

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 900, (House Bill No. 1257), entitled:

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

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

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 903, (House Bill No. 1295), entitled:

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

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

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 963, (House Bill No. 861), entitled:

An Act to further amend the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by further regulating the affairs of boroughs; and revising, amending, and changing the law relating thereto.

And said bill having been read at length the 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. 964, (House Bill No. 940), entitled:

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

And said bill having been read at length the 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. 1047, entitled:

An Act to further amend the act approved the seventh day of May, one thousand nine hundred twenty-three (P. L. 151), entitled "An act defining and regulating the business of dry cleaning and dyeing; providing for the main-

tenance, construction, and inspection of dry cleaning and dyeing buildings and establishments; providing for enforcing the act, and penalties for violation thereof"; providing for the administration and enforcement of said act by the Department of Labor and Industry; exempting from certain provisions of said act certain plants and systems exclusively using a petroleum solvent having a flash point on one hundred and forty degrees Fahrenheit; and empowering the Department of Labor and Industry to make, alter, amend and repeal rules and regulations.

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. 1067, (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.

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

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Wednesday, June 4, 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 5:26 o'clock, p. m., Eastern Standard Time, until Wednesday, June 4, 1941, at 2:00 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

TUESDAY, June 3, 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, we praise Thee for the ever-renewing splendor of the world; for the eternal miracle of the spring, for the gracious dignity of trees and flowers, for the unending pageant of the skies, for the charm and glory of the fields. These things Thou hast made. They are good and we rejoice in them.

We look out upon the earth and behold its beauty, blighted with our sins. Given love, we choose hate; given freedom, we prefer slavery; given intelligence, we rest in stupidity; given goodness, we cherish evil; given life, we elect death; given opportunity to bring heaven to earth, we decide to bring hell.

Forgive us, O God, wherein we have failed Thee. In Christ's name we pray. Amen.

JOURNAL APPROVED

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

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

BILLS INTRODUCED AND REFERRED

By Mr. BAUGHER. HOUSE BILL NO. 1770

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

Referred to the Committee on Public Health and Sanitation.

By Messrs. MALLOY and SCHWAB
HOUSE BILL NO. 1771

An Act requiring clerks of courts to forward to the Department of Health a certificate of decrees in divorce, annulment of marriage, adoption and annulment of adoption proceedings, providing for the registration of such certificates by the said department, the issuance of certified copies thereof, and fixing fees and penalties.

Referred to the Committee on State Government.

By Messrs. McDERMOTT and RAUSCH.
HOUSE BILL NO. 1772

An Act fixing the salaries of jury commissioners in counties of the fourth class.

Referred to the Committee on Counties.

By Messrs. McDERMOTT and RAUSCH.
HOUSE BILL NO. 1773

An Act making an appropriation to the Boys' Club of Allentown, at Allentown, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. BENTLEY (By Request) HOUSE BILL NO. 1774

An Act relating to elective public offices, the incumbents of which are required by act of Congress to enter military or naval service; providing that such offices shall not be considered vacant or the incumbent thereof disqualified by reason of such call to military or naval service; making provisions for certain deputies, assistants or substitutes to perform the functions of such office during the period of such military or naval service or until the terms of office have ended; prescribing the qualifications, powers, duties, liabilities and compensation of such deputies, assistants or substitutes; and defining the extent and effect of said act upon the various incidents of such office including incompatibility, vacancy, compensation, term, misconduct, removal and holding over.

Referred to the Committee on State Government.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

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

SENATE BILL No. 46. (HOUSE BILL No. 1775).

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," authorizing the county treasurer to appoint a solicitor and providing for his salary payable by the county.

Referred to the Committee on Counties.

SENATE BILL No. 56. (HOUSE BILL No. 1776).

An Act providing for the observance of a Bill of Rights Week in the public schools of this Commonwealth

Referred to the Committee on Education.

SENATE BILL No. 174. (HOUSE BILL No. 1777).

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720), entitled, "An act providing for the taking over by the Commonwealth under certain terms, conditions, and limitations of certain streets in cities of the second class, and second class A, and third class, as state highways, and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of certain defined widths of said streets, imposing duties on such cities, and on public utility companies using such streets, providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon, authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance, providing for the assessment of certain portions of the cost of street improvements on abutting property owners, regulating the replacement of certain facilities of public utility companies, prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor, regulating the maintenance of detours, authorizing the increase of city indebtedness in certain cases, and appropriating money in the Motor License Fund for the purposes of this act" by establishing additional routes in the City of Erie.

Referred to the Committee on Highways.

SENATE BILL No. 351. (HOUSE BILL No. 1778).

An Act authorizing the sheriffs in counties of the sixth, seventh and eighth classes to appoint a sheriff's solicitor for their respective counties to be paid by the proper county, and prescribing the duties and limiting the compensation of such solicitors.

Referred to the Committee on Counties.

SENATE BILL No. 529. (HOUSE BILL No. 1779).

An Act relating to taxation in counties of the fourth, fifth, sixth, seventh, and eighth classes; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; creating a board for the assessment and revision of taxes; defining the powers and duties of such boards; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, borough, town, township, school and institution district purposes; regulating the office of ward, borough, town and township assessors; authorizing the appointment of a chief assessor, assistants and other employes; providing for their compensation payable by such counties and abolishing the office of assistant triennial assessor in townships of the first class

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 185. (HOUSE BILL No. 1780).

An Act to further amend section two of, and to add sec-

tion two and one-tenth to, the act, approved the fourth day of April, one thousand nine hundred twenty-five (P. L. 127), entitled "An act relating to adoption," further regulating adoption proceedings as to the consent of, and notice to be given to, parents of the person proposed to be adopted.

Referred to the Committee on Judiciary General.

SENATE BILL No. 555. (HOUSE BILL No. 1781).

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

Referred to the Committee on Welfare.

SENATE BILL No. 785. (HOUSE BILL No. 1782)

An Act to further amend section nine of the act, approved the first day of May, one thousand nine hundred and thirteen (P. L. 138), entitled "An act defining vocational education; providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof; and for the payment of tuition by certain school districts, and reimbursement thereof by the State," further regulating State reimbursements to school districts for vocational types of vocational education for which funds may be provided by Congress

Referred to the Committee on Education.

SENATE BILL No. 204. (HOUSE BILL No. 1783)

An Act to empower cities, counties, boroughs, incorporated towns and townships of the first class and of the second class to require the removal of used motor vehicles from areas designated as residential districts; authorizing the imposition of penalties and the employment of other appropriate remedies to compel such removal

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 396. (HOUSE BILL No. 1784)

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

Referred to the Committee on Liquor Control.

SENATE BILL No. 428. (HOUSE BILL No. 1785)

An Act to amend section nine hundred and one of, and to add section nine hundred and one-tenth to, the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by limiting the offense of burglary to certain acts committed by night, and making entering buildings in the daytime, with intent to commit a felony therein, or breaking and entering buildings in the daytime, a felony.

Referred to the Committee on Judiciary Special.

SENATE BILL No. 209. (HOUSE BILL No. 1786)

An Act providing for the forfeiture and condemnation of vehicles used to store, possess or transport narcotics or drugs, the possession or transportation of which is in violation of law

Referred to the Committee on Public Health and Sanitation.

SENATE BILL No. 669. (HOUSE BILL No. 1787)

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

Referred to the Committee on Liquor Control.

SENATE BILL No. 776. (HOUSE BILL No. 1788)

An Act to fix the number of Senators in the General Assembly of the State; to apportion the State into Senatorial districts, as provided by the Constitution; and to regulate the election of, and terms of office of, the present and future elected Senators.

Referred to the Committee on Legislative apportionment.

SENATE BILL No. 802. (HOUSE BILL No. 1789)

An Act to further amend section one thousand two hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for sabbatical leaves of absence for employees of State teachers colleges and the Cheyney Training School for Teachers

Referred to the Committee on Education.

SENATE BILL No. 806. (HOUSE BILL No. 1790)

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

Referred to the Committee on Education.

SENATE BILL No. 724. (HOUSE BILL No. 1791)

An Act to amend section four hundred one of the act, approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions, and officers thereof, including the board of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," by providing for the length of the terms and the method of appointing the members of the boards of trustees of various State Schools and Teachers Colleges enumerated.

Referred to the Committee on State Government.

SENATE BILL No. 994. (HOUSE BILL No. 1792)

An Act making an appropriation to the Thomas Jefferson Bicentennial Commission of Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 996. (HOUSE BILL No. 1793)

An Act to further amend section four of the act approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452) entitled, as amended, "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, equip, furnish, and operate projects, and to lease the same, and to tax 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.

Referred to the Committee on State Government.

SENATE BILL No. 998. (HOUSE BILL No. 1794)

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 Barbary Streets in the city of Harrisburg county of Dauphin.

Referred to the Committee on State Government.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. GATES and BREThERICK.

RESOLUTION No. 100

In the House of Representatives, May 28, 1941.

Whereas, The Government of the United States is, by the provisions of the Lease-Lend Bill, committed to a policy of material aid to Great Britain in her present struggle against totalitarian Germany, thus linking the fortunes of our own country with those of our sister democracy; and

Whereas, Great Britain's strength and hope of survival lies in her navy, to which the loss of the battleship Hood was a serious blow remediable only by its immediate replacement; and

Whereas, The United States has recently placed in service the battleship North Carolina, a more modern and effective ship of war, which can be used in immediate action against the common enemy with much better result than by saving her to meet the enemy alone at some later date; therefore be it

Resolved, That the House of Representatives hereby memorialize the Congress of the United States to enact legislation, if need be, to authorize the President, under plenary powers, similar to those now possessed under the Lease-Lend Bill, to give the battleship North Carolina, outright to the British Government, without reservation; and the House of Representatives further hereby requests the President of the United States to make such gift forthwith, if such power he already have; or in any event, as soon as the power necessary thereto has been granted by the Congress; and be it further

Resolved, That copies of this resolution be transmitted by the Chief Clerk of the House to the President of the United States, each of the presiding officers of the two branches in Congress and to each United States Senator and member from this Commonwealth.

Referred to the Committee on Rules.

COMMUNICATIONS AND PETITIONS

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

DIXMONT HOSPITAL

A communication from the Dixmont Hospital addressed the Speaker requesting support of House Bill 348 and requesting an increased appropriation.

Referred to the Committee on Appropriations.

REDUCTION OF SCHOOL AGE

Communications from Germantown High School; Murrel Dobbins Vocational School and a resolution; Roxborough High School and a petition addressed to the Speaker protesting passage of Senate Bill No. 302 reducing compulsory school age limit.

Referred to the Committee on Education.

EDUCATIONAL SURVEY COMMITTEE

A communication from the American Committee for Democracy and Intellectual Freedom, New York, protesting passage of Senate Bill 559.

Referred to the Committee on Education.

MUNICIPAL HIGHWAYS

A communication from the League of Cities of the Third Class favoring passage of Senate Bills Nos. 297 and 298.

Referred to the Committee on Highways.

LIQUOR SALES

Petitions from citizens of Armstrong and Butler Counties protesting the liberalization of liquor sales.

Referred to the Committee on Liquor Control.

MINE CAVES

A telegram from the Anthracite Surface Protective Association favoring the creation of a commission for the investigation of mine cave conditions throughout the Anthracite region.

Referred to the Committee on Mines and Mining.

COMMERCIAL FEEDING STUFFS

A communication from the Anderson Grain and Feed Co., York, protesting passage of House Bill 1582 amending the Commercial Feeding Stuffs Act.

Referred to the Committee on Public Utilities.

BILLS SIGNED BY SPEAKER

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

HOUSE BILL No. 104.

An Act to further amend section seven of the act approved the fifth day of January one thousand nine hundred and thirty-four (P. L. 223 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" extending the time during which application may be filed for veterans' compensation.

HOUSE BILL No. 374.

An Act to add clause (e) to section four of the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 540), entitled "An act defining the term 'fiduciary' prescribing the nature and kind of investments which may be made by such fiduciaries validating certain investments heretofore made by such fiduciaries and repealing acts and parts of acts inconsistent herewith," by permitting fiduciaries holding mortgages to accept deeds in lieu of foreclosures and prescribing the effect thereof.

HOUSE BILL No. 525.

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

HOUSE BILL No. 717.

An Act relating to criminal procedure; providing for the securing of attendance of witnesses from within or without the State in criminal cases; and making uniform the law in reference thereto.

HOUSE BILL No. 885.

An Act to further amend section five hundred and thirty of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," providing for filling vacancies in the office of township commissioner.

HOUSE BILL No. 1240.

An Act fixing the fee to be charged by the local authorities in cities of the first class for furnishing certified copies of the record of any birth, death or marriage which had been registered in the office of such local authorities prior to the taking effect of the Act approved June seventh, one thousand nine hundred fifteen, (Pamphlet Laws nine hundred) and for searches of the files and records when no certified copy is made.

HOUSE BILL No. 1255.

An Act authorizing cities of the first class which have issued or may hereafter issue bonds to redeem the same and issue and sell new bonds therefor

HOUSE BILL No. 1259.

An Act authorizing the creation of and providing for and regulating the maintenance and operation of a county employes' retirement system in counties of the fourth class; and imposing certain charges on counties and fixing penalties

HOUSE BILL No. 1270.

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

Whereupon

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

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. MOONEY for Mr. MIHM for the remainder of the week on account of illness.

Mr. HARMUTH for himself after tomorrow's session for the remainder of the week.

Mr. EDWIN A. LEE for himself for the week of June 9th.

Mr. GYGER for himself for the remainder of the week after today's session.

Mr. ECKELS for himself for Thursday, June 5th.

Mr. MCKINNEY for himself for the remainder of the week after today's session.

Mr. ELDER for himself for tomorrow's session.

Mr. HALL for himself for Thursday, June 5th.

Mr. FINNERTY for himself for the remainder of the week after tomorrow's session.

Mr. HABERLEN for himself for tomorrow's session.

REPORTS FROM COMMITTEES

Mr. CHERVENAK, from the Committee on Appropriations, reported as committed, House Bill No. 1390, entitled:

An Act making an appropriation to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented.

Mr. FINNERTY, from the Committee on Appropriations, reported as committed, House Bill No. 1511, entitled:

An Act making an appropriation for the expenses of the Committee of the House of Representatives created by House Resolution Serial Number thirty-five, adopted the twenty-fourth day of February, one thousand nine hundred and forty-one.

