the moneys in the Administration Fund. All moneys belonging to such funds (exclusive of moneys on deposit in the Unemployment Trust Fund, as provided in section six hundred one) shall be deposited by the State Treasurer in any banks or public depositories in which general funds of the Commonwealth may be deposited, but no public deposit insurance charge or premium shall be paid out of moneys in the Unemployment Compensation Fund. Any law to the contrary notwithstanding, all payments from such funds shall be made by the State Treasurer under such systems of requisitioning and accounting as [the Governor] the State Treasurer [and secretary] shall determine with the approval of the Social Security Board.

The amendments were agreed to.

The section was agreed to as amended.

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

The title was read.

On the question,

Will the House agree to the title?

Mr. REUBEN E. COHEN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 1 of title, by inserting after the word "eight" the following: "sections six hundred two and six hundred three".

Amend title, page 2, last line of title, by inserting after the word "cease" the following: "and making payments out of the Unemployment Compensation Fund subject to agreement between the State Treasurer and the Social Security Board, and making the Administration Fund subject to certain charges."

The amendments were agreed to.

The title was agreed to as amended.

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 267, entitled:

An Act making an appropriation to aid certain school districts.

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. 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

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. 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 mortgagees 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.

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. 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.

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

Ordered, To be transcribed for a third reading.

#### BILL RECOMMITTED

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

The motion was agreed to.

#### BILLS ON SECOND READING

Agreeably to order,

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

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. 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 fourth and fifth class imposing certain charges on counties and prescribing penalties

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1670, entitled:

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

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. 1226, entitled:

An Act to amend section one thousand two hundred and eleven of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" providing for payment of one-fourth of fines collected for violations of said act to the counties for maintenance of prisoners committed for such violations and imposing duties on magistrates aldermen and justices of the peace

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

Ordered, To be transcribed for a third reading.

#### BILL RECOMMITTED

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

The motion was agreed to.

#### BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 329, entitled:

An Act to further amend the definition of "Restaurant" in section two and section four hundred eleven of the act approved the twenty-ninth day of November one thousand nine hundred thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the

Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" eliminating some of the requirements heretofore imposed upon restaurant licenses

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. 1302, entitled:

An Act relative to the printing for the Commonwealth of Pennsylvania to establish the requirements of responsible bidders to prescribe penalties for the violation of the provisions of this act and to repeal all acts and parts of acts inconsistent with the provisions of this act

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1407, (Senate Bill No. 597), entitled:

An Act to further amend section seven hundred one of the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," providing for permits authorizing possession of flesh of lawfully killed big game animals after open season therefore.

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

Ordered, To be transcribed for a third reading.

#### KITTANNING BOYS BAND WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon the Kittanning Boys Band, who are the guests of the gentlemen from Armstrong, Messrs. Gates and Helm, and Senator Carr.

#### RECONSIDERATION OF VOTE

Mr. NAGEL. Mr. Speaker, I move that the vote by which House Bill No. 1537 (Senate Bill No. 381), Printer's No. 233, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by authorizing the acquisition and operation of aviation landing fields and airdromes, by counties of the first, second, third, fourth, fifth and sixth classes.

was ordered to be transcribed for a third reading be reconsidered.

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

The SPEAKER. How did the gentleman from Beaver Mr. Nagel vote to transcribe the bill for a third reading?

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

The SPEAKER. How did the gentleman from Luzerne, Mr. Malloy vote to transcribe the bill for a third reading?

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

On the question,

Will the House agree to the motion?

It was agreed to.

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

The motion was agreed to.

Mr. NAGEL. Mr. Speaker, I move that the vote by which the title and the several sections were agreed to be reconsidered.

The motion was agreed to.

#### 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 the SPEAKER.

#### RECONSIDERATION OF HOUSE BILL No. 1524.

Mr. McINTOSH. Mr. Speaker, I move that the vote by which House Bill No. 1524, Printer's No. 534, entitled:

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

was defeated on Final Passage on Tuesday, May 20th, be reconsidered.

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

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

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

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

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

On the question,

Will the House agree to the motion?

Mr. WOODSIDE. Mr. Speaker, I wanted to call to the attention of the Members of the House that this is a bill providing for a compulsory tax abatement. In the confusion which exists in connection with this type of motion, I think the Members may not be fully acquainted with what is before them and I merely desire to call the attention of the Members to what is before them at this time.

Mr. AUKER. Mr. Speaker, I desire to interrogate the gentleman from Cumberland, Mr. McIntosh.

The Speaker. Will the gentleman from Cumberland permit himself to be interrogated?

Mr. McINTOSH. I shall, Mr. Speaker.

Mr. AUKER. Mr. Speaker, I should like to ask the gentleman from Cumberland, Mr. McIntosh if the motion

to reconsider the vote by which this bill failed of passage is made for the purpose of reconsidering the vote by which the bill passed third reading? I understand you are going to amend the bill?

Mr. McINTOSH. Mr. Speaker, I will yield to the gentleman from Westmoreland, Mr. Weiss.

The SPEAKER. The gentleman from Cumberland yields to the gentleman from Westmoreland, Mr. Weiss. Will the gentleman from Westmoreland permit himself to be interrogated?

Mr. WEISS. I shall, Mr. Speaker.

The SPEAKER. The gentleman from Westmoreland will proceed.

Mr. WEISS. Mr. Speaker, in answer to the gentleman's question, I will say we are considering some amendments.

Mr. AUKER. Mr. Speaker, may I ask the gentleman from Westmoreland, Mr. Weiss, if they are going to amend the bill before it is brought up again for final passage?

Mr. WEISS. Mr. Speaker, the possibility is that there will be some amendments before final passage.

Mr. AUKER. Mr. Speaker, may I ask the gentleman from Westmoreland, Mr. Weiss, just what those amendments may be?

Mr. WEISS. We haven't definitely decided what they will be as yet. However, we have them in mind at the present time.

Mr. AUKER. Mr. Speaker, I thank the gentleman from Westmoreland, Mr. Weiss. In view of the fact that the proponents of this measure have signified their intention of amending the bill I will not oppose the motion.

On the question recurring,

Will the House agree to the motion?

The SPEAKER declared the "ayes" appeared to have it,

Whereupon, a division was called for ninety-eight members having voted in the affirmative, thirty-eight in the negative, the question was determined in the affirmative and the motion was agreed to.

#### BILL POSTPONED

Mr. WEISS. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

#### RECESS

The SPEAKER. If there is no objection the Chair will declare a recess for thirty minutes for the purpose of holding a caucus of the Democratic Members in the new House caucus room, and also for the purpose of holding a caucus of the Republican Members in the Senate caucus room. The Chair hears no objection and declares a recess for thirty minutes.

#### AFTER RECESS

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

The SPEAKER (Elmer Kilroy) IN THE CHAIR

#### SENATE MESSAGE

#### SENATE BILL FOR CONCURRENCE

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

SENATE BILL No. 1004. (HOUSE BILL No. 1724).

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 forty-one.

Referred to the Committee on Appropriations.

#### BILL ON SECOND READING

Mr. WOODSIDE asked and obtained unanimous consent to call up out of order House Bill No. 573, Printer's No. 708, on page 10 of today's calendar, bills on second reading.

Agreeably to order,

The House proceeded to the second reading and consideration of 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

The first section was read and agreed to.

The second section was read.

On the question,

Will the House agree to the section?

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

The amendments were read by the Clerk as follows:

Amend section 2, page 33, line 14 by striking out, with boldface brackets, after the word "[six]" and before the word "hundred" the word: "[five]" and inserting in lieu thereof the word: "six".

Amend section 2, page 33, line 15, by striking out, with boldface brackets, at the beginning of the line, the following: "[(\$500,000)]" and inserting in lieu thereof the following: "(\$600,000)".

On the question,

Will the House agree to the amendments?

Mr. ACHTERMAN. Mr. Speaker, I rise to oppose the particular amendment offered by the gentleman from Dauphin. The effect of this amendment would be to give to the various licensing boards an increase in appropriation from five hundred thousand dollars to six hundred thousand dollars. May I state our examination disclosed that the boards operated with reasonable efficiency on five hundred thousand dollars in the past biennium. Of course, you know, it is the old effort of the boards to try to get as much money as they possibly can. I am surprised that this happens to be the only amendment that is offered to this particular bill to cut down what our party has seen fit to appropriate. May I say, however, that the sum of five hundred thousand dollars to which this appropriation has been cut, is adequate and sufficient for the boards to operate upon and I ask the Members of the House to defeat the amendment.

Mr. WOODSIDE. Mr. Speaker, the amendment merely puts back into the bill the recommendation made by the Governor and I ask for a roll call.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. Woodside, Winner and Eckels.

Messrs. Woodside, Taylor and David P. Reese asked for a verification of the roll.

The roll was verified and was as follows:

## YEAS—95

Auker,	Gates,	Leydic.	Serrill,
Baker,	Gillan,	Lichtenwalter,	Simons,
Bentley,	Gillette,	Longo,	Snyder,
Boles,	Greenwood,	Lyons,	Sollenberger,
Boorse,	Gross,	McClester,	Sorg,
Bradley,	Gyger,	McDermott,	Stambaugh,
Bretherick,	Habbyshaw,	McDowell,	Stockham,
Brunner, C. H.,	Haines,	McFall,	Taylor,
Cadwalader,	Hall,	McKinney,	Thompson, E. F.,
Chervenak,	Hare,	McMillen,	Thompson, R. L.,
Cook,	Helm,	McSurdy,	Turner,
Cordier,	Hewitt,	Muir,	Van Allsburg,
Dalrymple,	Hirsch,	Nunemacher,	Verona,
Dennison,	Huntley,	O'Connor,	Voorhees,
Dix,	Imbrie,	O'Dare,	Wagner,
Eckels,	James,	Rank,	Watkins,
Elder,	Jones, G. E.,	Rausch,	Weingartner,
Ely,	Kline,	Reagan,	Wilkinson,
Finnerty,	Knoble,	Reese, D. P.,	Winner,
Fisher,	Kolankiewicz,	Rhea,	Wood, L. H.,
Fiss,	Krise,	Riley,	Woodside,
Fleming,	Lee, T. H.,	Rose, W. E.,	Yeakel,
Fletcher,	Lelsey,	Sarge,	Yester,
Foot,	Levy,	Sarra,	

## NAYS—98

Achterman,	French,	Melchiorre,	Rosenfeld,
Allmond,	Gallagher,	Mihm,	Rush,
Balthaser,	Gerard,	Modell,	Scanlon,
Bentzel,	Gryskewicz,	Monks,	Schwab,
Boney,	Haberlen,	Mooney,	Shaffer,
Breth,	Hamilton,	Moran,	Shaw,
Brown,	Harkins,	Moul,	Shepard,
Brunner, P. A.,	Harmuth,	Munley,	Skale,
Burns,	Harris,	Nagel,	Stank,
Burris,	Heatherington,	O'Brien,	Stine,
Chudoff,	Hering,	O'Mullen,	Tarr,
Cochran,	Herman,	O'Neill,	Tate,
Cohen, M. M.,	Hersch,	Owens,	Vincent,
Cohen R. E.,	Holland,	Petrosky,	Vogt,
Corrigan,	Jones, P. N.,	Pettit,	Voldow,
Croop,	Kenehan,	Polaski,	Weiss,
Cullen,	Komorofski,	Polen,	Weish, E. B.,
DiGenova,	Leonard,	Powers,	Williams,
Dolon,	Lesko,	Prosen,	Wolf,
D'Ortona,	Malloy,	Readinger,	Woodring,
Duffy,	Marks,	Reese, R. E.,	Wright,
Early,	Maxwell,	Regan,	Young,
Falkenstein,	McClanaghan,	Reynolds,	Kilroy,
Finestone,	McIntosh,	Rooney,	
Flynn,	McLane,	Rose, S.,	Speaker.

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

(During the verification of the roll).

## PERMISSION TO ADDRESS HOUSE

Mr. TROUT asked and obtained unanimous consent to address the House concerning the verification of the roll.

Mr. Speaker, during the calling of the roll the gentleman from Lancaster, Mr. Wood, the gentleman from Lancaster, Mr. Royer and myself were engaged in the Governor's office. If we had been here, we would have voted in the affirmative. Whether we can be recorded now is for the Chair to decide.

The SPEAKER. The rules provide that a Member cannot be recorded unless he is present in the hall of the House during the calling of the ayes and nays. The

statement of the gentleman will be noted upon the record.

The section was agreed to.

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

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

Ordered, To be transcribed for a third reading.

## QUESTION OF PERSONAL PRIVILEGE

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

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

Mr. TURNER. Mr. Speaker, for a number of months there have been discussions in this House on questions of subversive and unAmerican activities. The question of the teachings of patriotism, of the American way of living and American ideals has been before us on a number of occasions. The question of subversive teachers has been before this House. The question of subversive and unAmerican text books has been before this House, but Mr. Speaker, we have had during the past week a very clear indication of the kind of unAmerican sabotage that can be practiced in this Commonwealth.

On Thursday of last week one of the greatest annual events in this country was held; it was the Shad Planking contest. At that contest I was supposed to be the chief judge. I was down in the courts of Delaware County on the day the contest was held; I was delayed in getting to the contest. When I arrived at that place I found this saboteur taking charge of the proceedings. I tried to protest that as chief judge I should preside. How can you have a court without the judge? How can you have judging without the judge? But notwithstanding my protests, notwithstanding the points of order which I raised, I was steamrollered, I was squelched, I was sat down in my place, and Mr. Speaker, this is no time for levity—my feelings have been hurt.

Now, Mr. Speaker, if I had presided, you would have been certain of a fair and a square decision, not tinged with partisanship, but this saboteur of our American system of living, a component part of the government, the courts,—the courts that we respect—this saboteur brought disrespect upon the courts by presiding and by excluding any judge. Not only did he preside and exclude the judge, but he fixed the thing so that the man he represented as his publicity agent man won the first prize, and the Honorable Senator of Pennsylvania was ruled out on a technicality.

I talked to this Senator last night and he said there was something fishy about the decision. Now, Mr. Speaker, I say to you that this saboteur, who is in the House, the Honorable John M. Cummings, an alleged Columnist and newspaperman is in the House, and I think he should be brought to the bar of the House and cited for contempt; contempt,—I know he will say he has the utmost contempt for the speaker,—that is the man who is addressing the House, not for the Chair. Nevertheless, on that occasion he had contempt for this legislative body and the courts, that is two-thirds of the branches of government, the Legislature being one-third and the courts being one-third, and I certainly think he should be found guilty of contempt, and I ask that he be brought before the Bar of the House.

The SPEAKER. For the information of the gentleman from Delaware, the Speaker attended that Shad Dinner. We had word that there was collusion between the gentleman from Delaware, Mr. Turner, and the Senator from Chester, therefore, for that reason he was disqualified. We also heard his favorite dish is mud-cooked shad, therefore, I most regretfully say it is a "shad," "shad" story.

### PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, I want to know whether you are not muddying the waters so we cannot get down to the real issue of mud-cooked shad which was far, according to all the people that I interviewed, and that was one person, better than any of the rest, but that is not the issue, whether I was prejudiced or not.

If I were ruled out then the gentleman from Philadelphia, Mr. Cummings, a Fifth Columnist,—I mean the columnist of one of our newspapers, was certainly more partisan than I ever thought of being.

The SPEAKER. If there is no objection, the Chair will direct the Sergeant-At-Arms to escort the gentleman from Philadelphia, Mr. Cummings, to the Bar of the House to answer to the charge that has been brought against him.

Mr. John M. Cummings was brought before the Bar of the House.

Mr. TURNER. Mr. Speaker, I ask that either the gentleman from Philadelphia, Mr. Cohen or the gentleman from Philadelphia, Mr. Levy be appointed by the Speaker to represent this saboteur, because I think he is in such a terrible hole that he will need a Philadelphia lawyer to get him out.

The SPEAKER. Is there a good Philadelphia lawyer in the House? The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, whom the Chair appoints as counsel to represent the accused.

Mr. JOHN H. CUMMINGS. Mr. Speaker, we will try to artistically dress up the gentleman who normally needs no defense, but if the gentleman from Delaware, Mr. Turner, is trying to pick a bone I suggest that he stick to the plank of the Republican Party and leave the shad alone.

Mr. REUBEN E. COHEN. Mr. Speaker, if the gentleman will meet me in room 1016 of the Harrisburger tonight, dealer's choice, we might get down to the question of the fee, but if he wants to move into the sixteenth or the twentieth wards, then I will have to represent him free of charge the same as I do all the others.

Mr. JOHN M. CUMMINGS. Mr. Speaker and gentlemen of the House, as I understand it, this bill of indictment has been drawn by the gentleman from Delaware, Mr. Turner, the first time I ever heard of a Republican from Delaware County complaining about the judicial process or its subsequent developments. A charge of that kind emanating from Delaware County will not hold water.

The SPEAKER. There is a leak somewhere.