Mr. PROSEN, from the Committee on Judiciary General, reported as committed, House Bill No. 1129, entitled:

An Act to further amend subsection (a) of section six of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages or real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; the organization of corporations to carry on the business of decedent; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balance due by fiduciaries; the rights, powers and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports, and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," eliminating requirements for advertising and for appointment of masters where value of estates of presumed decedents is not in excess of five hundred dollars.

Mr. ELLWOOD B. WELSH, from the Committee on Motor Vehicles, reported as committed, House Bill No. 1652, entitled:

An Act to further amend sections eight and eleven of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three, (P. L. 553), entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto; requiring operators and owners of automobiles, under certain circumstances, to furnish proof of financial responsibility, as herein defined; providing for the suspension of operators licenses and motor vehicle registration certificates in certain cases; regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secre-

tary of Revenue, the State Treasurer, and prothonotaries; and prescribing penalties," by giving the secretary discretionary power, under certain circumstances, to suspend operators' licenses; and providing for notice and hearing before suspension of licenses and registrations.

Mr. STANK, from the Committee on Appropriations, reported as committed, House Bill No. 1425, entitled:

An Act authorizing the appointment of a commission to make a thorough study of the laws relating to crime and criminal procedure in this Commonwealth; conferring upon the commission full power to issue subpoenas; requiring the commission to make a report of its findings and recommendations to the General Assembly; and authorizing the commission to employ counsel and employes; and making an appropriation.

Mr. FINESTONE, from the Committee on Judiciary Special, reported as committed, House Bill No. 1665, entitled:

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

Mr. LONGO, from the Committee on Judiciary Special, reported as committed, House Bill No. 1263, entitled:

An Act relating to the extradition of persons charged with crime and to make uniform the law with reference thereto.

Mr. SCALE, from the Committee on Judiciary General, reported as committed, House Bill No. 1748, entitled:

An Act to further amend section two of the act, approved the first day of May, one thousand nine hundred seven (P. L. 135), entitled "An act relating to the appointment of stenographers and assistant stenographers to report proceedings in the several courts of common pleas, and orphans' courts, courts of oyer and terminer and general jail delivery, and courts of quarter sessions of the peace, of this Commonwealth, as well as before commissioners, masters, and special masters in chancery, referees, examiners, auditors, and other officers; prescribing their powers and duties, and when such reports shall be evidence of the facts reported; prescribing their compensation and allowances for expenses, when the same shall be paid by the county wherein such stenographers or assistant stenographers are employed, and when by the parties to such proceedings; and repealing the act, entitled "An act directing the appointment of official stenographers in the several civil courts of this Commonwealth; authorizing the appointment of stenographers by examiners, masters, referees, commissioners, and auditors; authorizing the appointment of assistant stenographers repealing "An act to authorize the appointment of stenographers in the several courts of this Commonwealth, prescribing their duties and fixing their compensation," approved May fifteenth, one thousand eight hundred and seventy-four; repealing "An act to authorize the appointment of stenographers in the several courts of this Commonwealth, prescribing their duties and fixing their compensation," approved May eighth, one thousand eight hundred and seventy-six, and repealing "An act defining the duty of court stenographers in the several counties in this State," approved June tenth, one thousand eight hundred and eighty-one," approved the twenty-fourth day of May, one thousand eight hundred and eighty-seven; but such repeal not to revive any law repealed by the said act of twenty-fourth of May, one thousand eight hundred and eighty-seven," by further prescribing regulations for the furnishing of copies of testimony.

Mr. SKALE, from the Committee on Judiciary General, reported as committed, House Bill No. 1119, entitled:

An Act exempting automatic merchandise vending machines, and their contents, located on leased premises and held under conditional sale, bailment lease or other like agreement, from levy and sale on execution or distress for rent, if certain written notice of such agreement is given the lessor of the premises on which such machines are located, and saving the right of lessors to levy on and sell, or distrain, any rights which lessees may have in such automatic merchandise vending machines under a conditional sale, bailment lease or other like agreement.

Mr. McKINNEY, from the Committee on Judiciary General, reported as committed, House Bill No. 1621, entitled:

An Act to add section forty-three to the act, approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," authorizing compromise of tax claims in cases where there is a dispute as to the domicile of the decedent.

Mr. READINGER, from the Committee on Judiciary General, reported as committed, House Bill No. 1536, (Senate Bill No. 212), entitled:

An Act with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee and to make uniform the law with reference thereto.

Mr. CHERVENAK, from the Committee on Appropriations, reported as amended, House Bill No. 1121, entitled:

A further supplement to the act, approved the first day of April, one thousand eight hundred and sixty-three (P. L. 213), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making an appropriation for carrying the same into effect.

Mr. MUNLEY, from the Committee on Motor Vehicles, reported as amended, House Bill No. 1648, entitled:

An Act to amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1005), entitled "An act relating to and regulating tractors and trailers and their operation; providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of tractors and trailers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, and townships, within the Commonwealth, liability for damages caused by the negligent operation of tractors and trailers; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," as variously amended, by changing registration years, fractions of registration years, operator's license years; extending the time for exemption from fees for

transfer of registration to conform with changed registration year; reducing operator's license fee; and giving the secretary power to determine whether certain motor vehicles are of tractor type.

Mr. BAKER, from the Committee on Appropriations, reported as amended, House Bill No. 361, entitled:

An Act making an appropriation to the City of Harrisburg to compensate members of the police force for the extra police protection afforded by the Harrisburg police force for the properties and activities of the Commonwealth within the Capitol City.

Mr. MODELL, from the Committee on Judiciary Special, reported as amended, House Bill No. 1490, entitled:

An Act authorizing the tax assessment records of lands, buildings and minerals be admissible as evidence in any action of law or equity where damages are claimed.

Mr. O'MULLEN, from the Committee on Motor Vehicles, reported as amended House Bill No. 1365, entitled:

An Act to amend the act approved the first day of May, one thousand nine hundred and twenty-nine, (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof; owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as variously amended; authorizing the secretary of Revenue to establish a system of permanent registration of vehicles providing for the issuance of commercial licenses and further regulating the operation of vehicles, and the suspension of registrations and operating privileges; giving the Pennsylvania Turnpike Commission power to regulate traffic on turnpikes; extending the time limit for cities of the second class A to make certain changes in traffic signals; extending the liability of political subdivisions to include negligent operation of their vehicles drawn by animal power; amplifying and changing provisions of said act relating to lighting signal and warning devices; redefining the term dealer; further regulating dealers in junked vehicles, permits for oversize and overweight vehicles, use of school buses, registration plates and cards maximum size of vehicles, and medical examinations by physicians; providing for payment of certain fees by counties; limiting, and providing new exemptions from the various provisions of said act; giving additional authority to peace officers and department employes in the matter of investigations further regulating prosecutions; giving certain powers to local authorities for the regulation of traffic and the establishment of traffic courts; changing and fixing additional fees, changing and imposing new penalties, giving the secretary additional powers and duties imposing additional duties on keepers and employers of garages and repair shops; providing refunds to certain persons entering Federal services; and making an appropriation.

Mr. HARKINS, from the Committee on Appropriations, re-reported as committed, House Bill No. 916, entitled:

An Act making an appropriation to the Department of Highways for the erection and construction of ramp over the tracks of the Pennsylvania Railroad in the Borough of West Leechburg, and for the construction of the necessary approaches thereto.

Mr. O'NEILL, from the Committee on Appropriations, re-reported as amended, House Bill No. 917, entitled:

An Act establishing certain public roads and streets in the Borough of West Leechburg, Westmoreland County, in the township of Gilpin and the borough of Leechburg, Armstrong County, as a state highway; providing for their construction and maintenance by the Department of Highways, and making an appropriation.

QUESTION OF PERSONAL PRIVILEGE

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

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

Mr. WOODSIDE. Mr. Speaker, I wish to thank you for the very beautiful bouquet of flowers which has been placed on my desk, and for the very kind note that accompanied it. The trouble with me is that I am usually about a step or two behind. I have acquired the reputation of frequently being a little late. I certainly cannot criticize anybody for being a jump ahead, and the Speaker as customary in many things, is just a jump ahead. While I do not wish to criticize him for giving me the flowers a day early, I will just enjoy them over the entire day of my birthday tomorrow instead of just part of the day, as I would have, if they had been delivered tomorrow.

I was born June 4, 1904 at four o'clock in the afternoon, while the state Senator of Dauphin County, M. Harvey Taylor, was celebrating his twenty-eighth birthday on a baseball field in Millersburg, pitching for the Millersburg team, while my father was doing the umpiring. And so as I celebrate my birthday tomorrow, I cannot help but recall, not of my own recollection, but of hearing of the circumstances on that day of June 4, 1904, while M. Harvey Taylor was throwing and my father was calling them. Again, Mr. Speaker, I want to thank you for the very kind sentiments and the very beautiful flowers.

The SPEAKER. The Chair extends the wishes of the House to the gentleman from Dauphin, wishing him many happy returns of the day tomorrow.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

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

HOUSE BILL No. 1088.

An Act prohibiting the employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic, malt or vinous beverages are sold; excepting on-sale licensees and the wives of on-sale licensees; providing penalties for a violation thereof; repealing all inconsistent legislation.

HOUSE BILL No. 1510.

An Act to further amend section two of the act, approved the third day of June, one thousand nine hundred and nineteen (P. L. 369), entitled "An act providing for the appointment by the district attorney, in counties having

a population of over one million five hundred thousand inhabitants, of a chief county detective, an assistant chief county detective, and special county detectives; defining their duties; defining their authority; fixing their salaries, and authorizing the payment of the same, together with the necessary traveling expenses, by the county," by increasing the compensation of the chief county detective.

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

MR. BAKER IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1488, entitled:

An Act preserving the rights of persons enlisting or being inducted or drafted into the military or naval service of the United States, during a national emergency under licenses or registrations issued by the Department of Public Instruction and brokers licenses issued by the Department of Insurance to practice professions or to work at trades or occupations; and providing for renewals after discharge from such service.

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

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1432, entitled:

An Act to further amend section two of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions, and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purpose of this act," by changing certain routes and adding certain new routes.

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

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1705, entitled:

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.

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

BILL ON FIRST READING NOT ON FILE

The SPEAKER. House Bill No. 1430, Printer's No. 851,

bill on first reading on page 2 of today's calendar, is not on file and will be passed over.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1431, entitled:

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

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

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Allegheny, Mr. Baker, for presiding.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1116, entitled:

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

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. LEVY. Mr. Speaker, I move that this bill be recommitted to the Committee on Education 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. 1191, entitled:

An Act to further amend clause one of section three of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by

the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by further extending the time for present employes as defined in the act to elect to be covered by the retirement system and providing for payments by and to the funds in such cases

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. 486, entitled:

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

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

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 1445, Senate Bill No. 302 Printer's No. 162, was passed over at the request of Mr. ACHTERMAN.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1477, (Senate Bill No. 418), entitled:

An Act requiring the Governor of the Commonwealth to issue annual proclamations setting apart September thirtieth of each year as Commodore John Barry Day

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. 1679, entitled:

An Act to enable the county commissioners of counties of the fourth fifth and sixth classes to establish by resolution the requirements of responsible bidders for county printing and to repeal all acts and parts of acts inconsistent with the provisions of this act

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. 1522, entitled:

An Act to further amend sections two hundred five and seven hundred eleven of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by creating a Motor Police Trial Board setting forth its powers and duties and regulating the conduct hours of work and compensation of members of the Pennsylvania Motor Police

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. 1706, entitled:

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

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. 1723, entitled:

An Act to amend section four of the act approved the first day of July one thousand nine hundred and nineteen (P. L. 717), entitled "An act fixing the number compen-

sation mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment term of office and manner of filling vacancies" by providing for the appointment compensation and duties of clerks and pages to the majority and minority floor leaders respectively of the Senate and of the House of Representatives

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. 1366, entitled:

An Act to amend the title and the act approved the twenty-fifth day of May one thousand nine hundred thirty-three (P. L. 1001), entitled "An act providing for the regulation of aeronautics within this Commonwealth conferring powers and imposing duties upon the Department of Revenue in respect thereto providing for the licensing and registration of airman and aircraft establishing the legal status of air navigation providing for sovereignty in and ownership of space providing for lawfulness of flights regulating civil causes of action arising out of operation of aircraft fixing the status of contracts crimes and torts in by or by means of operation of aircraft imposing duties upon officers burgesses magistrates aldermen justices of the peace the courts and clerks thereof providing for denial or revocation of licenses providing for certain penalties and their disposition and repealing certain existing laws" as amended by transferring from the Department of Revenue to the Department of Military Affairs powers and duties with respect to aeronautics

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. 1367, entitled:

An Act to amend the title and the act approved the seventh day of May one thousand nine hundred thirty-five (P. L. 130) entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners or a resident who becomes a nonresident and conceals his whereabouts of aircraft operated within or above the Commonwealth of Pennsylvania and making the operation of such aircraft within or above the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit" by making the Adjutant General in lieu of the Secretary of Revenue the agent for the service of process in certain civil suits involving aircraft

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. 1368, entitled:

An Act to further amend the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 1046), entitled "An act appropriating the moneys in the Motor License Fund" as reenacted and amended by making the moneys in the Motor License Fund available to the Department of Military Affairs instead of the Department of Revenue with respect to aeronautical matters

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. 1369, entitled:

An Act to amend the title and the act approved the twenty-fifth day of May one thousand nine hundred thirty-three (P. L. 1016), entitled "An act relating to aeronautics providing for the maintenance and operation of intermediate landing fields and air navigation facilities by the Commonwealth alone or in cooperation with the United States Government or political subdivisions of the Commonwealth providing for the execution of leases or the issuance of licenses to the United States Government or to political subdivisions of the Commonwealth for the maintenance of navigation facilities on intermediate landing fields of the Commonwealth conferring powers and duties on the Department of Revenue with respect thereto and repealing certain acts and parts of acts" by transferring from the Department of Revenue to the Department of Military Affairs certain powers and duties with respect to aeronautics

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. 1323, entitled:

An Act authorizing the Department of Property and Supplies with the consent of the Department of Military Affairs and the approval of the Governor to sell and convey the property of the Pennsylvania State Arsenal at Harrisburg to the City of Harrisburg in exchange for the conveyance by said city of Wildwood Park to the Commonwealth for the use of the Pennsylvania Game Commission in maintaining a wild life sanctuary

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

The third section was read.

On the question,

Will the House agree to the section?

Mr. DAVID P. REESE. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend sec. 3, page 2, lines 23 and 24, by striking out the words "Pennsylvania Game Commission which shall maintain thereon a State wild life sanctuary," and inserting in lieu thereof the following: "Department of Forests and Waters, which shall maintain the same as a State park."