Mr. JOHN M. CUMMINGS. Mr. Speaker, you are acquainted with the occasion in question; there was a judge selected, a head judge or a chief judge. Mr. Turner says

he was supposed to have been the judge. Well, there is a great difference between a supposition and an actual fact, but whether he was a judge in his own mind or a judge by actual appointment makes little difference. He was very late in appearing. The shad had been consumed then. He was not competent to judge for himself the quality of the shad.

The question that arose was a technical one, and not so technical at that. Senator Scarlett, one of the competitors, was detected in the act of stealing a piece of ice. The rules of International Shad Contests adopted at Geneva in 1898, requires that every contestant come fully provided with the proper facilities for cooking the shad. Senator Scarlett failed to fulfill that rule, and he was ruled out of order and out of the contest, and the decision was rendered by the Speaker of this House after consultation with his Parliamentarian. He was afraid to do that on his own hook, so he called in the Parliamentarian.

The decision was that Senator Scarlett was ruled out of the contest. The first prize was awarded to John Young of York, a great and distinguished shad planker. The second prize went to the gentleman from Montgomery, Mr. Zimmer Platt, who also turned out a very nice product.

I have no fault to find with Senator Scarlett; he is a very nice man, but rules are rules. This House,—where would it be without its rules? Where is it anyhow with its rules? We have been here since last January with all your rules, and you haven't done anything except try to steal Joe Widener's art from Philadelphia and put it down in Washington.

The distinguished counsel that you have appointed here, if I may digress for a moment on that subject, Mr. Cohen, who has been appointed counsel for me,—I appreciate his kind services; he comes from the sixteenth or twentieth ward in Philadelphia, where there are great connoisseurs of art. The great Dave Lane came from the twentieth ward and he worked with Mr. Widener in building up the great fortune that enabled Mr. Widener to buy this art collection.

Mr. Weidener was a butcher and Mr. Lane helped him out in selling his meat. We in Philadelphia have consumed hundreds of tons of Joe Weidener's lamb to help him accumulate this great art collection. Afterwards Mr. Weidener, through his friend Dave Lane, acquired a lot of franchises and as we rode the trolley cars and helped with our nickels and dimes and tokens to accumulate this great art collection.

### POINT OF ORDER

Mr. BRETHERICK. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Delaware will state his point of order.

Mr. BRETHERICK. Mr. Speaker, the gentleman is not talking on the subject of fish.

Mr. JOHN M. CUMMINGS. Yes, Mr. Speaker, we are getting down to fish.

The SPEAKER. The gentleman will proceed to fish.

Mr. JOHN M. CUMMINGS. Mr. Speaker and gentlemen of the House, the kind of fish we are now discussing concern some of Mr. Wagner's art. If you ever saw some of this art down there, the nudes, are some of the finest

in the country. Now, a nude can be presentable and cannot be presentable. Some of the nudes that some of these old timers painted, why even the Speaker of the House would not go around the corner to see.

The SPEAKER. Don't be sure about that.

Mr. JOHN M. CUMMINGS. Mr. Speaker, getting back to the charges that have been levelled here today, the contents at Round Top, as the Speaker will testify, was conducted on the level and I for myself move you, Mr. Speaker, that I be discharged from the contempt proceedings of the House, which I in turn hold in contempt, and be returned to my seat.

The SPEAKER. For the information of the House, the real reason the Senator from Chester was disqualified was that there were about sixty people present and he only had one shad.

Mr. REUBEN E. COHEN. Mr. Speaker, I don't know what Senator Scarlett had to do with the shad, but on behalf of myself and my client, I plead guilty and I throw myself on the mercy of the court.

The SPEAKER. The Lord have mercy on his soul.

Mr. BREATHERICK. Mr. Speaker, I think someone ought to arise in defense of a colleague from his own county. If the gentleman from Delaware had not been floundering around with a lot of sharks from Philadelphia and some sucker from Allegheny who would drive eighty miles an hour on the Pike, he might have presided. While there were many croakers present, a "whale" of a time was had by all.

The SPEAKER. That was a very fine talk, it even "smelt" good. The proceedings under the contempt charge are dismissed.

#### PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

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

#### BILLS ON FINAL PASSAGE RECALLED FROM GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 364, as follows:

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

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

Section 1 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 estab-

lishing an elective schedule of compensation providing procedure for the termination of liability and compensation thereunder and prescribing penalties' as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents" is hereby amended to read as follows

Section 1 In addition to those persons included within the definition of the word "employe" as defined in section one hundred and four of 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 last reenacted and amended at the regular legislative session of one thousand nine hundred and thirty-nine there shall be included all numbers of volunteer fire companies or volunteer fire departments of the various cities boroughs incorporated towns and townships who shall be and are hereby declared to be "employes" of such cities boroughs incorporated towns townships for all the purposes of said act and shall be entitled to receive compensation in case of injuries received while actually engaged as firemen or while going to or returning from any fire which the fire companies or fire department of which they are members shall have attended or while performing any other duties of such companies or fire department authorized by such cities boroughs incorporated towns and townships

Section 2 This act shall become effective ten days after 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—205

Achterman.	Foor,	Malloy,	Royer,
Allmond,	French,	Marks,	Rush,
Auker,	Gallagher,	Maxwell,	Sarge,
Baker,	Gates,	McClanaghan,	Sarrafi,
Baithaser,	Gerard,	McClester,	Scanlon,
Baughter,	Gillan,	McDermott,	Schwab,
Bentley,	Gillette,	McDowell,	Serrill,
Bentzel,	Goodwin,	McFall,	Shaffer,
Boles,	Greenwood,	McGrath,	Shaw,
Boney,	Gross,	McIntosh,	Shepard,
Boorse,	Gryskewicz,	McKinney,	Simons,
Bower,	Gyger,	McLanahan,	Skale,
Bradley,	Habbyshaw,	McLane,	Snyder,
Breth,	Haberlen,	McMillen,	Solienberger,
Bretherick,	Haines,	McSurdy,	Sorg,
Brown,	Hall,	Melchiorre,	Stambaugh,
Brunner, C. H.,	Hamilton,	Mihm,	Stank,
Brunner, P. A.,	Hare,	Modell,	Stine,
Burns,	Harkins,	Monks,	Stockham,
Burriss,	Harmuth,	Mooney,	Tarr,
Cadwalader,	Harris,	Moran,	Tate,
Chervenak,	Heatherington,	Moul,	Taylor,
Chudoff,	Helm,	Muir,	Thompson, E. F.,
Cochran,	Hering,	Munley,	Thompson, R. L.,
Cohen, M. M.,	Herman,	Nagel,	Trout,
Cohen, R. E.,	Hersch,	Nunemacher,	Turner,
Cook,	Hewitt,	O'Brien,	Van Allsburg,
Cordier,	Hirsch,	O'Connor,	Verona,
Corrigan,	Holland,	O'Dare,	Vincent,
Croop,	Huntley,	O'Mullen,	Vogt,
Cullen,	Imbrie,	O'Neill,	Waldow,
Dairyple,	James,	Owens,	Voorhees,
Dennison,	Jefferson,	Petrosky,	Wagner,
DiGenova,	Jones, G. E.,	Pettit,	Watkins,
Dix,	Jones, P. N.,	Polaski,	Weingartner,
Dolon,	Keenan,	Polen,	Weiss,
D'Ortona,	Kenehan,	Powers,	Welsh, E. B.,
Duffy,	Kline,	Prosen,	Wilkinson,
Early,	Knoble,	Rank,	Williams,
Eckels,	Kolankiewicz,	Rausch,	Winnier,
Elder,	Komorowski,	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,
	Lelsey,	Regan,	Woodside,



Finestone,	Leonard,	Reynolds,	Wright,
Finnerty,	Lesko,	Rhea,	Yeakel,
Fisher,	Levy,	Riley,	Yester,
J. Iss,	Leydic,	Rooney,	Young,
Fleming,	Lichtenwalter,	Rose, S.,	Kilroy,
Fletcher,	Longo,	Rose, W. E.,	Speaker.
Flynn,	Lyons,	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. 1021, as follows:

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

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

Section 1 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" is hereby amended by adding immediately after section six hundred and seventeen thereof a new section to read as follows

Section 617.1 Whenever any school building or buildings have been rendered totally unfit for use by reason of fire acts of God obsolescence overcrowding inadequacy or lack of facilities or other unforeseen cause the board of school directors of any school district shall have power to appropriate money out of the general fund of the school district to any non-profit corporation established for the purpose of constructing school buildings for the use of the school district Provided That before any such money is paid over the corporation shall have entered into a lease with the school district for the buildings proposed to be erected whereby the school district shall have the right to renew such lease at stated periods at a stipulated rental and at any time during the continuance of the lease to purchase the buildings from the corporation at a stipulated price provided however that none of the powers granted by this act shall be used by the board of school directors of said school district without the specific and written approval of the State Department of Public Instruction

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

On the question,

Shall the bill pass finally?