The amendment was agreed to.

The section was agreed to as amended.

The fourth and fifth sections were separately read and agreed to.

The title was read.

On the question,

Will the House agree to the title?

Mr. DAVID P. REESE. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend the title, page 1, last three lines of title by striking out the words "for the use of the Pennsylvania Game Commission in maintaining a wild life sanctuary" and inserting in lieu thereof the following: "providing for the transfer of said park to the Department of Forests and

Waters and the use thereof by the department as a State park."

The amendment was agreed to.

The title was agreed to as amended.

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1722, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of Warren State Hospital to acquire a certain tract of land for the use of said hospital and making an appropriation therefor

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

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

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

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1693, (Senate Bill No. 451), entitled:

A Joint Resolution making application to the Congress of the United States to call a convention for proposing an amendment to the Constitution of the United States prohibiting taxation of bonds and securities of States their instrumentalities or political subdivisions and the income therefrom without the consent of the State

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

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

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

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1673, (Senate Bill No. 592), entitled:

An Act to further amend section one of the act, approved the thirtieth day of May, one thousand eight hundred and ninety-three (P. L. 183), entitled "An act providing for the acquisition by the State of certain ground at Valley Forge for a public park, and making an appropriation therefor," reducing the amount of land to be acquired by the Valley Forge Park Commission.

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. 1462, entitled:

An Act to regulate the locating drilling casing filling and abandoning of natural gas and petroleum wells on property underlaid with workable coal beds having for its object the protection of life and property by preventing intrusion of oil and gas therefrom into coal mines in territory containing workable coal beds and conferring powers and imposing duties upon the Department of Mines 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.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

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

HOUSE BILL No. 764.

An Act to add section nine hundred thirty-eight to 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 the establishment regulation and use of special dog training areas

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

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 25, by inserting after the word "Commission" the words "and unless the Commission shall determine that the area is already adequately stocked."

On the question,

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

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

YEAS—198

Achterman,	Foor,	Lichtenwalter,	Rooney,
Auker,	French,	Longo,	Rose, W. E.,
Baker,	Gallagher,	Lovett,	Rosenfeld,
Balthaser,	Gates,	Lyons,	Royer,
Baughner,	Gerard,	Malloy,	Rush,
Bentley,	Gillan,	Maxwell,	Sarge,
Bentzel,	Gillette,	McClanaghan,	Sarraf,
Boles,	Goodwin,	McClester,	Scanlon,
Boney,	Greenwood,	McDermott,	Schwab,
Boorse,	Gross,	McDowell,	Serrill,
Bower,	Gryskewicz,	McFall,	Shaffer,
Bradley,	Cyger,	McGrath,	Shaw,
Breth,	Habbyshaw,	McIntosh,	Shepard,
Bretherton,	Haberick,	McKinney,	Simons,
Brown,	Haines,	McLanahan,	Skale,
Brunner, C. H.,	Hall,	McLane,	Sorg,
Brunner, P. A.,	Hamilton,	McMillan,	Stambaugh,
Burns,	Hare,	McSurdy,	Stank,
Burns,	Harkins,	Melchiorre,	Stine,
Cadwalader,	Harmuth,	Modell,	Stockham,
Chervenak,	Harris,	Monks,	Tarr,
Chudoff,	Heatherington,	Mooney,	Tate,
Cochran,	Helm,	Moran,	Taylor,
Cohen, M. M.,	Hering,	Moul,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Muir,	Thompson, R. L.,

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

NAYS—0

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

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

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

HOUSE BILL No. 949.

An Act to further amend section nine of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 363), entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" by imposing liability on executors, administrators or trustees for real estate broker's commissions in certain cases.

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

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 9, line 17, by striking out after the word "sale" the following: "Provided further That the said higher offer shall be in an amount in excess of such broker or broker's commissions," and inserting in lieu thereof the following: "and in the event that more than one real estate broker is entitled to commissions for said agreements of sale then such commissions shall be equally divided between or among such real estate brokers Provided further that the total aggregate commissions paid shall in no event exceed five per cent of the gross consideration of the final sale."

On the question,

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

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

YEAS—198

Achterman,	Foor,	Longo,	Rosenfeld,
Auker,	French,	Lovett,	Royer,
Baker,	Gallagher,	Lyons,	Rush,
Balthaser,	Gates,	Malloy,	Sarge,
Baughner,	Gerard,	Maxwell,	Sarraf,
Bentley,	Gillan,	McClanaghan,	Scanlon,
Bentzel,	Gillette,	McClester,	Schwab,

Boles,	Goodwin,	McDermott,	Serrill,
Boney,	Greenwood,	McDowell,	Shaffer,
Boorse,	Gross,	McFall,	Shaw,
Bower,	Gryskewicz,	McGrath,	Shepard,
Bradley,	Gyger,	McIntosh,	Simons,
Breth,	Habbyshaw,	McKinney,	Skale,
Bretherick,	Haberien,	McLanahan,	Sorg,
Brown,	Haines,	McLane,	Stambaugh,
Brunner, C. H.,	Hall,	McMillen,	Stank,
Brunner, P. A.,	Hamilton,	McSurdy,	Stine,
Burns,	Hare,	Melchiorre,	Stockham,
Burriss,	Harkins,	Modell,	Tarr,
Cadwalader,	Harmuth,	Monks,	Tate,
Chervenak,	Harris,	Mooney,	Taylor,
Chudoff,	Heatherington,	Moran,	Thompson, E. F.,
Cochran,	Heim,	Moul,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Muir,	Trout,
Cohen, R. E.,	Herman,	Munley,	Turner,
Cook,	Hersch,	Nagel,	VanAllsburg,
Cooper,	Hewitt,	Nunemacher,	Verona,
Cordier,	Hirsch,	O'Brien,	Vincent,
Corrigan,	Holland,	O'Connor,	Vogt,
Croop,	Huntley,	O'Dare,	Voldow,
Cullen,	Imbrie,	O'Mullen,	Voorhees,
Dalrymple,	Jam's,	O'Neill,	Wagner,
Dennison,	Jefferson,	Owens,	Watkins,
DiGenova,	Jones, G. E.,	Petrosky,	Weingartner,
Dix,	Jones, P. N.,	Pettit,	Wells,
Dolon,	Keenan,	Polaski,	Welsh, E. B.,
D'Ortona,	Kenehan,	Polen,	Welsh, M. J.,
Duffy,	Kline,	Powers,	Williams,
Early,	Knoble,	Prosen,	Winner,
Eckels,	Kolankiewicz,	Rank,	Wolf,
Elder,	Komorofski,	Rausch,	Wood, L. H.,
Elliott,	Krise,	Readinger,	Wood, N.,
Ely,	Lee, E. A.,	Reagan,	Woodring,
Falkenstein,	Lee, T. H.,	Reese, D. P.,	Woodside,
Finestone,	Lelsey,	Reese, R. E.,	Wright,
Finnerty,	Leonard,	Regan,	Yeakel,
Fisher,	Lesko,	Reynolds,	Yester,
Fleming,	Levy,	Rhea,	Young,
Fletcher,	Leydic,	Rooney,	Kilroy,
Flynn,	Lichtenwalter,	Rose, W. E.,	Speaker.

NAYS—0

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

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

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

HOUSE BILL No. 1005.

An act to add section six hundred ninety-nine and six-tenth of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" making it unlawful for unauthorized persons to buy or exchange Federal food order stamps for currency and providing penalties

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

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

Amend title, page 1, line 7, by inserting after the word "currency" the following: "or for any person to accept Federal food order stamps for other than food or surplus food as defined by the United States Department of Agriculture."

On the question,

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

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

YEAS—198

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

NAYS—0

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

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

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

HOUSE BILL No. 1022.

An Act to amend section thirteen and to further amend section eighteen of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522), entitled as amended "An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs

and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and providing penalties" permitting certain dogs to be brought into the Commonwealth for hunting purposes by holders of nonresident hunting licenses without securing a Pennsylvania dog license where the home states of such non-residents afford a similar exemption to residents of Pennsylvania

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

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

Amend Section 1, page 3, line 16, by striking out the words "not more than three" and inserting in lieu thereof the words "one or more."

On the question,

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

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

YEAS—198

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

NAYS—0

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

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILLS ON THIRD READING MADE SPECIAL ORDERS

Mr. ACHTERMAN. Mr. Speaker, I move that all House Bills on the final passage and third reading calendars be made a special order of business in their numerical order as they appear on the calendar.

The motion was agreed to.

BILL ON FINAL PASSAGE

BILL PASSED OVER

There being no objection House Bill No. 891, Printer's No. 744, was passed over at the request of the SPEAKER.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1094, as follows:

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

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

Section 1 Definitions The following words as used in this act shall for the purposes of this act be construed as follows

(a) "Drug" means (1) articles recognized in the official United States Pharmacopoeia the official National Formulary or the official Homeopathic Pharmacopoeia or any supplement to any of them (2) articles intended for use in the diagnosis cure mitigation treatment or prevention of diseases in man or other animals (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals and (4) articles intended for use as a component of any article specified in clause (1) (2) or (3) hereof but does not include devices or their components parts or accessories

(b) "Medical supplies" means in addition to drugs absorbent cotton bandages gauze sutures compacts compresses surgical dressings of all kinds and descriptions and all other products preparations used in the diagnosis cure mitigation or prevention of disease in man or other animals or intended to affect the structure of any function of the body of man or other animals but shall not include instruments appliances or devices used by physicians dentists nurses or veterinarians in the pursuit of their professional practice

(c) "Manufacture" includes manufacture making producing packing packaging or preparing drugs or medical supplies

(d) "Person" means an individual copartnership association or corporation

(e) "Broker" includes broker jobber agent or distributor engaged in the vending of drugs and medical supplies

(f) The words "drug" and "medical supplies" as used in this act do not include surgical or dental instruments or laboratory materials gases oxygen therapy equipment X-ray apparatus or therapeutic equipment their compo-

nents parts or accessories or equipment instruments apparatus or contrivances used to render such articles effective in medical surgical or dental treatment or for use or consumption in or for mechanical industrial manufacturing or scientific applications or purposes

(g) "Wholesale drug dealers" means an individual partnership association or corporation engaged in the vending of drugs and medical supplies at wholesale but not compounding prescriptions for or selling drugs or medical supplies at retail to the public

Section 2 Permits Required No place of manufacture broker's or wholesale drug dealer's place of business shall be conducted or kept open for the transaction of business until it has been registered with and a permit which shall not be transferable has been issued by the State Board of Pharmacy Provided however That nothing in this act shall be construed to apply to the sale of patent or proprietary medicines or commonly used household drugs medical or dental supplies at wholesale or retail when in either the original package of the manufacturer or in the manufacturer's consumer unit sale package

Section 3 Regulation of Manufacture No drugs or medical supplies shall be manufactured made produced packed packaged or prepared in this Commonwealth except under the personal supervision of a registered pharmacist chemist or other persons possessing at least five years experience in the manufacture of said drugs or medicinal supplies or such other person approved by the State Board of Pharmacy after an investigation and determination by the said Board that such person is qualified by scientific or technical training or experience to perform such duties of supervision as may be necessary to protect the public health and safety

Section 4 Applications for Permits Fees Permit Year Applications for registration and for permits required under the provisions of this act shall be made on forms prepared and furnished by the State Board of Pharmacy and shall be accompanied by a fee of five dollars (\$5.00) A separate application shall be made and a separate permit shall be required for each place of manufacture broker's or wholesale drug dealer's place of business Permits issued under the provisions of this act shall at all times be conspicuously displayed in the place of manufacture broker's or wholesale drug dealer's place of business Permits shall be issued for a permit year commencing July first of one year and expiring with June thirtieth of the year following

Application forms for permits shall be mailed by the State Board of Pharmacy to each applicant or permittee on or before the first day of June of each year or shall be furnished on request and if application is not made before the first day of July the existing permit shall expire and become null and void on said date except upon the production of good and sufficient evidence satisfactory to the State Board of Pharmacy explaining the failure to file an application for a permit within the time prescribed by this act and the payment of the board of a fee prescribed by the Department of Public Instruction

Section 5 Inspection The State Board of Pharmacy shall have power through its duly authorized and qualified agents to inspect at all reasonable hours in a lawful manner the drugs and medical supplies in any place of manufacture broker's or wholesale place of business or those vended by any person and for such purposes shall have power to enter any drug dealer's place of manufacture broker's or wholesale drug dealer's place of business or to require any person or broker to permit an examination of the drugs and medical supplies which he is engaged in vending and to take samples of such drugs and medical supplies upon payment therefor for the purpose of examining and testing the same

Section 6 Formularies and Publications Required There shall be kept in each place of manufacture broker's or wholesale drug dealer's place of business for which a permit is issued a copy of the latest revision of the United States Pharmacopoeia the latest edition of the National Formulary and the latest edition of the Year Book of the Pennsylvania Pharmaceutical Association which books

and publications must be available for and open to the inspection of the State Board of Pharmacy or its duly authorized agents any person violating the provisions of this section shall upon conviction in a summary proceeding be sentenced to pay a fine of ten dollars (\$10.00)

Section 7 Refusal Suspension Revocation of Permits Appeals The State Board of Pharmacy shall have power to suspend refuse or revoke the permit of any place of manufacture broker's or wholesale drug dealer's place of business when information in its possession shall disclose that the place of manufacture broker's or wholesale drug dealer's place of business insofar as respects the manufacture or vending of drugs and medical supplies is conducted contrary to law or contrary to the rules and regulations adopted by the State Board of Pharmacy pursuant to the Eighth Section of this act or in any manner so as to endanger the public health and safety

The State Board of Pharmacy shall reinstate any permit where it shall determine the same to be just and proper

No permit shall be suspended or revoked until the permittee shall have been afforded an opportunity for a public hearing at a time and place to be fixed by the State Board of Pharmacy At least ten days' notice of such hearing and of the charges preferred against him shall be given the permittee by registered mail at the address of the permittee as shown on the books of the board At such hearing the permittee may be represented by counsel may cross-examine the witnesses for the board and may present evidence which shall likewise be subject to cross-examination by the board

Immediate notice of the action of the State Board of Pharmacy shall be given to the permittee by registered mail at the address shown on the books of the board

Any permittee aggrieved by the action of the State Board of Pharmacy in suspending or revoking a permit may appeal from the action of the Board by petition to the Court of Common Pleas of Dauphin County Such appeals must be taken within thirty days after such suspension or revocation No appeal shall act as a super-seedeas

Appeals shall be taken by serving upon the State Board of Pharmacy and the Superintendent of Public Instruction a copy of the appeal petition Within thirty days after the service of the copy of the appeal petition the State Board of Pharmacy shall file with the prothonotary of the said court of common pleas a transcript of the proceedings and a complete transcript of the stenographic notes of testimony and notice of the filing of the same shall be given to the permittee by registered mail as above provided

The court upon application of the Board or the permittee shall fix a time and place of hearing at which any judge or judges of said court shall hear the appeal without a jury The court after reviewing the record and testimony and hearing argument may sustain modify or reverse the action of the Board as in its judgment the facts shall warrant

From any decision of the court of common pleas an appeal shall lie to the Superior Court as in other cases

Section 8 Rules and Regulations The State Board of Pharmacy shall have power from time to time to adopt and promulgate such rules and regulations as may be necessary to carry out the provisions of this act and as it deems necessary for the protection of the public health and safety with respect to the sanitation materials equipment and supplies of places of manufacture brokers' or wholesale drug dealer's place of business for which permits are issued

Section 9 Equity Jurisdiction The State Board of Pharmacy may in its discretion in addition to other remedies provided for in this act apply to any court of common pleas having jurisdiction over the parties for a writ of injunction to restrain repetitious violations of the provisions of this act

Section 10 Penalties Any person violating any of the provisions of this act or any of the rules and regulations

adopted thereunder shall be guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500) or undergo imprisonment for a period of not less than one month nor more than six months or both

Section 11 Effective Date This act shall become effective on the thirtieth day of June one thousand nine hundred and forty-one No prosecutions shall be brought under the provisions of this act until ninety days after the effective date of this act

On the question,

Shall the bill pass finally?