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

YEAS—205

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

NAYS—0

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

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

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1098, as follows:

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 trial 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 court and regulating procedure therein providing for the transfer thereto of certain powers 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 further provide

for the payment of and liability for the costs of maintenance of children under care of the Juvenile Court by certain persons and by the city or county institution district or county liability to be determined on the basis of the legal settlement of such child at the time of assumption of jurisdiction by the court

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

Section 1 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 trial 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 court and regulating procedure therein providing for the transfer thereto of certain powers 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" is hereby amended to read as follows

Section 408 Support Orders The court may in any case make an order upon the parent or parents guardian or other relative legally responsible for the support of such child to contribute such sum for the support of the child as it may determine The court shall have power to enforce any such support order in like manner as courts of quarter sessions may enforce orders for support under the laws of this Commonwealth

Where a child is placed in a suitable family home or institution for child care not maintained by the county or State and the payment of board and other support is required in case provision is not made for such board and other support by voluntary contribution or court order on the parent or parents guardian or other relative legally responsible for the support of such child the court [may] shall direct that such board and the expense of clothing and necessary medical and surgical care be paid either by the city or county institution district liability to be determined on the basis of the legal settlement of the child at the time of assumption of jurisdiction of the Juvenile Court until provision is made for the placing of such child in a suitable family home without payment of board In all cases of children now being maintained in family homes or institutions for child care the judge of the Juvenile Court shall make a finding as to the legal settlement of the child at the time of assumption of jurisdiction by the Court and shall make an order effective January 1 1942 upon the appropriate city or county institution district for the future board and other support of such child

In the case of the commitment of a child to an industrial training school or other correctional institution the court [may] order the county to pay for the board and clothing and of necessary medical and surgical attendance upon and the care of such child and its maintenance generally and the necessary expenses of placing and replacing the child and may fix the amount which shall be paid for the child Provided That in all cases of commitments to industrial training schools that are not exclusively under State control or that are exclusively under State control the amount of the order for maintenance clothing instruction medical and surgical care shall be fixed according to existing legislation governing the payment of expenses of maintenance clothing instruction medical and surgical care of children committed to such institution

In all cases where the cost of board or care and maintenance of a child has been ordered paid by the city or county institution district or county [it] said city or county institution district or county shall be directly liable to the person family association society or institution having the care guidance and control of the child but the city or county institution district or county shall

in all cases have full recourse to recover the amounts so paid from the person or persons or institution districts [or poor district] liable for the support of such child

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—205

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

## NAYS—0

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

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

Mr. TURNER asked and obtained unanimous consent to call up House Bill No. 849, Printer's No. 707, on page 14, of today's calendar, bills on final passage, for the purpose of amendment.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 849, entitled:

An Act to amend the act approved the nineteenth day of July, one thousand nine hundred thirty-five (P. L. 1356), entitled, "An act to regulate the sale and delivery of solid fuel, as herein defined; providing for appointments of licensed weighmasters; prescribing their powers and duties; authorizing substitute licensed weighmasters imposing certain duties on the Department of Internal Affairs; and providing penalties," further regulating the issuing to and revocation and suspension of licenses of weighmasters; requiring the use of suitable scales; regulating the issuing, use and keeping of weighmaster's certificates; conferring powers and imposing duties upon the 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.

### RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill was agreed to on third reading be reconsidered.

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

The SPEAKER. How did the gentleman from Berks, Mr. Readinger vote on agreeing to the bill on third reading?

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

The SPEAKER. How did the gentleman from Philadelphia, Mr. Rosenfeld vote on agreeing to the bill on third reading?

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

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

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

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

The Clerk read the amendment as follows:

Amend as follows: Section 1, Section 8.2, Page 13, lines 15 to 19 inclusive, by striking out all of said lines.

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

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

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

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

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

The Clerk read the amendment as follows:

Amend Sec. 1 (Sec. 8), page 13, by inserting between lines 6 and 7, the following: "In cities of the first class, all hearings shall be held before a magistrate who shall hear such purported violations for one month only, and thereafter another magistrate shall be assigned to hear such cases until all magistrates of such city have been assigned to such hearings. It is hereby declared to be the legislative intent that there be a rotation of magistrates assigned to such hearings in the same manner as that provided by section eleven of the "Magistrates' Court Act of 1937," approved the fifteenth day of June (P. L. 1743).

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

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

### HOUSE BILL No. 571 MADE SPECIAL ORDER

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 571, Printer's No. 697, on page 24 of today's calendar, bills on third reading, be made a special order of business immediately.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 571, as follows:

An Act making an appropriation to the Department of Public Assistance 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 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

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

Section 1 The sum of one hundred thirty million three hundred seventy thousand dollars (\$130,370,000) or as much thereof as may be necessary is hereby specifically appropriated from the General Fund to the Department of Public Assistance for the payment of assistance administrative expenses and expenses of liquidating the State Emergency Relief Board as provided by the Public Assistance Law and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the Department of Public Assistance for the two fiscal years beginning June first one thousand nine hundred forty-one and for the payment of assistant administrative expenses of liquidating the State Emergency Relief Board attorneys' fees and court costs accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred forty-one

Section 2 Out of the moneys appropriated by section one of this act the Department of Public Assistance shall allocate funds from time to time for the several assistance programs (old age assistance aid to dependent children pensions for the blind general assistance and other programs provided by the Public Assistance Law) for administrative expenses of the several county boards of assistance for such administrative expenses incurred by the department which are chargeable to such boards and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the department

Section 3 Out of the moneys appropriated by section one of this act the Governor the Auditor General and the State Treasurer or the majority thereof shall from time to time allocate to the Department of the Auditor General and the Treasury Department respectively such sums as may be deemed necessary to pay the administrative expenses of the Department of the Auditor General and the Treasury Department in auditing and disbursing appropriations for or relating to public assistance including any Federal funds supplementing such appropriations.

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

On the question,  
Shall the bill pass finally?

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

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

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to know from the gentleman whether he feels in his set-up of the budget there is available for appropriation at this time the amount that is contained in this bill.

Mr. ACHTERMAN. I do, Mr. Speaker.

Mr. WOODSIDE. I would like to know from the gentleman whether he has taken into account the appropriation that was made for relief for the remainder of this biennium since the budget message was delivered to the House on February third.

Mr. ACHTERMAN. I have, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to know from the gentleman whether he realizes that the general appropriation and all appropriations that are for relief have been used during the present administration and the last administration as items which would be up or down in order to generally balance the budget?

Mr. ACHTERMAN. Mr. Speaker, answering that, it is rather difficult to tell what the Governor expected out of the one hundred and thirty-one million dollars plus. I notice he is going to pay some particular borrowings this year out of this particular fund. So I suppose he uses it as some form of barometer, goodness knows what.

Mr. WOODSIDE. Mr. Speaker, the gentleman from Monroe, has not answered my question as apparently he does not understand it. I want to know from the gentleman whether he realizes in the making up of the budget the Governor always uses the appropriation for relief as the final bill concerning appropriations.

Mr. ACHTERMAN. I doubt, Mr. Speaker, if it makes a great deal of difference, due to the fact that I computed the budget on the money that is available, the tax program.

Mr. WOODSIDE. Mr. Speaker, the gentleman is going into a matter that I would like to debate with him for the next ten hours if he wishes to do so.

Mr. ACHTERMAN. Mr. Speaker, may I answer that second question or shall I complete the answer to the first one?

Mr. WOODSIDE. Mr. Speaker, I asked a question which the gentleman is now dodging, but if he wishes to answer it I will be glad to have him do so.

Mr. ACHTERMAN. Mr. Speaker, if the gentleman means do I know what the Governor's custom was, no, I do not know what his custom was.

Mr. WOODSIDE. Mr. Speaker, I asked the gentleman whether he knows what the custom was in making up all budgets, not only during the present administration but in the past. Of course the gentleman does not seem to know, so we will pass that matter over.

I would like to know from the gentleman whether or not he considers now that the one hundred thirty-one million dollars will be a sufficient appropriation to carry relief all through the present biennium.

Mr. ACHTERMAN. Answering that Mr. Speaker, on

the basis of the amount which the present administration is giving to those individuals unfortunate enough to be on relief, I would say that very likely the amount would be sufficient, especially in view of the fact that the defense program has fortunately removed some of them from the relief rolls. I would say at least with the standards which they are furnishing that the amount should be sufficient to carry it into the next regular session of the Legislature.