Mr. RUSH. Mr. Speaker, I would like to interrogate the sponsor of the bill, Mr. Welsh.

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

Mr. ELLWOOD B. WELSH. I shall, Mr. Speaker.

Mr. RUSH. Is this not the bill, Mr. Speaker, that was defeated a few weeks ago by a vote of sixty to ninety-four?

Mr. ELLWOOD B. WELSH. That is right, Mr. Speaker.

Mr. RUSH. The original intent of this bill, Mr. Speaker, I believe was to stop the sale of package medicine in the country stores.

Mr. ELLWOOD B. WELSH. That was not the intent, Mr. Speaker.

Mr. RUSH. But it did contain those provisions, Mr. Speaker.

Mr. ELLWOOD B. WELSH. Originally, Mr. Speaker, the pink bill would have stopped them. Amendments were made to cut that out.

Mr. RUSH. Mr. Speaker, under the provisions of this present bill, with the rules and regulations to be set up by the State Board of Pharmacy, could not that same thing be accomplished in this bill?

Mr. ELLWOOD B. WELSH. No, it could not, Mr. Speaker.

Mr. RUSH. Mr. Speaker, does it not give the State Board of Pharmacy the power to set up rules and regulations by which package sales of medicine could not be handled?

Mr. ELLWOOD B. WELSH. Mr. Speaker, the State Board of Pharmacy now has that power.

Mr. RUSH. Is it possible, Mr. Speaker, for them to make provisions by which the package sale of medicine could be made so difficult it would drive out of business those little stores that handle package medicine?

Mr. ELLWOOD B. WELSH. It is hardly likely, Mr. Speaker, because they are specifically exempted in the bill.

Mr. RUSH. Mr. Speaker, the organized druggists of Pennsylvania have been trying to accomplish for a number of years, by introducing legislation in this House, the prohibition of the sale of package medicine in certain stores throughout the Commonwealth of Pennsylvania. While this bill today does not definitely state that, yet under its provisions it gives the State Board of Pharmacy the right to set up rules and regulations whereby they can accomplish the original purpose of the bill by making rules and regulations so difficult in the handling of package medicine it would be almost impossible for small

stores to handle the things. I think this bill is a bad piece of legislation and should be defeated and I am going to ask the members to vote "no."

Mr. ELLWOOD B. WELSH. Mr. Speaker, it is rather a matter of regret that I must come to you, fellow members, and ask you for the second time to vote for House Bill 1094. If it were not for the fact that I am deeply convinced, this bill does not do the injury the gentleman from Delaware County has pictured; if it were not for the fact that I have worked many days and many hours to perfect this bill so it would be agreeable to all concerned, I would not feel inclined to come before you, but it seems altogether unfair that the Pennsylvania manufacturing druggists, citizens of the Commonwealth of Pennsylvania, should be compelled to bow their knee in response to the opposition of men who sell drugs in this Commonwealth, but do not manufacture them, who have principal offices in other parts of the world, principally in Canada and in New England.

It seems to me the only remaining opponents of this bill are those manufacturers from outside this state. I ask you to consider your local manufacturers. This, in itself, is purely a manufacturer's bill. It deals with things that are manufactured and it makes some provision for those who manufacture them by taking out a license and submitting themselves to an examination by the State Pharmacy Board. The remaining opposition was on the floor of this House this morning going from desk to desk. Perhaps their representative was at your desk, imploring you to defeat this bill, not because it would do them any immediate injury, because as I have stated they are saying they do not fear anything from this bill, but they do fear a bill of a similar nature, and this same group may come back before this legislature some two years from now, and demand further and more stringent legislation, which may have the affect of ruling them out. They are basing their contention on something yet unborn.

It seems to me that you as live and wide-awake legislators should weigh this argument with considerable care. The remaining opposition to this bill was permitted to write in their own amendments, and a letter from the opposition which I received last month tells me this:

"In the first place, I wish to thank you for the courtesy you extended me when I was in Harrisburg last week. Had expected to write you sooner than this with further reference to House Bill 1094.

"As you may already know, this bill is a very complex one. The State of Pennsylvania already has adequate laws that afford all necessary protection to public health and safety, all arguments to the contrary. And for this reason, the bill under consideration simply adds to the complexity of the situation."

That is the local picture, but the further argument by which they hide behind a smokescreen is the argument which is set forth in the concluding paragraph of this letter which says:

"Our attorneys have requested further time in which to study the bill, saying that the amendments that I proposed did not adequately clear up the uncertainties of it. While I am not aware of any efforts on the part of others to obtain immediate consideration of the bill, it is hoped that you will be willing to allow further time in which to study it."

Almost two months have passed since then giving that party time, and the same opposition comes into this House today telling one Member they know there is no harm in the bill, but after all they are opposing it on general principles. One remark was made to the effect that they came to this House in 1939 and stopped a similar bill, and are going to continue their opposition. This opposition comes from outside of the Commonwealth of Pennsylvania, and I call upon you as loyal Pennsylvanians to settle this once and forever by voting for House Bill No. 1094.

Mr. Speaker, I desire to interrogate the gentleman from Allegheny, Mr. Sarraf.

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

Mr. SARRAF. I shall, Mr. Speaker.

Mr. ELLWOOD B. WELSH. Mr. Speaker, is there any opposition to this bill from the medical profession?

Mr. SARRAF. No, there is not, Mr. Speaker.

Mr. ELLWOOD B. WELSH. Mr. Speaker, does the gentleman know of any reason why this bill should be opposed by any of the kindred professions of the drug trade?

Mr. SARRAF. I do not, Mr. Speaker.

Mr. ELLWOOD B. WELSH. Mr. Speaker, is there any reason why the people in the gentleman's district would have legitimate opposition to this bill, if the gentleman knows?

Mr. SARRAF. Mr. Speaker, my particular district, no, no reason whatever.

Mr. ELLWOOD B. WELSH. Mr. Speaker, is it true that the Grocer's Association of Pennsylvania is also in sympathy with this bill?

Mr. SARRAF. That is correct, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Mesrs. SCANLON, FINNERTY and MELCHIORRE asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—84

- | | | | |
|-----------------|----------------|---------------|------------------|
| Bentley, | Gallagher, | Levy, | Rosenfeld, |
| Bentzel, | Gerard, | Malloy, | Sarraf, |
| Boles, | Goodwin, | McClanaghan, | Scanlon, |
| Bradley, | Gross, | McLane, | Schwab, |
| Bretherick, | Habbyshaw, | Melchiorre, | Shaw, |
| Brown, | Hamilton, | Modell, | Shepard, |
| Brunner, C. H., | Harkins, | Monks, | Skale, |
| Chudoff, | Heatherington, | Muir, | Stank, |
| Cohen, M. M., | Hering, | Munley, | Tate, |
| Cohen, R. E., | Herman, | O'Dare, | Thompson, E. F., |
| Cook, | Hersch, | O'Mullen, | Turner, |
| Corrigan, | James, | O'Neill, | Voldow, |
| DiGenova, | Jefferson, | Polaski, | Voorhees, |
| Dolon, | Jones, P. N., | Powers, | Wels, |
| D'Ortona, | Keenan, | Prosen, | Welsh, E. B., |
| Duffy, | Kenehan, | Rank, | Williams, |
| Elder, | Knoble, | Readinger, | Woodring, |
| Falkenstein, | Kolankiewicz, | Reese, D. P., | Woodside, |
| Finnestone, | Krise, | Regan, | Yester, |
| Finnerty, | Lee, E. A., | Rooney, | Young, |
| Fleming, | Lee, T. H., | Rose, W. E., | Kilroy, |

Speaker.

NAYS—98

- | | | | |
|-----------------|---------------|----------------|------------------|
| Achterman, | French, | Leydic, | Rush, |
| Auker, | Gates, | Lichtenwalter, | Sarge, |
| Baker, | Gillan, | Longo, | Serrill, |
| Balthaser, | Gillette, | Lovett, | Shaffer, |
| Baughner, | Greenwood, | Maxwell, | Simons, |
| Boney, | Gryskewicz, | McDermott, | Snyder, |
| Boorse, | Gyger, | McDowell, | Sorg, |
| Bower, | Haberlien, | McKinney, | Stambaugh, |
| Brunner, P. A., | Haines, | McMillen, | Stine, |
| Burriss, | Hall, | McSurdy, | Stockham, |
| Cadwalader, | Hare, | Mooney, | Taylor, |
| Cochran, | Harmuth, | Moran, | Thompson, R. L., |
| Cooper, | Harris, | Nagel, | Van Alisburg, |
| Cordier, | Helm, | Nunemacher, | Vincent, |
| Croop, | Hewitt, | O'Connor, | Wagner, |
| Cullen, | Hirsch, | Owens, | Watkins, |
| Dennison, | Holland, | Petrosky, | Weingartner, |
| Dix, | Huntley, | Pettit, | Welsh, M. J., |
| Early, | Imbric, | Polen, | Winner, |
| Eckels, | Jones, G. E., | Rausch, | Wolf, |
| Elllott, | Kilne, | Reagan, | Wood, L. H., |
| Ely, | Komorofski, | Reese, R. E., | Wood, N., |
| Fisher, | Lelsey, | Rhea, | Wright, |
| Flynn, | Leonard, | Riley, | Yeakel, |
| Foor, | Lesko, | | |

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1070, as follows:

An Act prohibiting owners of restaurants pool rooms bowling alleys confectionery stores barber shops grocery stores or hotels from encouraging or permitting gambling and prescribing penalties

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

Section 1 Penalty for Encouraging Gambling If any owner of a restaurant pool room bowling alley confectionery store barber shop grocery store or hotel shall incite promote or encourage any game of address hazard horsing or any playing betting or gaming for money or other things of value whatsoever either by cards dice billiards bowls shuffle boards or any game or device in any other manner shall upon summary conviction before any justice of the peace in same municipality pay a fine of fifteen (\$15.00) for the first offense or in default thereof be imprisoned for a period of not less than fifteen (15) days nor more than thirty (30) days and for any other subsequent conviction shall pay a fine of not less than fifty dollars (\$50.00) and not more than three hundred dollars (\$300.00) and in default of the payment thereof shall be imprisoned for a period of not less than sixty (60) days and not more than one hundred and twenty (120) days

Section 2 Penalty for Permitting Gambling If such person shall permit and allow any kind of gamine or address or hazard or any playing betting or gaming for money or other valuable things of value whatsoever either of cards dice billiards bowls shuffle boards or any game or device in any other manner to be practiced played or carried on within his or her dwelling house outhouse shed or other place in his or her occupancy such person shall upon conviction before any justice of the peace in the same municipality pay a fine of fifty dollars (\$50.00) for the first offense or in default thereof be imprisoned for a period of thirty (30) days and for any subsequent conviction shall pay a fine of not less than fifty dollars (\$50.00) and not more than three hundred dollars (\$300.00) and in default of the payment thereof shall be imprisoned for a period of not less than sixty (60) days and not more than one hundred and twenty (120) days

Section 3 Sections eighteen and nineteen of the act approved the eleventh day of March one thousand eight hundred and thirty-four (P. L. 117) entitled "An act re-

lating to inns taverns and retailers of vinous and spirituous liquors" are hereby repealed

All other acts and parts of acts inconsistent herewith are hereby repealed

On the question,

Shall the bill pass finally?

Mr. McLANAHAN. Mr. Speaker, this bill is to modify a bill that was enacted on March 11, 1934. The penalty on the books today is five hundred dollars or one year in jail for this petty gambling. This is a vicious bill. My bill reduces this to a three hundred dollar fine or one hundred and twenty days in jail.

Mr. Speaker, during these serious times of this country today, it is important that our men are at their work and not lying in jail or lying around the court-house. Being a Justice of the Peace and sponsor of this bill, I do not wish to vote on this bill and I retire from the floor and call for a vote.

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—48

Boles,	Hering,	Lovett,	Petrosky,
Boney,	Herman,	McClanaghan,	Pettit,
Chervenak,	Holland,	McFall,	Reese, R. E.,
Corrigan,	Imbrie,	McLane,	Shepard,
Cullen,	James,	Melchiorre,	Stockham,
DiGenova,	Jefferson,	Monks,	Tarr,
Dix,	Jones, P. N.,	Moran,	Vincent,
Duffy,	Kolankiewicz,	Nunemacher,	Weiss,
Early,	Komorowski,	O'Connor,	Woodring,
Gallagher,	Lee, E. A.,	O'Dare,	Yeakel,
Gross,	Leonard,	Owens,	Young,
Gryskewicz,	Longo,		Kilroy, Speaker.