Mr. WOODSIDE. Mr. Speaker, does the gentleman feel that the present trend would indicate that the \$131,000,000 will be sufficient to carry through the biennium?

Mr. ACHTERMAN. Mr. Speaker, I believe I have already given an answer to that by saying that I believe it will be sufficient at least to carry it into the next regular session of the Legislature, that is 1943, so that there will be no need for a special session of the Legislature.

Mr. WOODSIDE. Mr. Speaker, I assume from that that the gentleman feels there will not be sufficient to carry through until the end of the biennium, but that it will be sufficient only to carry to the next regular session of the Legislature, that is 1943, is that correct?

Mr. ACHTERMAN. Mr. Speaker, the gentleman has no right to assume that. If the National Defense Program continues at the rate at which it is now going, and if three shifts become the regular order of the day for employment then I would say that the \$131,000,000 provided for in the bill will be more than adequate and that there will be a saving, an actual saving, a recapture out of the amount provided for in the bill.

Mr. WOODSIDE. At the end of the biennium, Mr. Speaker?

Mr. ACHTERMAN. Mr. Speaker, under the conditions which I mentioned.

Mr. WOODSIDE. Mr. Speaker, the conditions which the gentleman has mentioned are that the present economic condition will continue in the same status in which it is at the present time?

Mr. ACHTERMAN. No, Mr. Speaker, I stated that if the program of rearmament will finally result in the employment of three shifts per day the amount of employment should be sufficient to take off every one that is now on relief that is capable of working.

Mr. WOODSIDE. Mr. Speaker, and if everybody is taken off relief that is capable of working, what would the gentleman say the monthly amount payable for relief under the present standard of payment would be?

Mr. ACHTERMAN. Mr. Speaker, I can only base my figures on that which has been given to me by the Secretary of the Department of Public Assistance. His figures indicate possibly five million dollars a month or one hundred and twenty million dollars for the biennium. However, even there, frankly the figures were not necessarily static because the change of conditions of employables in the family might remove certain recipients of old-age assistance and of other forms of assistance from the rolls. It is a rather difficult question to answer without making reservations to the answer.

Mr. WOODSIDE. That is all for the moment, Mr. Speaker.

Mr. Speaker, after approximately four months we have been hearing from the other side statements that the budget of the Governor was not honest. I am interested in how the dishonesty of the budget results.

The first statement of the gentleman, and this is the "charity" part of that famous "faith, hope, and charity" speech, was that the budget was not honest in that it did not provide sufficient funds for relief, and so he put in a bill to provide for two hundred million dollars for relief. He says that the budget of the Governor is dishonest; it is dishonest because it does not provide sufficient money for relief. Then, time marches on, and now they turn around and say, "Oh, yes, the situation is different. We now expect that this will be enough money to pay for relief during the entire biennium. As a matter of fact, there might even be some left over at the end of the biennium." Therefore, this budget which they say is dishonest in not providing a sufficient amount for relief on February 3rd, by estimating the cost of relief at seventeen million dollars less than what the gentlemen on the other side felt it should be, it now develops that it contains sufficient money for relief. So, taking this shift in the "hope" attitude of the gentleman's famous "faith, hope, and charity" speech, we now have a complete turn-around in the "charity" part of that speech. As I say, this dishonest budget which happened to be dishonest on the one side on February 3rd, now is turned around and is dishonest on the other side of the picture. So we come along, first on one side and then on the other, first it is too high, then it is too low; first it is too much, then it is not enough.

As a matter of fact, the gentleman is passing here on budget items which do not fit into the budget picture at all, as the gentleman well knows. I mean by that that the unofficial budget which the gentleman from Monroe has submitted to this House does not fit into the picture at all. It is the Governor's budget item for relief made up as it was on February 3, containing an item which was in fact a cushion at that time. The amount appropriated as absolutely necessary during the biennium on February 3 when the budget was submitted was \$120,000,000 and \$11,000,000 as a cushion item which was added on to it because if there was any additional amount of course it should be added to the relief appropriation because it is impossible to estimate with any great degree of accuracy exactly how much money was going to be needed for relief. Of course, this Defense Program which the gentleman has talked about, the economic situation as it exists today is not as promising as it was thought to be eight or ten months ago; it is not as promising as it was three or four months ago, as a matter of fact. Relief, therefore, still continues to be a larger burden than we hoped it would be. Of course, it is necessary to make appropriations for relief of as much money as is available in the State funds, and we propose to do it. But when this whole budget picture is set up the gentleman on the other side is going to see, as I think in fact he sees at the present time, that under this set-up there is not now available for relief the sum of \$131,000,000 or any sum near that amount. The gentleman on the other side, if he would be honest with the Members of this House and with the Commonwealth of Pennsylvania would tell you that fact today, but he is playing the old game, "We are going to decrease the taxes, we are to charge an increased amount of deficit, we are going to increase the appropriations, we are going to say to the Commonwealth of Pennsylvania, 'Look at what we have done, we have given you your cake, we have permitted

you to eat it and yet you still have it'".

That is the kind of budget which the Democrats in this House, or rather the gentleman from Monroe, Mr. Achterman, is presenting to this House in his budget recommendation.

Mr. ACHTERMAN. Mr. Speaker, I assumed in our figures that certain tax measures would be enacted by not only this House but by the Senate, especially in view of the fact that the particular tax measures are now the adopted children of the Republican Party. True they are emergency measures which will die on the last day of May and need re-enactment in order that there will be revenue produced for the Commonwealth of Pennsylvania, but since they are so close to the Republican party I have little doubt that they will become effective measures again and that the funds will then be available. The position of this House is not out of line with the ordinary procedure in matters of this kind. Tax measures are now in the Senate and I assume are receiving consideration since they are Republican tax measures, with certain reductions that are Democratic ideas upon the subject, so that the passage of this measure over to the Senate is only a part of companion legislation, and the tax legislation certainly cannot be condemned or criticized at this moment. If we want to follow the thoughts of the gentleman perhaps we would have to hold up the relief measures and the general appropriations bill as a matter of course until not only the Senate has passed the tax measures but the Governor has actually signed them. That has never been the custom in this House, as the gentleman well knows, and we do not intend to change the usual procedure in this House just because the gentleman might wish it so.

Mr. Speaker, in relation to the amount, may I say to the membership of this House that employment in Pennsylvania is in excess of three million four hundred thousand individuals, an increase in the year of over forty-four per cent? May I add that the greater portion, or a substantial portion of that increase has occurred in the last three or four months, making a completely different picture of the situation than that which we viewed at the beginning of this year.

May I say frankly that the figures we originally advanced were found to be in error, and finding them in error we treated them honestly, we have so admitted and have so stated and we are passing legislation in line with the facts as we find them now to be. In other words, perhaps it wouldn't hurt the Republican party, finding their estimates to be in error, and they are in error, to admit frankly that "the situation has changed materially from the time we first prepared and presented our figures and we are ready to concede that we are in error, an honest error, of course, but an error that changes the entire set up." The gentleman says, "Oh, it is wrong to pass this measure at this time." May I say that the Senate passed a bill for eleven million dollars devoted to the same subject for the coming biennium. Certainly there is nothing wrong with that and I do not criticize it, but if we were to follow the philosophy of the gentleman from Dauphin, if we were to use the same logic, we would say, these bills should not proceed. Wait until we see where the money is coming from; wait until the emergency tax bills are passed in the House."

Mr. WOODSIDE. Mr. Speaker, the gentleman from

Monroe has put words into my mouth which I did not use. I did not say that this bill should not be passed; I did not say that there should be no relief appropriation made at this time; I did not say it was necessary for the House to wait until the tax bills were passed before we passed the appropriation bill. What I did say was that the gentleman in his own personal budget which he submitted to the House last night is not fair and honest in stating that the amount available for this appropriation is one hundred thirty-one million dollars or anything near that sum, because as a matter of fact it is not. I am saying that the majority party of this House is trying to fool the people on relief; trying to fool the taxpayers and the people of Pennsylvania by stating to them that there is available for relief under their unofficial budget the sum of one hundred thirty-one million dollars. Of course, we have got to provide money for relief.

The gentleman has raised a question on the bill which has just come over from the Senate and which the Appropriations Committee has reported out to be read for the first time today. It has always been the custom of this House in the Appropriations Committee of the House to see that relief would not break down, but does the gentleman have any concern about it? No, and it was necessary to introduce the bill in the Senate and put it through in order that relief would not break down on June 2d. The gentlemen knew about it. I called their attention to it several times. I called their attention to it on the floor of the House on more than one occasion. It is absolutely necessary to have signed by the Governor by June 2d an appropriation bill for relief or else relief checks on June 2d will not go out. Yet, the gentlemen did nothing about it. They held this appropriation bill, they knew that this item was in the budget from the third day of February of this year, and yet they did nothing about it until this day when they now pass over to the Senate this bill.