NAYS—59

Auker,	Fisher,	Krise,	Scanlon,
Bradley,	Foor,	Levy,	Serrill,
Brunner, C. H.,	French,	Leydic,	Shaffer,
Brunner, P. A.,	Gillette,	McClester,	Snyder,
Burns,	Greenwood,	McDermott,	Stambaugh,
Burris,	Cyger,	McKinney,	Stank,
Cordier,	Haines,	McSurdy,	Taylor,
Dalrymple,	Harmuth,	Modell,	Turner,
Dennison,	Heatherington,	Muir,	Voorhees,
D'Ortona,	Helm,	O'Mullen,	Wagner,
Eckels,	Hersch,	Readinger,	Wolf,
Elder,	Hewitt,	Reese, D. P.,	Wood, N.,
Elllott,	Hirsch,	Regan,	Wright,
Ely,	Kenehan,	Rose, W. E.,	Yester,
Finestone,	Kline,	Royer,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. O'NEILL asked and obtained permission for the Committee on Mines and Mining to meet during the session of the House.

SENATE MESSAGE

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

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

SENATE BILL No. 66.

An Act to further amend the last paragraph of section

four hundred thirty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" imposing additional duties on and providing for additional compensation of veterans' grave registrars

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, line 7, by striking out after the word "Registrar" the following: "to perform duties similar to those performed by the Service Officers in Veterans' organizations in assisting" and insert in lieu thereof the words "to assist"; also in line 11, by inserting after the word "family" the words "under any of the laws of this Commonwealth and of the United States."

On the question,

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

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

YEAS—199

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

NAYS—0

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

Ordered, That the Clerk inform the Senate accordingly.

BILL AND MESSAGE TAKEN FROM TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 645, together with the message from the Senate which was laid on the table May 29, 1941, be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

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

HOUSE BILL No. 645.

An Act to further amend article four, section three hundred forty-eight of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), as amended by the act, approved the seventh day of May, one thousand nine hundred and thirty-five (P. L. 143), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws thereto," by requiring all contracts of county commissioners, in counties of the second class, over five hundred dollars to be made with the lowest and best bidder, after due notice published.

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

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 23, by inserting light-faced brackets before the word "when" and after the word "commissioners."

On the question,

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

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

YEAS—199

- | | | | |
|-----------------|-------------|--------------|------------|
| Achterman, | Foor, | Longo, | Rosenfeld, |
| Auker, | French, | Lovett, | Royer, |
| Baker, | Gallagher, | Lyons, | Rush, |
| Baithaser, | Gates, | Malloy, | Sarge, |
| Baughner, | Gerard, | Maxwell, | Sarraf, |
| Bentley, | Gillan, | McClanaghan, | Scanlon, |
| Bentzel, | Gillette, | McClester, | Schwab, |
| Boles, | Goodwin, | McDermott, | Serrill, |
| Boney, | Greenwood, | McDowell, | Shaffer, |
| Boorse, | Gross, | McFall, | Shaw, |
| Bower, | Gryskewicz, | McGrath, | Shepard, |
| Bradley, | Gyger, | McIntosh, | Simons, |
| Breth, | Habbyshaw, | McKinney, | Skale, |
| Bretherick, | Haberlen, | McLanahan, | Sorg, |
| Brown, | Haines, | McLane, | Stambaugh, |
| Brunner, C. H., | Hall, | McMillen, | Stank, |
| Brunner P. A., | Hamilton, | McSurdy, | Stine, |
| Burns, | Hare, | Melchiorre, | Stockham, |
| Burris, | Harkins, | Modell, | Tarr, |
| Cadwalader, | Harmuth, | Monks, | Tate, |
| Chervenak, | Harris, | Mooney, | Taylor, |

- | | | | |
|---------------|----------------|---------------|------------------|
| Chudoff, | Heatherington, | Moran, | Thompson, E. F., |
| Cochran, | Helm, | Moul, | Thompson, R. L., |
| Cohen, M. M., | Hering, | Muir, | Trout, |
| Cohen, R. E., | Herman, | Munley, | Turner, |
| Cook, | Hersch, | Nagel, | VanAllsburg, |
| Cooper, | Hewitt, | Nunemacher, | Verona, |
| Cordier, | Hirsch, | O'Brien, | Vincent, |
| Corrigan, | Holland, | O'Connor, | Vogt, |
| Croop, | Huntley, | O'Dare, | Voldow, |
| Cullen, | Imbrie, | O'Mullen, | Voorbees, |
| Dairymple, | James, | O'Neill, | Wagner, |
| Dennison, | Jefferson, | Owens, | Watkins, |
| DiGenova, | Jones, G. E., | Petrosky, | Weingartner, |
| Dix, | Jones, P. N., | Pettit, | Wels, |
| Dolon, | Keenan, | Polaski, | Welsh, E. B., |
| D'Ortona, | Kenehan, | Polen, | Welsh, M. J., |
| Duffy, | Kline, | Powers, | Williams, |
| Early, | Knoble, | Prosen, | Winner, |
| Eckels, | Kolankiewicz, | Rank, | Wolf, |
| Elder, | Komorowski, | Rausch, | Wood, L. H., |
| Elliott, | Krise, | Readinger, | Wood, N., |
| Ely, | Lee, E. A., | Reagan, | Woodring, |
| Falkenstein, | Lec, T. H., | Reese, D. P., | Woodside, |
| Finestone, | Leisey, | Reese, R. E., | Wright, |
| Finnerty, | Leonard, | Regan, | Yeakel, |
| Fisher, | Lesko, | Reynolds, | Yester, |
| Fleming, | Levy, | Rhea, | Young, |
| Fletcher, | Leydic, | Rooney, | Kilroy, Speaker |
| Flynn, | Lichtenwalter, | Rose, W. E., | |

NAYS—0

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

Ordered, That the Clerk inform the Senate accordingly.

BILL AND MESSAGE TAKEN FROM TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 762, together with the message from the Senate which was laid on the table May 29, 1941, be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

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

HOUSE BILL No. 762.

An Act to further amend section twelve of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled as amended "An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State, county, city, borough, town, and township officers and employes, directing the payment of all moneys collected into the State Treasury; and providing penalties" permitting dogs kept in a kennel to be taken out for training exercise or entry in field trials

With the information that the Senate has passed the

same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 1, by striking out after the word "amend" the word "section" and inserting in lieu thereof the words "sections eleven and"; also on page 2, line 6 of title, by inserting after the syllable "ties" the words "by providing for the issuance of metal tags with kennel certificates requiring such tags to be kept on dogs kept in kennels"; also in line 7, by inserting after the word "for" the word "hunting"; also in same line by inserting after the word "trials" the words "and dog shows and requiring keepers of kennels to maintain certain records."

Amend Section 1, page 2, line 1, by striking out after the figure "1" the word "Section" and inserting in lieu thereof the words "Sections eleven and"; also on page 3, line 4, by striking out after the figure "833" the word "is" and inserting in lieu thereof the following:

"and as last amended by Section three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 456) are"; also same page by inserting after line 4 the following new paragraph:

"Section 11 Any person who keeps or operates a kennel may in lieu of the license for each dog required by this act apply to the Department of Revenue or to the county treasurer for a kennel certificate entitling him to keep or operate such kennel. The certificate shall describe the premises where the kennel is located and the actual number of dogs which are permitted to be kept within the kennel. Such certificates shall be issued by the Department of Revenue or by the county treasurer on a form prepared and supplied by the Department of Revenue and shall entitle the person to keep any number of dogs six months old or over not at any time exceeding a certain number to be specified in the certificate. The fee to be paid for each kennel certificate shall be ten dollars for ten dogs or less and twenty dollars for more than ten dogs permitted to be kept under the kennel certificates. If the license is issued by the county treasurer the applicant shall also pay an additional fee of ten cents for the services of the county treasurer in issuing recording and reporting said kennel certificate to the Department of Revenue and remitting the license fee to the State Treasurer through the Department of Revenue. With each kennel certificate the Department of Revenue or the county treasurer shall issue a number of metal tags equal to the number of dogs authorized to be kept in the kennel. All such tags shall bear the name of the county where it is issued the number of kennel certificate and shall be readily distinguishable from the individual license tags for the same year"; also same page, line 5, by inserting after the figures "12" the following: "The licensee of a kennel shall keep one of such tags attached to a collar on each dog six months old or over kept by him under a kennel certificate when and during such time as such dog is without the kennel. Such tags may be transferred from one dog to another whenever any dog is removed from the kennel"; also same line, by striking out after the word "kept" the word "in" and inserting in lieu thereof the word "under"; also by inserting after the word "kennel" the word "certificate"; also in line 9, by inserting after the word "of" the word "hunting"; also in line 10, by inserting after the word "trials" the following: "and dog shows. Every keeper of a kennel shall keep a permanent record of each dog at any time kept in the kennel. Such record shall show (1) the breed color markings sex and age of each dog (2) the date on which each dog entered the kennel (3) where it came from (4) to whom it belongs (5) for what purpose each dog is kept in the kennel (6) the date on which each dog leaves the kennel (7) how and to whom it is disposed of. Such record shall be open to inspection by any police officer or agent of the Department of Revenue Agriculture or Game Commission."

On the question,

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

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

YEAS—199

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

NAYS—0

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

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILL NO. 510 AND MESSAGE TAKEN FROM TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 510 together with the message from the Senate which was laid on the table May 28, 1941, be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill

from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 510.

An Act to amend section five of the act, approved the second day of July, one thousand nine hundred thirty-five (P. L. 599), entitled "An act relating to motion picture exhibitions and sound, motion picture exhibitions, together with orchestral or other instrumental musical or mechanical musical accompaniment, prelude playing, or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection incidental thereto on Sunday during certain hours, and also during other hours, unless the electors of a municipality approve thereof; regulating the employment of persons in conducting such exhibitions on Sunday; providing for referendums to ascertain the will of the electors; and providing penalties; and repealing inconsistent laws" by changing the method and time whereby future referendums be initiated and held.

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

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 23, by striking out after the word "in" the word "five" and inserting in lieu thereof the word "four"; also on page 3, line 8, by inserting a light faced bracket after the word "or" and striking out the light faced bracket after the word "municipal" and inserting in lieu thereof the word "primary".

On the question,

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

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

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR NON-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. 364.

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 fifty (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.

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

Mr. ACHTERMAN. Mr. Speaker, I move that the

House insist upon its amendments non-concurred in by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 364

The SPEAKER. The Chair appoints as a Committee of Conference on said bill, Messrs. HEATHERINGTON, MORAN and DAVID P. REESE.

Ordered, That the Clerk inform the Senate accordingly.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 788, as follows:

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

Whereas "strip mining" or the mining of coal by shifting or removing the overlying soil or strata so that the coal can be excavated without the necessity of underground digging is a frequent practice in various portions of the Commonwealth and

Whereas there are certain hazards and detrimental effects resulting from that type of mining which the general public welfare requires to be eliminated or regulated the following legislative findings of fact with respect thereto are hereby made

(a) It is a common practice in the conduct of strip mining operations to fail to replace the overlying soil or to bring the surface into substantial conformity with its pre-existing contours after the coal has been removed

(b) This frequent failure to replace or level the surface soil or overlying strata causes or aggravates soil erosion in many instances with resulting increase in the hazards of floods and a resulting counteraction of efforts to preserve soil and protect natural resources

(c) This failure to replace or level the surface soil or overlying strata causes the accumulation of stagnant waters which in turn results in pollution of the various lakes rivers and streams of the Commonwealth and in other detrimental effects upon the health and enjoyment of the citizens of the Commonwealth

(d) This failure to replace or level the surface soil or overlying strata permits the indefinite and unguarded existence of pits ditches gulleys piles and mounds which constitute dangerous hazards to life and property

(e) This failure to replace or level the surface soil or overlying strata is otherwise injurious and detrimental to the general public health and welfare therefore

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

Section 1 Strip Mining Without Permit Unlawful It shall be unlawful for any person firm association or corporation intending to engage in the business of strip mining or mining for coal by uncovering or removing therefrom the surface soil or overlying strata to undertake any strip mining operations unless he or it shall first obtain a permit from the Department of Mines of the Commonwealth of Pennsylvania to conduct such strip mining operations

Nothing contained in this act shall be deemed to require a permit for "strip mining" where such mining is not conducted primarily for profit but is only performed incidentally in connection with or preparatory to some

material change in or relocation of surface structures or improvements or in connection with some material change in the use of the surface. Provided however That the change or relocation of structures or improvements on the surface or the change in use of the surface is such as will prevent or obviate those detrimental effects of "strip mining" which this act is designed to eliminate.

Section 2 Application for Permit Application for permit to conduct strip mining operations shall be made on forms to be provided by the Department of Mines. Such application shall set forth the location description and area in acres of the property whereon the applicant proposes to conduct strip mining operations. The department may require in addition that the application shall set forth such other information as is deemed pertinent and necessary. Every application for such permit shall be supported by the oath or affirmation of the applicant and shall be accompanied by a filing fee of five dollars (\$5.00).

Section 3 Bond to Accompany Application Every application shall be accompanied by a corporate surety individual surety or collateral bond to be approved and on the form prescribed by the Department of Mines in the amount of two hundred dollars (\$200) for every acre or portion thereof on which the applicant proposes to conduct strip mining operations.

Such bond shall be conditioned upon the replacement and leveling of the surface or overlying soil subsoil or strata after the removal of coal has been completed or after the strip mining operation has been discontinued such replacement and leveling to be completed within a reasonable time to be determined by the Department of Mines and such replacement refilling and leveling to be done in such manner as to minimize the hazard of floods pollution of streams and water accumulation of stagnant water and destruction and erosion of soil and in such manner as to restore so far as practicable the preexisting contours of the surface.

Every bond filed by an applicant for permit shall be payable to the Commonwealth of Pennsylvania and shall bear a warrant of attorney authorizing the Attorney General of the Commonwealth to confess judgment thereon in the event of non-compliance with its conditions.

Section 4 Issuance of Permits Upon the receipt of a properly completed and executed application together with the required filing fee and a bond satisfactory as to the amount and security the Department of Mines shall issue a permit in duplicate authorizing the person firm association or corporation named to conduct strip mining operations upon the property specified and described therein. One copy of such permit shall be posted in such manner as to be protected from the elements in some prominent spot upon the property on which the strip mining is conducted.

Section 5 Appeal from Refusal of Permit Any applicant for a permit to engage in strip mining whose application is refused may by petition filed within thirty (30) days after notice of such refusal appeal to the court of common pleas of the county wherein the proposed strip mining operation or the larger part thereof was to be conducted. A copy of such appeal petition shall be filed with the Department of Mines. The various courts of common pleas in the Commonwealth are hereby vested with jurisdiction to hear and determine such appeals de novo and any decision by such courts as to whether a permit should be issued or refused shall be final.

Section 6 Department to Adopt Rules and Regulations and Enforce Act The Department of Mines is hereby authorized to adopt such reasonable rules and regulations as may be necessary for the proper administration of this act.

It shall be the duty of the various mine inspectors in the Department of Mines to investigate and examine strip mining operations in the respective areas to which they are assigned and to make such reports and recommendations to the Secretary of Mines as may be necessary for the enforcement of this act.

Section 7 Forfeiture of Bond Upon failure of the holder of any permit to fulfill the conditions of the bond filed in securing such permit the bond shall be forfeited and shall be turned over to the Department of Justice in

order that judgment may be confessed or suit instituted thereon as the Attorney General may determine.

Section 8 Penalties Any person firm association or corporation failing to post the strip mining permit as hereinbefore required shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than fifty dollars (\$50) or to undergo imprisonment of not more than ten (10) days or both in the discretion of the court.

Any person firm association or corporation conducting any strip mining operation without securing the permit required by this act or conducting any strip mining operations on areas not covered by the permit secured or otherwise violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) or to undergo imprisonment of not more than one (1) year or both in the discretion of the court.

Each day's failure to comply with the provisions of this act shall constitute a separate and distinct offense punishable as herein provided.

Section 9 Injunction The Attorney General at the request of the Department of Mines may in the name of the Commonwealth institute proceedings in equity in the Court of Common Pleas of Dauphin County for the purpose of enjoining the conduct of strip mining operations in this Commonwealth contrary to the provisions of this act and for such purpose jurisdiction is hereby conferred upon that court. In such case the Attorney General shall not be required to give bond.

Section 10 Effective Date This act shall become effective sixty days after final enactment and shall apply to every strip mining operation started or undertaken after the expiration of such sixty day period and to every extension of existing strip mining operations into new areas occurring after the expiration of said sixty day period.

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. SHEPARD. Mr. Speaker, I desire to interrogate the gentleman from Carbon, Mr. Dolon.

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

Mr. DOLON. Mr. Speaker, I yield to the gentleman from Luzerne, Mr. Gallagher.

The SPEAKER. The gentleman from Carbon, Mr. Dolon yields to the gentleman from Luzerne, Mr. Gallagher. Does the gentleman from Philadelphia desire to interrogate the gentleman from Luzerne, Mr. Gallagher?

Mr. SHEPARD. Yes, Mr. Speaker, I would like to interrogate the gentleman.

The SPEAKER. The gentleman from Philadelphia will proceed.

Mr. SHEPARD. Mr. Speaker, I would like to ask the gentleman from Luzerne if this bill would not bring about some increase in the price of anthracite coal?

Mr. GALLAGHER. Mr. Speaker, I do not think so.

Mr. SHEPARD. That is all.

Mr. Speaker, in reading over this bill and from what I have been told by persons familiar with mining processes, this bill will ultimately cause a rise in the price of anthracite coal to the consumers. We have voted for several bills supposedly to better conditions among the miners, but there are times when we must call a halt because of the fact that this is going to bring about an increase in the price of coal to the consumer at a time when the cost of living is gradually going up. We can ill afford to bring about today anything which will cause a rise

in the price of coal, particularly to the people on relief in some of our large cities. As much as we would desire to help out the coal districts we cannot afford to do so at this time at the expense of the people on relief and many of the consumers in our cities. I understand there is a possibility something can be worked out along this line to help out the situation without bringing about the resultant increase in the price of coal.

MOTION TO RECOMMIT

Mr. SHEPARD. Mr. Speaker, I move that this bill be recommitted to the Committee on Mines and Mining for the purpose of further study.

On the question,

Will the House agree to the motion?

Mr. GALLAGHER. Mr. Speaker, I believe every method known has been attempted for some unknown reason to have this bill put back into Committee for the purpose of a natural death. I do not agree with the gentleman from Philadelphia, Mr. Shepard, when he says this bill will add an additional cost to the consumer of anthracite, because I believe this bill, if enacted into law, will not even cause a hardship or additional cost of any account on the anthracite operator. As I understand this bill, the bill only requires the stripping contractor to put back into the stripping the rock and soil they have removed as overburden from the coal. That is done as the coal is taken out.

Mr. Speaker, any one who has had the opportunity to witness stripping operations will know all that would be required by the contractor is to have a bulldozer, and the great majority of stripping contractors have bulldozers right on the job, and all that is required is possibly one shift, a shift of seven hours, to put back into this stripping the overburden the other two shifts of that particular stripping put out on the bank.

Mr. Speaker, I might say that any of you gentlemen who have had occasion to drive up through the anthracite region have noticed on the highways many large strippings and many high banks that have been placed there by the removal of the soil and rock from those strippings. All this bill asks the stripping contractors to do is to put that back. Strippings at this time are at the back door of the people living in the anthracite region. This bill requires those strippings to be filled so they will not accumulate water and become a hazard to people who are walking from their neighbor's door or people who want to cross the street. Eventually, these people will have to go up a bank, down the stripping, over on the other side to the other bank in order to get across the street. That is all this bill is going to do. We have heard many men in this House ask the question in reference to silt banks in reference to old strippings. This does not force contractors who have already abandoned their stripping work to go back and fill their stripping. The only thing this bill does, it takes care of the immediate stripping.

If the gentleman from Philadelphia is interested in this bill, he can help by giving his assistance to the people in the anthracite region or to the people in the bituminous region, I believe, in trying to have federal projects put into the anthracite and bituminous regions by the Federal Government, whereby these silt banks may be put back into the strippings, and the water that is now ly-

ing there dead, creating all kinds of hazards to the school children, inducing the school children to use those same strippings as swimming holes, then I think the gentleman from Philadelphia will be doing something that will be of benefit to the people of the anthracite and bituminous regions.

Mr. SHEPARD. Mr. Speaker, I desire to interrogate the gentleman from Luzerne, Mr. Gallagher.

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

Mr. GALLAGHER. I shall, Mr. Speaker.

Mr. SHEPARD. Mr. Speaker, I would like to ask the gentleman from Luzerne how long have these holes been in that section of the State?

Mr. GALLAGHER. Mr. Speaker, I might say some of them have been there twenty or twenty-five years and others are being made at the present time. I might further answer the gentleman by saying at the present time mining in the anthracite region has been petering out to the extent that the majority of these strippings are right there in the community, the towns, cities and boroughs where people are living.

Mr. SHEPARD. Mr. Speaker, if the people have been going around these holes for twenty or twenty-five years, in view of the increased cost of living, I think they might go around them a little while longer without a great deal of handicap. At the same time I would certainly be in favor of having a W. P. A. project close up those holes, but at the same time, I cannot see the wisdom of causing extra shifts in the coal fields that will ultimately bring about a higher price of coal for the consumers at a time when they can ill afford it.

Therefore, I ask the Members of the House to recommit this bill in order that it might be given an opportunity for further study. It may be that something can be worked out to take care of the situation, and at the same time not bring about an increase in the price of coal to the people on relief and to the people in our large cities who are going to face additional hardships this winter anyway because of the increase in other prices in the cost of living. We might save them this cost for the time being. I ask the Members of the House to vote to recommit this bill.

Mr. LOVETT. Mr. Speaker, I rise to oppose the motion to recommit this bill. As one coming from the soft coal region, we have had in our territory these strippings where they pile up ten, twelve, fifteen or twenty feet high along the highways of the stripping project. We have bills in this House, we have the women's organizations throughout the State introducing bills to eliminate signs along our highways, because they are destroying the beauty of the state of Pennsylvania. If any of you people who are interested in the beauty of the state of Pennsylvania, will go out and look along our highways where the stripping operations are being performed, I think you will agree with me that they are not helping to beautify the state of Pennsylvania.

My good friend, the gentleman from Philadelphia, Mr. Shepard, is worried about the increased cost of coal to the people of the State of Pennsylvania at this particular time. I might say to Mr. Shepard that regardless of whether these stripping companies must put back into place the earth they take out it will not make much difference so far as making the people of the State pay

more money for coal is concerned. Mr. Shepard says that he would be in favor of a W. P. A. project to fill up these holes. Does the gentleman realize that the people of the state of Pennsylvania and the taxpayers pay for W. P. A. work that is done, not only in this state but in every state. I say to the gentleman from Philadelphia, Mr. Shepard, as one who has always fought in the interests of the people since I have been in Harrisburg, that the people of the state should not be compelled to fill up the holes that are left after these mining corporations take out the coal and make big profits.

For that reason I rise to oppose this motion, because I feel there will be very little added cost to the strippers who put back the earth that they remove at the time they take the coal out of these holes. It is a matter involving a very short time. Those places can be beautified and made to look almost as they did before. For that reason I ask the Members of the House to oppose the motion to recommit this bill.

Mr. SHEPARD. Mr. Speaker, I desire to interrogate the gentleman from Westmoreland, Mr. Lovett.

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

Mr. LOVETT. I shall, Mr. Speaker.

Mr. SHEPARD. Mr. Speaker, I desire to ask the gentleman from Westmoreland suppose the operators are required to put back the earth into these holes, will there be enough earth to completely fill up the holes. Won't there still be a hole left there just the same?

Mr. LOVETT. Mr. Speaker, I might say in answer to the gentleman from Philadelphia, there possibly would be some ravine still left, but over a period of time you would hardly notice the difference in those particular sections, but as it is today it would be impossible to grow trees or anything else, because the good earth is at the bottom and the stones are on the top.

Mr. SHEPARD. Mr. Speaker, if they take out one hundred tons of coal and then they put back the earth that has been removed, with what will they fill the rest of the hole.

Mr. LOVETT. Mr. Speaker, I must say to the gentleman from Philadelphia while there will be nothing left to fill up the rest of the hole but air, I say to him that the mountain of earth they put back into the hole at least is not facing the public highway.

Mr. SHEPARD. In other words, Mr. Speaker, we will still have the hole. Additional work will have been done and additional cost will have been passed on to the consumer and the hole will still be there. I think if we recommit this bill a better way can be worked out without bringing about an increase in the price of coal to the consumer and we will ultimately find a way by which the hole can be completely filled up.

Mr. WILLIAMS. Mr. Speaker, I did not expect to take the floor on this particular bill, but I might say for the information of the Members of the House that I oppose the motion to recommit it. I come from the bituminous mining field and I want to dispute the point that Mr. Shepard raised when he said this would increase the price of coal, and due to the fact that the cost of living is going up, it would be a burden on the poor class of people throughout the state of Pennsylvania and the nation.

I might say for the information of the Members of the House that strip mining is done for about half the

cost of mining which takes place underneath the hills. We have large overhead expenses in the other forms and methods of mining that the stripping operators are able in their stripping operations to take the top off the coal and remove it with just about half the cost. They have large steam shovels that take out as high as three or four tons in one lift, and therefore it is not going to increase the cost of coal because of the fact that the stripping operators today are selling their coal at the same price as the other operators in the bituminous fields. They would not dare increase the cost over and above what the other operators sell their coal for, because of the fact that they would lose their markets if they did.

Mr. Speaker, I might further say that a great many of you gentlemen probably do not know the way a coal bed lies under the ground. This is known as crop coal where it comes out near the surface. In most instances it is level. In other types of mines the coal rolls, it is either up-grade or down-grade. In some places it is steeply inclined, but in these places it is mostly level. They may have perhaps twenty-five or thirty men. If they work it properly, they can take out their first stripping, as they call it, and after that they can take their shovel right on top of the coal bed, and take the dirt and place it in the hole out of which they have already taken the coal. In so doing they can make it uniform without using a bulldozer, because these gentlemen who operate the steam shovels and the electric shovels, can do a wonderful job in moving earth. Therefore, Mr. Speaker, I see no justification in recommitting this bill. It is a good bill.

Mr. Speaker, I might further say for the information of the Members of the House that the Coal Operators' Association, the mine stripping coal operators' association in Washington and Beaver counties are in favor of this bill. They want to see it passed so there might be some regulation on strip mine operations.

Mr. LOVETT. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Shepard.

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

Mr. SHEPARD. I shall, Mr. Speaker.

Mr. LOVETT. Mr. Speaker, may I ask the gentleman from Philadelphia if he has ever seen one of these stripping operations?

Mr. SHEPARD. Mr. Speaker, I have not seen the stripping operation but I have seen some of the holes up there.

Mr. LOVETT. Mr. Speaker, may I ask the gentleman if he has ever seen some of the mountains they pile up along side of the hole.

Mr. SHEPARD. Yes, Mr. Speaker, I have seen some of them.

Mr. LOVETT. Mr. Speaker, would the gentleman from Philadelphia rather have a big hole or a small hole?

Mr. SHEPARD. Mr. Speaker, in reply to the gentleman from Philadelphia, I would rather not have any hole at all, but if it is a question between whether we shall have a small hole or no hole, and having the people in the cities keep warm at reasonable prices, I say let the hole stay there a while so that the people may get warm at reasonable prices. People all like to see the state of Pennsylvania beautified but this is no time for beauty. This is the time for us to try to keep the price of living down so that people can live through this emergency and later on when we get out of this emergency, when we

have plenty of money and we have plenty of time we can spend it on projects to beautify the state of Pennsylvania.

Mr. LOVETT. Mr. Speaker, did the gentleman from Philadelphia, Mr. Shepard, ever try to dig a hole in the ground and then try to put the ground back in the hole he dug?

Mr. SHEPARD. Yes, I have, Mr. Speaker.

Mr. LOVETT. Mr. Speaker, did the gentleman get all the dirt back into the hole he dug?

Mr. SHEPARD. Sometimes, Mr. Speaker, I didn't want it all back in there.

Mr. LOVETT. Mr. Speaker, will the gentleman from Philadelphia please answer my question? Can he put it back?

Mr. SHEPARD. Yes, I can, Mr. Speaker, if I try hard enough, but it requires a great deal of extra effort that I do not care to expend.

Mr. LOVETT. That is all, Mr. Speaker.

Mr. GALLAGHER. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Shepard.

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

Mr. SHEPARD. I shall, Mr. Speaker.

Mr. GALLAGHER. Mr. Speaker, I would like to know what the position of the gentleman from Philadelphia would be if W. P. A. or some other crew would dig a hole fifty or sixty feet deep either in front or in back of his home, and then decide they were going to leave it there for the rest of possibly Mr. Shepard's life.

Mr. SHEPARD. Mr. Speaker, I cannot answer that question. They would have a difficult time digging that hole, or finding that much space in front of my house or behind it either, to dig a hole of that size, but in case of emergency I would just go around that hole until such a time as we could get it filled up.

Mr. GALLAGHER. Mr. Speaker, I would like the gentleman from Philadelphia to answer the question. I did not hear his answer.