I say to you, Mr. Speaker, that this whole program should have gone over to the Senate long ago.

I stood here and I warned the gentleman as to what was coming. But, no, you were not concerned about it, you were going to hold up these bills until the time relief would break down, and then you would go up and down the state of Pennsylvania and say, "See what we told you in our campaign in 1938, that Arthur James would not take care of you on relief." You were willing to let the whole system break down, you were trying to put the Republican party in a box, you were trying to put the people of Pennsylvania in a box and by so doing you would place the Republican party in a box. You had no concern about the people who were going to be without relief on June 2nd; you held this bill in committee from the time it was introduced—I don't know when, but early in February or March; you knew about the amount recommended in the budget on February 3, your Appropriations Committee knew about that. Did you put in any special bill to take care of the emergency? No sir, you were going to pass today a bill which was in your committee, the amount of which you knew from the third day of February, and today you are going to pass that bill over to the Senate and say, "Here is a matter of grave importance to the Commonwealth of Pennsylvania that ought to be passed before June 2." You are going to ask the Senate to sit here on Saturday, I suppose, to pass this bill, to stay over for three consecutive days to consider

a matter which you had in your committee for four months. That is not fair to the Senate, that is not fair to the people of the Commonwealth of Pennsylvania. You had an alternative in the matter and I called your attention to that alternative some time ago. That was to put in another bill, you could put it through in order that there would be temporary relief. You had no concern about it, you did nothing about it. You passed it over to the Senate and you are now taking action on this bill for the first time, with the hope of getting it passed so that the people on relief will be able to get their checks in June.

It was the action of the Senate which made that possible. I say to you, Mr. Speaker, we are not complaining about the amount of appropriation for relief, we are not saying that the Appropriation Bill should not be passed in the sum of \$130,000,000; there is not a man in this House who is going to vote against the Appropriation Bill, I am sure, but I say to you that the amount which has been set forth in that bill by the Appropriations Committee at this time in their consideration, and mark you this, this is important, in consideration of the other items contained in your unofficial budget, there is not now available for relief the amount which is contained in this bill.

Mr. HOLLAND. Mr. Speaker, I sort of sympathize with the minority floor leader for being placed in the position where his blood pressure has gone up quite a few degrees because he finds himself in the position that was so ably described in an editorial appearing in the Pittsburgh Press last night. The heading of the editorial is "Mr. James' Dilemma." The article then goes on as follows:

"Governor Arthur H. James was elected on a platform calling for economy and reduction of taxes, and never made good on either. Not one of the "emergency taxes" enacted during the administration of his predecessor, Governor George H. Earle, has been eliminated or reduced.

"Now it is indicated that tax revenue during his administration will be approximately \$1 million dollars greater than during that of Mr. Earle due to economic recovery and particularly to the defense program. Thus, even without cutting expenditures, it would seem that Mr. James could finally make good on some portion of his pledge to reduce taxes. But still he has made no move.

"The Democratic House of Representatives has seized on this situation as a reason for cutting the personal property tax levy by one mill and the tax on bank shares by the same amount. Which leaves Mr. James in a pretty sorry position. If he opposes this reduction—in face of the fact that improved business has raised revenues by many millions—then it is a complete admission that he wasn't anywhere near right in his pre-election pledges. And if he doesn't oppose the cuts he gives to the Democrats the credit for taking the first practical step to carry out the platform upon which he was elected.

"All of which again demonstrates that nobody is doing such effective work to kill the Republican party in this state as are the leaders of that party."

Mr. TURNER. Mr. Speaker, I had not intended to speak on this question because I felt that the gentleman from Dauphin, Mr. Woodside, had covered the ground so well and so ably, it did not need any further comment. But the remarks of the gentleman from Allegheny, Mr. Holland, leave me no other alternative than to say two or three things that were in my mind last night, but because of the lateness of the hour I did not want to continue the debate at that time with the gentleman from Monroe.

In the first place, I would like to ask all these experts



on economy, all these experts on State financing, what they would have cut in the last two years in order to have reduced the total expenditures of the state government? The Governor did cut within his own department those amounts which he could cut and which by reason of the personnel and other arrangements he could make a reduction. The Governor was left with two things, a deficit first, and in the second place he was left with increased expenditures that had been placed upon the state during the former administration. I am not going to argue whether those were proper or not, but on the pure question of supplying the necessary appropriations for the General State Authority, for the buildings which have been erected, the amounts of increased expenditures in the state, practically wiped out the savings which the Governor had in mind and which the Governor could have made. Now, anyone can reduce taxes if they use the simple expedient used by the gentleman from Monroe, Mr. Achterman, simply waving your hand and increasing the estimate of the amount of revenue which you expect to get. That would be a very fine way. I say to you if you want to do it on that basis why don't you wipe out the entire four mill tax? Why this puny little one mill reduction? Why not pass a bill wiping out the four mill tax entirely?

The gentleman from Monroe, Mr. Achterman, talks about ninety billion dollars income in Pennsylvania which he expects during 1941. I have read where the administration in Washington expects to have one hundred billion dollars income during the next year or two by raising taxation that is necessary in the United States. It is that vicious circle, you borrow more money, you spend more money, you increase the national income, you increase the amount of taxes, and then you get it back. I do not know how I can follow that kind of wisdom, it never sounded like common sense to me. The efforts of the gentleman from Monroe and the efforts of the Democratic party and the efforts of the defenders of the Democratic party, according to this sort of statement which the gentleman from Allegheny, Mr. Holland, has read, is the same sort of expedient that anyone can use. However, if you are actually going to carry on the state government, you do not carry it on estimates, you carry it on the actual amount of money which is in the treasury and the actual amount of money which you receive from taxation in the Commonwealth of Pennsylvania, the actual amount which is collected and returned into the treasury of the Commonwealth. That is what you have to go on. It may be all right to figure that you can take the percentage of national income, that you can take the percentage of increase of the national income figure that increase, and then take the amount of increase in certain taxes during the last two years, and on that you can prognosticate that you will have enough money in the next year in order that you can make tax reductions, but that is not common sense. I think anyone who knows anything about state government, state financing, anyone who knows anything in a common sense way about finances any money and taxes and the cost of government, ought to know that that you can not do it with that kind of method. You must arrive at the actual facts, using hard-headed methods, and in the end there is only one thing that counts, and that is, can you get enough money in to run the business of the government? If you cannot, you will have a deficit, you must abate certain appropriations,

and you would be in an awful mess.

Mr. ACHTERMAN. Mr. Speaker, the gentleman from Dauphin, Mr. Woodside, complained about the short amount of time that the Senate would have to consider this measure if they were to pass it to be effective on June 2nd. May I state, Mr. Speaker, that the Senate has had the same length of time to consider not only the budget but the relief problem as has the House. Both the Houses were in session; they knew that this problem was theirs as much as it was ours. We had every right to assume that they would devote the same time and study to it as we did. Apparently they have not. I confine my remarks to the mere assertion that they have not had enough time. In that respect may I point to the particular stop-gap bill which they passed and sent to this House, involving some eleven million dollars, which would seem to indicate that they feel that they need approximately two months more to study the problem. Had we presented different tax measures, had we presented different subjects for consideration other than those that were in the Governor's budget, then perhaps I could understand why they would need more time for study, but the subjects that we studied are the same subjects that they should have studied, and certainly it comes with poor grace to now say that the Senate is not ready to proceed, that it needs more time to study, apparently two months more of time to study.

May I say to the gentleman from Delaware, Mr. Turner, that he might be surprised as to the method the Revenue Department uses in computing or anticipating taxes. Odd to say, they endeavor to estimate improved conditions, and have recourse to charts indicating an upswing or a down-swing in business. One thing they do not do, they stop their consideration at one particular day without any thought as to whether the business trend will continue or whether it will level off at one particular point. That happens to be the error in the budget estimates, as the Governor has submitted them to this House.

Therefore, after all, Mr. Speaker, what the Democratic party did in estimating receipts and revenues, is sound business practice, far more sound than the practice followed for two years by the Republican party while they were running the state through the wringer in order to reduce expenses, with an expenditure far in excess of any that we have ever had in any Administration heretofore. We understand their methods and we know where they could have made cuts and have saved millions. In other words, they should have made a decrease in expenditures which they spoke about at the beginning of their campaign, a decrease of twenty percent.—a twenty percent decrease that never has occurred. Instead of that what do we have? Increased payrolls, increased expenditures of money, increases shown by their own study.