Mr. SHEPARD. Mr. Speaker, I would like the gentleman from Luzerne to ask the question again.

Mr. GALLAGHER. Mr. Speaker, I would like to know what would be the position of the gentleman from Philadelphia if WPA or some other crew dug a hole fifty or sixty feet in depth, either in the front or back of his home, and then having dug the hole decide to leave it there until possibly Mr. Shepard's death, and there wouldn't be any coming back to fill it up. I would like to know what the gentleman from Philadelphia would think about that?

Mr. SHEPARD. Mr. Speaker, being desirous of creating as much WPA work as possible I would seek to get another WPA project started to put back the dirt into the hole.

Mr. GALLAGHER. Mr. Speaker, I would appreciate if the gentleman from Philadelphia would answer my question.

Mr. SHEPARD. Mr. Speaker, I would consider it an opportunity to get more people employed putting the dirt back into the hole. That is the only way I can answer the gentleman's question. I do not know how I would feel. That is a matter of psychology. I don't know how I would feel. If that is what the gentleman is asking, I cannot answer his question.

Mr. GALLAGHER. That is all, Mr. Speaker. I thank the gentleman.

Mr. SHEPARD. Mr. Speaker, if it were hot weather and there were water there, I might feel it would be an opportunity for me and the kiddies to go out and take a swim, rather than go out to the swimming hole. I do not know how I would feel at the time.

Mr. GALLAGHER. Mr. Speaker, Mr. Shepard has raised the question of the cost of coal to the consumer if this bill were enacted into law. Let me say to the Members of this House it is my opinion this bill will not add any additional cost to a ton of coal. I base that, Mr. Speaker, on the fact that ten or fifteen years ago in the anthracite region stripping contractors were paid by the yard for the removal of this overburden on the coal. At that time they had employed on the shovel possibly ten or eleven men. The stripping contractors in late years have been buying new equipment, more modern equipment, and by doing that they have displaced possibly eight or nine of those men, and because of that fact, they have entered into competition among themselves that has been more or less cut-throat competition. However, at this particular time, the stripping contractors in the anthracite region are not paid for overburden, but are paid by the car for coal received from that stripping. The cost of that coal has not been made any greater, in fact it has been reduced to the extent of possibly nine or ten employees. These stripping contractors when they start to strip a certain area, when they get enough overburden off that they reach the coal they have these bulldozers there and they use them to make runways down into the stripping for the trucks, and we who have seen that process know it is not going to add additional cost to the ton of coal to the consumer.

With that thought in mind, Mr. Speaker, I ask the Members on both sides of the House to oppose the motion to recommit this bill and, Mr. Speaker, I ask for a roll call.

Mr. BONEY. Mr. Speaker, I rise to oppose this motion to recommit. The only sad feature of this bit of legislation today is that it was not done twenty or twenty-five years ago. These strippings have a tendency to decrease the valuation of properties in the respective boroughs in which these stripping operations exist. They cause an unsightly nuisance. In the district I represent, we have had a number of stripping operations in the past and the debris and the dirt that has been excavated from these strippings has arisen in mounds almost as high as the ceiling of this hall. When the wind blows it creates a terrible dust nuisance; when it rains it has a tendency to wash dirt into the highways, and that there are not more serious accidents and fatalities is a miracle. They strip right out to the edge of the road and after they have finished their stripping work, they construct a small delicate wire fence. In some cases we have men go through them with automobiles, and some have been killed or seriously injured. In some cases stagnant water accumulates. Children have gone swimming in them and have been drowned. Therefore, I say, Mr. Speaker, this piece of legislation has been late in coming, but although late it is very good.

Before I arose I had a letter handed to me. It is post-marked Hawthorne, Pennsylvania. The letter says:

"There has been some strip coal mining done in the borough. It has left some water holes which

are filled up to several feet deep with red sulphur water and in summer it is a breeding place for mosquitoes and gives off a bad smell. Also as these strip mines are above the town it is believed that the sulphur water is seeping down into the wells of the borough, in fact some are unfit for use now."

Under those circumstances, Mr. Speaker and gentlemen of the House, I ask you to oppose this motion to recommit.

Mr. REGAN. Mr. Speaker, I rise to oppose the motion to recommit this bill on the ground that one bill was re-committed last night, House Bill 492, which was forgotten about by the members of the Anthracite Producers Association in consideration of House Bill 788. I feel sure if the Members of this House want to do a real service they will oppose the motion to recommit this bill, and pass this legislation.

I realize that the gentlemen who spoke before me have well described this situation and I sincerely hope the Members of this House will oppose this motion and pass this bill.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. Gallagher and Mr. Boney.

Messrs. MAXWELL, LESKO and PETROSKY asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—64

Auker.	Finestone,	Knoble.	Rosenfeld,
Boorse,	Finnerty.	Kolankiewicz,	Sarge,
Bower,	Greenwood,	Lee, E. A.,	Schwab.
Bretherick,	Gyger,	Leisey,	Shepard,
Brunner, C. H.,	Haines,	Levy,	Skale.
Burriss,	Hare,	McClanaghan,	Snyder,
Cadwalader,	Helm,	McDowell,	Sorg,
Chudoff,	Hering,	Melchiorre,	Tate.
Cochran,	Herman,	Monks,	Taylor.
DiGenova,	Hersch.	O'Mullen,	Thompson, E. F.,
D'Ortona,	Huntley.	Prosen,	Voidow.
Duffy,	Imbrie,	Rank,	Welsh, E. B.,
Eckels,	James,	Reagan,	Wood, L. H.,
Elder,	Jefferson,	Reese, D. P.,	Wood, N.,
Ely,	Jones, G. E.,	Rooney,	Young,
Falkenstein,	Kline,		Kilroy, Speaker.

NAYS—97

Achterman,	Gallagher,	Longo,	Pettit,
Baker,	Gates,	Lovett,	Polaski,
Balthaser,	Gerard,	Malloy,	Polen,
Baughner,	Gillette,	Maxwell,	Powers,
Bentley,	Goodwin,	McClester,	Rausch.
Bentzel,	Gross,	McDermott,	Readinger,
Boney,	Gryskewicz,	McFall,	Reese, R. E.,
Bradley,	Haberlen,	McIntosh,	Regan.
Breth,	Hall,	McLanahan,	Rose, W. E.,
Brown,	Hamilton,	McLane,	Serrill,
Brunner, P. A.,	Harkins,	McMillen,	Shaffer,
Chervenak,	Harmuth,	McSurdly,	Simons,
Cohen, M. M.,	Harris,	Modell,	Stank,
Cordier,	Heatherington,	Mooney,	Stine,
Croop,	Hirsch,	Moran,	Tarr.
Cullen,	Holland,	Moul,	Thompson, R. L.,
Dairymple,	Jones, P. N.,	Muir,	Trout,
Dix,	Keenan,	Munley,	Turner,
Dolon,	Kenehan,	Nagel,	Vincent,
Early,	Komorofski,	O'Connor,	Weiss,
Elliott,	Lee, T. H.,	O'Dare,	Williams,
Fiss,	Leonard,	O'Neill,	Woodring,
Fleming,	Lesko,	Owens,	Wright,
French,	Lichtenwalter,	Petrofsky,	Yester.

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

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. DOLON, PETROSKY and PAUL A. BRUNNER asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—113

Achterman,	French,	Lyons,	Reese, R. E.,
Baker,	Gallagher,	Malloy,	Regan,
Balthaser,	Gates,	Maxwell,	Rhea,
Baughner,	Gerard,	McClester,	Rose, W. E.,
Bentley,	Goodwin,	McDermott,	Rush,
Bentzel,	Gross,	McFall,	Serrill,
Boles,	Gryskewicz,	McIntosh,	Shaffer,
Boney,	Habbyshaw,	McLanahan,	Simons,
Bradley,	Haberlen,	McLane,	Stank,
Breth,	Haines,	McMillen,	Stine,
Brown,	Hall,	McSurdly,	Tarr.
Brunner, P. A.,	Hamilton,	Mooney,	Taylor.
Chervenak,	Harkins,	Moran,	Thompson, R. L.,
Cohen, M. M.,	Harmuth,	Moul,	Trout,
Cooper,	Harris,	Muir,	Van Aillsburg,
Cordier,	Heatherington,	Munley,	Vincent,
Corrigan,	Hirsch,	Nagel,	Vogt.
Croop,	Holland,	O'Connor,	Voorhees,
Cullen,	Jones, P. N.,	O'Dare,	Watkins,
Dairymple,	Keenan,	O'Neill,	Welngartner.
Dix,	Kenehan,	Owens,	Wells,
Doion,	Knoble,	Petrosky,	Welsh, E. B.,
Early,	Komorofski,	Pettit,	Welsh, M. J.,
Eckels,	Leonard,	Polaski,	Wilkinson,
Elliott,	Lesko,	Polen,	Williams,
Fiss,	Leydic,	Powers,	Winner,
Fleming,	Longo,	Rausch,	Woodring,
Fletcher,	Lovett,	Readinger,	Wright,
			Yester.

NAYS—50

Auker,	Finestone,	Leisey,	Scanlon,
Boorse,	Finnerty,	Levy,	Schwab.
Bower,	Greenwood,	Lichtenwalter,	Shepard,
Bretherick,	Gyger,	McClanaghan,	Skale,
Brunner, C. H.,	Hare,	McDowell,	Snyder,
Chudoff,	Hering,	Melchiorre,	Sorg,
Cochran,	Hersch,	Monks,	Tate.
Cohen, R. E.,	Hewitt,	O'Mullen,	Thompson, E. F.,
D'Ortona,	Huntley,	Prosen,	Wood, N.,
Duffy,	Imbrie,	Rank,	Young,
Elder,	James,	Rooney,	Kilroy.
Ely,	Kolankiewicz,	Sarge,	Speaker.
Falkenstein,	Lee, E. A.,		

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

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

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1437, as follows:

An Act to further amend section one thousand four hundred and thirty-two of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" further providing for home and school visitors and attendance officers and for their compensation

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

Section 1 Section one thousand four hundred and thirty-two of the act approved the eighteenth day of May

one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section seventeen of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2560) is hereby further amended to read as follows

Section 1432 The board of school directors of every school district in this Commonwealth of the first second or third class shall and in any school district of the fourth class may employ one or more persons to be known as attendance officers or home and school visitors whose duties shall be to enforce the provisions of this act regarding compulsory attendance Such attendance officers or home and school visitors shall in addition to the duties imposed upon them by the provisions of this act have full police power without warrant and may arrest or apprehend any child who fails to attend school in compliance with the provisions of this act or who is incorrigible insubordinate or disorderly during attendance at school or on his way to or from school Provided That all home and school visitors and attendance officers whose selection originally was made from eligibility lists compiled from results of competitive examinations shall be legally certified as [such] home and school visitors by the Department of Public Instruction upon meeting such requirements as [shall be] are presently prescribed by the State Council of Education And provided further That the Department of Public Instruction shall certify as home and school visitors all attendance officers having twelve years' experience and whose original selection was made from eligibility lists and when so certified any district employing such home and school visitors or attendance officers so certified shall be reimbursed for their salaries on the same basis as they are now reimbursed for elementary school teachers

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

On the question,

Shall the bill pass finally?

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

YEAS—194

Achterman,	Flynn,	Leydic,	Rhea,
Auker,	Foor,	Lichtenwalter,	Rooney,
Baker,	French,	Longo,	Rose, W. E.,
Balthaser,	Gallagher,	Lovett,	Rosenfeld,
Baughner,	Gates,	Lyons,	Royer,
Bentley,	Gerard,	Malloy,	Rush,
Bentzel,	Gillan,	Maxwell,	Sarge,
Boles,	Gillette,	McClanaghan,	Sarra,
Boney,	Goodwin,	McClester,	Scanlon,
Boorse,	Greenwood,	McDermott,	Schwab,
Bower,	Gross,	McDowell,	Serrill,
Bradley,	Gryskewicz,	McFall,	Shaffer,
Breth,	Gyger,	McGrath,	Shaw,
Bretherick,	Habbyshaw,	McIntosh,	Shepard,
Brown,	Habner,	McKinney,	Simons,
Brunner, C. H.,	Haines,	McLanahan,	Skale,
Brunner, P. A.,	Hamilton,	McLane,	Sorg,
Burns,	Hare,	McMillen,	Stambaugh,
Burriss,	Harkins,	McSurdy,	Stank,
Cadwalader,	Harmuth,	Melchiorre,	Stine,
Chervenak,	Harris,	Modell,	Stockham,
Chudoff,	Heatherington,	Monks,	Tarr,
Cochran,	Hejm,	Mooney,	Tate,
Cohen, M. M.,	Hering,	Moran,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Moul,	Thompson, R. L.,
Cook,	Hersch,	Muir,	Trout,
Cooper,	Hewitt,	Munley,	Turner,
Cordier,	Hirsch,	Nagel,	Verona,
Corrigan,	Holland,	Nunemacher,	Vincent,
Croop,	Huntley,	O'Brien,	Vogt,
Cullen,	Imbrie,	O'Connor,	Voldow,

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

NAYS—5

Dix,	Taylor,	VanAllsburg,	Wood, N.,
Hall,			

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

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

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 94, as follows:

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

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

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

Section 1509 No person having tuberculosis of the lungs shall be a pupil teacher janitor or other employe in any public school unless it be a special school carried on under the regulations made for such schools by the Commissioner of Health The board of directors of any school district may appropriate such funds as may be necessary to pay for X-ray or other medical examinations to determine the presence or absence of tuberculosis in any pupil teacher janitor or other employe of the district

Section 2 This act shall become effective immediately upon final enactment

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

On the question,

Shall the bill pass finally?