Mr. Speaker, that is one of the reasons why they find themselves short, with an increased deficit at the end of the biennium instead of wiping out what they term a deficit. If they had practiced the economy they promised they would not be compelled to come in every once in a while and say, "We found another deficit that the Earle administration left us." I am saying, in other words, Mr. Speaker, they would not need to attempt to charge a 20 million, then 30 million, then 60 million and then 70 million deficit. They would have been able to level off. I am saying that the deficit they now have is the deficit of their own party and not ours.

Mr. WOODSIDE. Mr. Speaker, I expected to make some of these remarks later on concerning the budget, but since the question has revolved pretty much around the budget I will discuss that phase of it now with the consent of the House.

In the first place let me say the gentleman has mentioned in his argument that the salaries in the public administration have been high, that we could have saved money if we had cut them down. The gentleman knows that that statement is absolutely not true; that just is not the situation. I have produced a number of times in the record statistics to prove that fact. I know that they are correct and there has been no answer made to that fact. That again is some of the dust that is being thrown by the gentleman on the other side.

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

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

Mr. ACHTERMAN. I will, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I have here the tenth biennial budget as unofficially prepared by the gentleman from Monroe, Mr. Achterman, I am referring to page 2 of his statement. If the gentleman will get it he can follow along better.

Mr. Speaker, I refer the gentleman to the fourth paragraph on page two which states as follows:

"Having determined by this method the factors upon which can be based increased revenues in the Commonwealth of Pennsylvania for the fiscal years, 1941-1943, we made a close study of the actual receipts for the present and past fiscal years in order to determine which revenue remains static."

I ask the gentleman which revenues he found that remained static?

Mr. ACHTERMAN. Mr. Speaker, those revenues in the back of the report, section 2, we have not increased, pages 1, 2 and 3 in the back of the report.

Mr. WOODSIDE. Mr. Speaker, has the gentleman found any revenues which have a history of decreasing rather than of remaining static?

Mr. ACHTERMAN. Mr. Speaker, we found one in the emergency field with a decrease. In connection with that decrease may I say that the Revenue Department indicated that possibly with a few more investigators they could collect a half million dollars more. I am speaking of the personal property tax. May I add in connection with that that the city of Philadelphia, the county of Philadelphia, has shown something like one half million dollars increase in receipts over the past year. I am wondering whether the fact that there is a decrease in the receipts for this biennium may not be due to the Revenue Department rather than to a lack of taxable property upon which they could receive revenue? However, we treated it in the same manner in which the Governor's office treated it.

Mr. WOODSIDE. Mr. Speaker, the gentleman of course is going far afield. I might refer to something which I am sure would help him along a little bit in the consideration of that great opportunity which Appropriations Committee had to decrease the appropriations to the Department of Revenue. Does the gentleman find any other revenues which show a history of bringing in a less amount each year?

Mr. ACHTERMAN. Mr. Speaker, in some minor items, yes.

Mr. WOODSIDE. Mr. Speaker, did the gentleman decrease any of the estimates of revenue as a result of those findings?

Mr. ACHTERMAN. Mr. Speaker, I believe in one or two instances I did.

Mr. WOODSIDE. Mr. Speaker, will the gentleman point out where?

Mr. ACHTERMAN. Mr. Speaker, I know in terms of totals there were specific items where same reductions were made, but I am unable to find them at the moment. However I specifically recall reductions that were made in the items over the Governor's estimate.

Mr. WOODSIDE. Mr. Speaker, the gentleman states in his next paragraph as follows:

"We also determined those receipts which show a normal, steady year by year growth and applied to them the factor of 7.7% increase, which is based on the average for the seven years from 1933 to 1940."

Do we understand from that that the gentleman has taken the revenues all except those which he has stated are static and found that they have an over-all increase of 7.7 per cent between 1933 and 1940?

Mr. ACHTERMAN. Not all, Mr. Speaker. There were certain taxes where the income from the taxes bore direct relationship to the income of the Commonwealth rather than showing an average increase. In those particular fields, as I have stated, particularly in the emergency field, you will find a twenty per cent increase. I think we discussed that not once, but many times, on the floor of this House.

Mr. WOODSIDE. Mr. Speaker, what does the gentleman refer to them in his paragraph seven in which he states:

"We also determined those receipts which show a normal, steady year by year growth and applied to them the factor of 7.7% increase which is based on the average for the seven years from 1933 to 1940—"

What does the gentleman mean by that?

Mr. ACHTERMAN. Mr. Speaker, the gentleman will find certain tax receipts that are increased on the basis of that percentage, or approximately that percentage.

Mr. WOODSIDE. Mr. Speaker, will the gentleman give me those taxes?

Mr. ACHTERMAN. Yes, the capital stock tax, domestic and foreign; domestic in particular.

Mr. WOODSIDE. Mr. Speaker, if the gentleman is using 7.7 per cent it ought to be "yes" or "no."

Mr. ACHTERMAN. I am saying "yes," Mr. Speaker, the capital stock tax, domestic and foreign; domestic in particular is one of the fields. Loans tax, corporation—domestic, is another. The insurance premium field is another, and the same in the savings fund field. Those are the fields in which it mostly applies.

Mr. WOODSIDE. Mr. Speaker, are there any others?

Mr. ACHTERMAN. Mr. Speaker, the mercantile field with its license taxes, the business license taxes, wholesale mercantile. Those are the fields that you will find it in.

May I state that I just happened to discover one instance of a reduction that was made in the gross receipts involving boxing and wrestling, although I admit there are several other fields in which there were reductions made.

Mr. WOODSIDE. Mr. Speaker, that was a reduction of two or three thousand dollars?

Mr. ACHTERMAN. Four thousand dollars, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, the items are negligible in every instance, are they not?

Mr. ACHTERMAN. Generally, the income was more or less negligible.

Mr. WOODSIDE. Mr. Speaker, getting back to the 7.7 per cent increase, do I understand that those fields that the gentleman has just given have all been increased by the 7.7 per cent, or that the overall of that field is 7.7?

Mr. ACHTERMAN. I am speaking of the overall, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, the gentleman has taken and apparently has based a great deal upon the national income. The gentleman has stated here that they have examined the records for the past ten years, showing that the income in the state of Pennsylvania bears an average ratio of 8.2 per cent to the national income.

May I say to the gentlemen on the other side, first, that the national income, even in the past is a matter of estimate. It is not a factual matter and nobody knows what the national income was in 1939. Nobody knows what the national income was in 1938, nobody knows what the national income was in any other year. It is only an estimate, it is only a guess. They have certain calculations upon which they base their estimates, but that is still only an estimate, it is still only a guess, because nobody can tell exactly what the national income is. It is a whole lot more difficult to determine what the income of any particular state is, so that when the gentleman says he is safe in his estimate of facts, he is basing his estimates on fiction because nobody knows those answers. Furthermore, he says that the estimates of the fiscal authority of the national government show that the national income for the year 1942 will be ninety billion dollars. If there ever was a guess, that is a guess. That is a guess based on what? On previous figures which were made as to what the national income was at that time. Yet the gentleman says, "Having considered all the factors that enter into the problem"—I could go on but I am only going to ask the gentleman one more question, whether he won't supply for me by tomorrow all of the statistics concerning the national income upon which he bases his estimates; all of the statistics relative to state income from which he takes the estimates, and the variation of the percentages of total taxes as related to the total income.

Mr. Speaker, I realize that the hour is getting late and the House and the Speaker would like to adjourn. I would like to carry on the debate further, but in consideration of the desire of the Speaker and the Members of the House to get the business of the House completed, I am not going to go any further with this debate at the present time. I hope to take it up a little more later.

On the question recurring,

Shall the bill pass finally?

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

YEAS—205

Achterman,	Foor,	Malloy,	Royer,
Allmond,	French,	Marks,	Rush,
Auker,	Gallagher,	Maxwell,	Sarge,
Baker,	Gates,	McClanaghan,	Sarra,
Balthaser,	Gerard,	McClester,	Scanlon,
Baughner,	Gillan,	McDermott,	Schwab,
Bentley,	Gillette,	McDowell,	Serrill,
Bentzel,	Goodwin,	McFall,	Shaffer,
Boles,	Greenwood,	McGrath,	Shaw,
Boney,	Gross,	McIntosh,	Shepard,
Bradley,	Gryskewicz,	McKinney,	Simons,
Breth,	Gyger,	McLanahan,	Skale,
Bretherick,	Habbyshaw,	McLane,	Snyder,
Boorse,	Jaberlen,	McMillen,	Sollenberger,
Bower,	Haines,	McSurdy,	Sorg,
Brown,	Hall,	Melchiorre,	Stambaugh,
Brunner, C. H.,	Hamilton,	Mihm,	Stank,
Brunner, P. A.,	Hare,	Modell,	Stine,
Burns,	Harkins,	Monks,	Stockham,
Burriss,	Harmuth,	Moul,	Tarr,
Cadwalader,	Harris,	Muir,	Tate,
Chervenak,	Heatherington,	Mooney,	Taylor,
Chudoff,	Helm,	Moran,	Thompson, E. F.,
Cochran,	Hering,	Munley,	Thompson, R. L.,
Cohen, M. M.,	Herman,	Nagel,	Trout,
Cohen, R. E.,	Hersch,	Nunemacher,	Turner,
Cook,	Hirsch,	O'Brien,	Van Allsburg,
Cordier,	Hewitt,	O'Connor,	Verona,
Cordigan,	Holland,	O'Dare,	Vincent,
Croop,	Huntley,	O'Mullen,	Vogt,
Cullen,	Imbrie,	O'Neill,	Voldow,
Dairympole,	James,	Owens,	Voorhees,
Dennison,	Jefferson,	Petrosky,	Wagner,
DiGenova,	Jones, G. E.,	Pettit,	Watkins,
Dix,	Jones, F. N.,	Polaski,	Weingartner,
Dolon,	Keenan,	Polen,	Wetss,
D'Ortona,	Kenehan,	Powers,	Welsh, E. B.,
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, D. P.,	Wood, N.,
Falkenstein,	Lee, T. H.,	Reese, R. E.,	Woodring,
Finestone,	Lelsey,	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.
	Lyons,	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.

#### REPORTS FROM COMMITTEES

Mr. MODELL, from the Committee on Judiciary General, reported as amended, House Bill No. 1248, entitled:

An Act providing for proceedings by petition in non-support and desertion cases.

Mr. SCHWAB, from the Committee on Cities-First Class, reported as amended, House Bill No. 1256, entitled:

An Act requiring all police officers in cities of the first class to slate for hearing all persons arrested by such officers without warrant in the station house of the district in which the arrest was made, and imposing penalties.

Mr. D'ORTONA, from the Committee on Cities-First Class, reported as amended, House Bill No. 1626, entitled:

An Act to protect public health, safety and morals and to promote the common welfare by regulating the use and occupancy, re-use and re-occupancy and the renting

and re-renting for use and occupancy of all buildings in cities of the first class planned in whole or in part for residential purposes, and any living quarters connected with a business or commercial establishment by requiring the issuance of certificates of occupancy and by requiring owners, agents and tenants to obtain such certificates of occupancy; conferring powers and imposing duties upon the Department of Public Health and upon the Department of Public Safety of cities of the first class; providing for inspections and inspection fees and the institution of prosecutions for failure to obtain certificates of occupancy; imposing penalties and repealing inconsistent acts or parts of acts.

Mr. READINGER, from the Committee on Appropriations, reported as committed, House Bill No. 1724, (Senate Bill No. 1004), 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 forty-one.

Mr. THOMAS H. LEE, from the Committee on Public Utilities, re-reported as committed, House Bill No. 847, entitled:

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

jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by further limiting the control and regulation of the commission in respect to rates, service and extensions by municipal corporations.

Mr. WATKINS, from the Committee on Municipal Corporations, re-reported as amended, House Bill No. 1234, entitled:

An Act to further amend section one thousand seven hundred and one of the act approved the twenty-fourth day of June, one thousand nine hundred thirty-one (P. L. 1206) entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," authorizing the township commissioners from time to time, to make supplemental appropriations.

Mr. FISS, from the Committee on Counties, reported as committed, House Bill No. 687, entitled:

An Act to further amend the title and section one of the act approved the third day of May, one thousand nine hundred and nine (P. L. 424), entitled "An act providing that in all counties having more than five hundred thousand inhabitants, advertisements and notices, required by law or rules of court to be published in newspapers of general circulation, unless dispensed with by special order of court, shall be published in the legal newspaper, issued at least weekly, of the proper county, designated by rules of court for the publication of court or other legal notices," as amended, extending the provisions of the said act to counties of the sixth class.

#### BILL ON FIRST READING

Mr. READINGER asked and obtained unanimous consent for House Bill No. 1724 (Senate Bill No. 1004) to be read for the first time.

Agreeably to order.

The House proceeded to the first reading and consideration of House Bill No. 1742, (Senate Bill No. 1004), 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 forty-one.

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

#### CONDOLENCE RESOLUTION

Messrs. WEISS, PETROSKY, MAXWELL LESKO and HABERLEN offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, May 27, 1941.

John Lovett, brother of the Hon. James H. Lovett, died Monday, May 26, 1941, at his home in East McKeesport.

To the citizens of East McKeesport, his sudden passing leaves a profound sense of sorrow; to his friends and his fellow workers comes the great shock of learning that their friend and co-worker will no longer be with them.

John Lovett was not a great statesman or outstanding

leader, but his was the greatest of all gifts, a congenial happy nature and the gift of friendship with all the people he knew. He was a devoted husband, a splendid and sympathetic father and a true friend.

Since those who knew him can now only offer inadequate words as their last tribute; therefore be it

Resolved, That with this resolution we commend John Lovett to the memory of his fellowmen; and be it further

Resolved, That the Chief Clerk of this House transmit a copy of this resolution to the wife, children and brother of the deceased.

#### BILLS SIGNED BY SPEAKER

Bill 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. 141.

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

##### SENATE BILL No. 223.

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

##### SENATE BILL No. 315.

An Act to further amend section one of the act approved the fourth day of April one thousand nine hundred and twenty-five (P. L. 127) entitled "An act relating to adoption" by imposing exclusive jurisdiction in adoption proceedings in the municipal court in first class counties

##### SENATE BILL No. 345.

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

##### SENATE BILL No. 329.

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

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

#### ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair wishes to inform the Members that last evening at the request of the Speaker, the gentleman from Delaware, Mr. Turner, presided and by agreement with both floor leaders, a number of the bills were passed over in order. The Members of the House will understand, that was done under agreement by the gentleman from Delaware, Mr. Turner, while he was in the Chair.

#### COMMITTEE MEETINGS

##### EASTERN STANDARD TIME

Agriculture, Wednesday, May 28 at 11:30 a. m. in Room 329.

Appropriations, Wednesday, May 28 at 11 a. m. in Room 327.

Building and Loan, Tuesday, May 27 at 7 p. m. in Room 330.

Education, Wednesday, May 28, at 9 a. m. in Room 326.

Forestry, Wednesday, May 28, at 11:30 a. m. in Room 521.

Highways, Wednesday, May 28, at 11 a. m. in Room 324.

Military Affairs, Wednesday, May 28, at 11 a. m. in Room 330.

Motor Vehicles, Wednesday, May 28, at 11:30 a. m. in Room 324.

Professional Licensure, Wednesday, May 28, at 11:15 a. m. in Room 246.

Public Utilities, Wednesday, May 28, at 10:15 a. m. in Room 331.

State Government, Wednesday, May 28, at 9:30 a. m. in Room 325.

Ways and Means, Wednesday, May 28, at 10 a. m. in Room 327.

Workmen's Compensation, Wednesday, May 28, at 9 a. m. in the New House Caucus Room.

#### PUBLIC HEARINGS

The Committee on Education will hold a Joint Hearing on H. B. 1671, now substituted for H. B. No. 1, on Tuesday, May 27, at 7 p. m., Eastern Standard Time, with the Ways and Means Committee which will hold a hearing on H. B. 1403 at the same time, in the New House Caucus Room—Main Floor.

A Joint Public Hearing with the Senate on H. B. 942 will be held Tuesday, June 3, 1941, at 10 a. m., E. S. T. Place to be announced later.

#### DINNER

Reservations are still available for the dinner to be held at Hershey Hotel on Wednesday, May 28, in honor of the Majority Floor Leader. Tickets for the dinner may be procured from Walter Miller in the Chief Clerk's Office. Transportation will be available for those who do not intend to drive. The evening of May 28th will be de-

voted to the consumption of fine food and the dissemination of good fellowship. There will be no talk of 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.

#### ADJOURNMENT

Mr. KNOBLE. Mr. Speaker, I move that this House do now adjourn until Wednesday, May 28, 1941, at 12 m. The motion was agreed to, and (at 4:12 p. m.) the House adjourned.