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

YEAS—199

Achterman,	Flynn,	Leydic,	Rooney,
Auker,	Foor,	Lichtenwalter,	Rose, W. E.,
Baker,	French,	Longo,	Rosenfeld,
Balthaser,	Gallagher,	Lovett,	Royer,
Baughner,	Gates,	Lyons,	Rush,
Bentley,	Gerard,	Malloy,	Sarge,
Bentzel,	Gillan,	Maxwell,	Sarraf,
Boles,	Gillette,	McClanaghan,	Scanlon,
Boney,	Goodwin,	McClester,	Schwab,
Boorse,	Greenwood,	McDermott,	Serrill,
Bower,	Gross,	McDowell,	Shaffer,
Bradley,	Gryskewicz,	McFall,	Shaw,
Breth,	Cyger,	McGrath,	Shepard,
Bretherick,	Habbyshaw,	McIntosh,	Simons,
Brown,	Haberlien,	McKinney,	Skale,
Brunner, C. H.,	Haines,	McLanahan,	Sorg,
Brunner, P. A.,	Hall,	McLane,	Stambaugh,
Burns,	Hamilton,	McMillen,	Stank,
Burris,	Hare,	McSurdy,	Stine,
Cadwalader,	Harkins,	Melchiorre,	Stockham,
Chervenak,	Harmuth,	Modell,	Tarr,
Chudoff,	Harris,	Monks,	Tate,
Cochran,	Heatherington,	Mooney,	Taylor,
Cohen, M. M.,	Helim,	Moran,	Thompson, E. F.,
Cohen, R. E.,	Hering,	Moul,	Thompson, R. L.,
Cook,	Herman,	Muir,	Trout,
Cooper,	Hersch,	Munley	Turner,
Cordier,	Hewitt,	Nagel	VanAllsburg,
Corrigan,	Hirsch,	Nunemacher	Verona,
Croop,	Holland,	O'Brien,	Vincent,
Cullen,	Huntley,	O'Connor,	Vogt,
Dalrymple,	Imbrie,	O'Dare,	Voldow,
Dennison,	James,	O'Mullen,	Voorhees,
DiGenova,	Jefferson,	O'Neill,	Wagner,
Dix,	Jones, G. E.,	Owens,	Watkins,
D'Ortona,	Jones, P. N.,	Petrosky,	Weingartner,
Dolon,	Keenan,	Pettit,	Weiss,
Duffy,	Kenehan,	Polaski,	Welsh, E. B.,
Early,	Kline,	Polen,	Welsh, M. J.,
Eckels,	Knoble,	Powers,	Williams,
Elder,	Kolankiewicz,	Prosen,	Winner,
Elliott,	Komorowski,	Rank,	Wolf,
Ely,	Krise,	Rausch,	Wood, L. H.,
Falkenstein,	Lee, E. A.,	Readinger,	Wood, N.,
Finestone,	Lee, T. H.,	Reagan,	Woodring,
Finnerty,	Leisey,	Reese, D. P.,	Woodside,
Fisher,	Leonard,	Reese, R. E.,	Wright,
Fleming,	Lesko,	Reynolds,	Yeakel,
Fletcher,	Levy,	Rhea,	Yester,
			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 third reading and consideration of House Bill No. 786, as follows:

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

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

Section 1 Section forty-three of the act approved the

seventh day of June one thousand nine hundred and one (P. L. 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules and regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as last amended by the act approved the thirty-first day of March one thousand nine hundred and thirty-seven (P. L. 168) is hereby further amended to read as follows

Section 43 The closet and all other fixtures except sinks must be set open and free from all enclosing wood-work In tenement-houses and lodging-houses sinks must be entirely open set on iron legs or brackets without any enclosing woodwork Iron enameled water-proof cabinets are permissible under [sinks and] all lavatories and under sinks in tenement-houses and lodging-houses

Any fixture removed from service either to be discarded or replaced with new by any owner must have the inspected approval of the inspection department of plumbing under whose jurisdiction it is/was at time of removal before it can be reinstalled If after inspection it is found to conform with proper standard so as not to create a potential hazard to public or private health It may be labeled numbered and certificate issued for its reinstallation with no other limitations reserved No used plumbing fixture intended for sanitary purposes or any that may be connected to the domestic water system of any dwelling or building can be installed without the inspection approval of the department of plumbing or board or bureau of health

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

On the question,

Shall the bill pass finally?

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

YEAS—198

Achterman,	Foor,	Lichtenwalter,	Rose, W. E.,
Auker,	French,	Longo,	Rosenfeld,
Baker,	Gallagher,	Lovett,	Royer,
Balthaser,	Gates,	Lyons,	Rush,
Baughner,	Gerard,	Malloy,	Sarge,
Bentley,	Gillan,	Maxwell,	Sarraf,
Bentzel,	Gillette,	McClanaghan,	Scanlon,
Boles,	Goodwin,	McClester,	Schwab,
Boney,	Greenwood,	McDermott,	Serrill,
Boorse,	Gross,	McDowell,	Shaffer,
Bower,	Gryskewicz,	McFall,	Shaw,
Bradley,	Cyger,	McGrath,	Shepard,
Breth,	Habbyshaw,	McIntosh,	Simons,
Bretherick,	Haberlien,	McKinney,	Skale,
Brown,	Haines,	McLanahan,	Sorg,
Brunner, C. H.,	Hall,	McLane,	Stambaugh,
Brunner, P. A.,	Hamilton,	McMillen,	Stank,
Burns,	Hare,	McSurdy,	Stine,
Burris,	Harkins,	Melchiorre,	Stockham,
Cadwalader,	Harmuth,	Modell,	Tarr,
Chervenak,	Harris,	Monks,	Tate,
Chudoff,	Heatherington,	Mooney,	Taylor,
Cochran,	Helim,	Moran,	Thompson, E. F.,
Cohen, M. M.,	Hering,	Moul,	Thompson, R. L.,
Cohen, R. E.,	Herman,	Muir,	Trout,
Cook,	Hersch,	Munley	VanAllsburg,
Cooper,	Hewitt,	Nagel	Verona,
Cordier,	Hirsch,	Nunemacher	Vincent,
Corrigan,	Holland,	O'Brien,	Vogt,
Croop,	Huntley,	O'Connor,	Voldow,
Cullen,	Imbrie,	O'Dare,	Voorhees,
Dalrymple,	James,	O'Mullen,	Wagner,
Dennison,	Jefferson,	O'Neill,	Watkins,
DiGenova,	Jones, G. E.,	Owens,	Weingartner,
Dix,	Jones, P. N.,	Petrosky,	Weiss,
D'Ortona,	Keenan,	Pettit,	Welsh, E. B.,
Dolon,	Kenehan,	Polaski,	Welsh, M. J.,
Duffy,	Kline,	Polen,	Williams,
Early,	Knoble,	Powers,	Winner,
Eckels,	Kolankiewicz,	Prosen,	Wolf,
Elder,	Komorowski,	Rank,	
		Rausch,	

Elliott,	Krise,	Readinger,	Wood, L. H.,
Ely,	Lee, E. A.,	Reagan,	Wood, N.,
Falkenstein,	Lee, T. H.,	Reese, D. P.,	Woodring,
Finestone,	Leisey,	Reese, R. E.,	Woodside,
Finnerty,	Leonard,	Regan,	Wright,
Fisher,	Lesko,	Reynolds,	Yeakel,
Fleming,	Levy,	Rhea,	Yester,
Fletcher,	Leydic,	Rooney,	Young,
Flynn,			Kilroy, Speaker.

NAYS—1

Turner,

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

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

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1559, as follows:

An Act to amend the definition of "Peace Officer" as set forth in section one hundred and two of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Departments of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by including therein military police and certain other persons in the armed service of the United States

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

Section 1 The definition of "Peace Officer" as set forth in section one hundred and two of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" is hereby amended to read as follows

Section 102 Definitions The following words and phrases when used in this act shall for the purpose of this act have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning

* * *

"Peace Officer" A sheriff deputy sheriff constable member of the Pennsylvania State Police State Highway Patrolman or other police officer vested with authority of arrest and such officers and soldiers of the United States Army and Pennsylvania National Guard who are designated as military police or traffic control guards while engaged conveying or transporting troops animals equipment or other army impedimenta upon any highway in this Commonwealth

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

On the question,

Shall the bill pass finally?

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

YEAS—199

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

FORMER MEMBERS WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon the gentleman from Montgomery, Mr. John H. Longaker, and the gentleman from Somerset, Mr. Charles I. Shaffer.

BILL PASSED OVER

There being no objection House Bill No. 568, Printer's No. 683, was passed over at the request of Mr. TURNER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 820, as follows:

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

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That 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" which was last amended by section one of the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1151) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act each retail vender of or retail dealer in goods wares and merchandise shall pay an annual mercantile license tax of two dollars and all persons so engaged shall pay one mill additional on each dollar of the whole volume gross of business transacted annually Each wholesale vender of or wholesale dealer in goods wares and merchandise shall pay an annual mercantile license tax of three dollars and all persons so engaged shall pay one-half mill additional on each dollar of the whole volume gross of business transacted annually Provided That the provisions of this section shall not apply to the taxation for mercantile license purposes of (a) manufacturers or mechanics vending goods of their manufacture from their factories or workshops but manufacturers and mechanics shall be required to pay the mercantile license tax upon such portion of their business as is transacted at stores or warehouses apart from their factories or workshops for the purpose of vending their goods nor (b) of wholesale vendors or wholesale dealers so engaged in the business of the processing and curing of meats their products and by-products or retail vendors or retail dealers engaged in compounding and dispensing medicines on prescriptions of physicians but every wholesale vender or wholesale dealer so engaged and every such retail vender or retail dealer so engaged shall pay the mercantile license tax herein imposed upon such proportion of its business if any which is not strictly incident or appurtenant to the processing and curing of meats their products and by-products or the compounding and dispensing of medicines on prescriptions of physicians as the case may be it [being] is the object of this proviso to relieve from the mercantile li-

cense tax only so much of the whole volume gross of business annually of manufacturers and mechanics as is transacted at their factories and workshops and so much of the whole volume gross of business transacted annually by wholesale vendors or dealers as is realized from the processing and curing of meats their products and by-products and so much as is realized from the compounding and dispensing of medicines on prescriptions of physicians by retail vendors or dealers Each dealer in or vender of goods wares or merchandise at any exchange or board of trade shall pay a mercantile license tax of twenty-five cents on each thousand dollars worth gross of goods so sold

Section 2 The provisions of this act shall operate prospectively and retroactively and shall be construed to exempt from the payment of the mercantile license tax manufacturers and mechanics for each and every year prior to the effective date of this act as to business transacted at their factories and workshops

Section 3 This act shall become effective immediately upon final enactment

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

On the question,

Shall the bill pass finally?

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

YEAS—199

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

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1572, as follows:

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

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

Section 1 Sections one and two of 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 the act approved the eighteenth day of April one thousand nine hundred thirty-five (P. L. 38) are hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and is hereby enacted by the authority of the same That any person association partnership or corporation may enter into an agreement [with and borrow funds from a production credit association organized under the Farm Credit Act of one thousand nine hundred and thirty-three a Regional Agricultural Credit Corporation the Reconstruction Finance Corporation or the Government of the United States or any department agency or officer thereof a Federal Intermediate Credit Bank or any institution which has made arrangements to discount therewith and to procure funds therefrom on the security of the obligations of the borrower and] for the repayment of any funds [so] borrowed or of any then existing indebtedness [to any such institution may be] evidenced by a bond containing a confession of judgment secured by a chattel mortgage upon livestock farm machinery or farm equipment or upon any crop of crops annual or perennial including fruit crops grown or growing either already planted or to be planted and maturing within one year from the date of the execution of such mortgage and any cooperative association of farmers acting together in collectively processing preparing for market handling or marketing the farm products of persons so engaged or in which farmers act together in collectively purchasing testing grading or processing their farm supplies [Provided] provided however that such associations are operated for the mutual benefit of the members thereof as such producers and purchasers may enter into an agreement [with and borrow funds from any bank for cooperatives organized under said Farm Credit Act of one thousand nine hundred and thirty-three or from any Federal Intermediate Credit Bank organized under said Agricultural Credits Act of one thousand nine hundred and twenty-three and] for the repayment of any funds borrowed or of any then existing indebtedness [to any such institution may be] evidenced

by a bond containing a confession of judgment secured by a chattel mortgage upon any chattels of any kind or description including fixtures owned by such association or upon any interest which such association may have in any such chattels or fixtures No such agreement for the repayment of any funds borrowed or for the repayment of any then existing indebtedness as aforesaid shall bear interest in excess of the rate provided for by the Act approved the twenty-eighth day of May one thousand eight hundred fifty-eight (P. L. 622) For the purposes of this act all such chattels crops and fixtures shall be deemed to be personal property and mortgagable as such Such mortgage shall be a lien against the chattels and crops thereby conveyed and shall be good and available in law against any subsequent purchasers or execution creditors upon the recording thereof as hereinafter directed The lien of any mortgage on crops executed in pursuance of the provisions of this act shall be superior to any mortgages or judgments or any other liens or encumbrances upon the land upon which any such crop has been so seeded or may be growing and any sale made under any mortgage or judgment or other lien or encumbrance upon such land before such crop has been served shall be made subject to the lien on said crop as provided for in this act provided however that the provisions of this act shall not in any manner whatever affect any mortgage judgment or other lien or encumbrance upon the land recorded prior to the approval of this act Such mortgages must be in writing signed by the mortgagor or his agent duly authorized and constituted and duly acknowledged by some person authorized to take acknowledgment of deeds No chattel mortgage of livestock and hay grain or any other feed stuffs shall be invalid because provision is contained therein that the mortgagor may use and consume such feed stuffs in preserving and preparing for market the livestock covered thereby Provisions contained in such chattel mortgages that property of the same class as is covered by the chattel mortgage shall be included in the mortgage lien if acquired by the mortgagor subsequent to the execution of the chattel mortgage and prior to its extinguishment and provisions that the chattel mortgage may secure future advances to be made by the mortgagee at [its] his option within a period of three years from the execution of such chattel mortgage but not to exceed in the aggregate an amount stated in said chattel mortgage and that all advances so made shall be secured by such chattel mortgage equally and to the same extent as the amount originally advanced on the security of such mortgage and that all such future advances shall be a lien upon the property therein described from the time of the recording of such chattel mortgage good and valid against and superior to all rights of subsequent creditors purchasers mortgagees and other lienors and encumbrances and any of them and provisions that the chattel mortgage may include replacements of any of the mortgaged property therein described and all increase of animals and livestock of all kinds shall be valid and binding

Section 2 The chattel mortgages mentioned in the preceding section when executed and acknowledged as hereinafter provided shall be recorded in the office for the recording of deeds for the county in which said livestock farm machinery equipment or crop is actually located at the time of the execution of such chattel mortgages and such recorder is hereby required to index and record the same at length in a book to be by him kept in his said office to be provided at the expense of said county and to be called "Chattel Mortgage Book" and he shall duly certify the record of all such instruments in the manner provided by law for mortgages on real estate and such recorder shall be entitled to charge and receive for services rendered hereunder [the following fees for recording each chattel mortgage seventy-five cents (75c) for noting assignment on the margin of the page on which the chattel mortgage is recorded twenty-five cents (25c) for noting release or satisfaction or extension of each such chattel mortgage and the date thereof on the margin of the page of the book where the chattel mortgage is recorded twenty-five cents (25c)] such fees as are provided

by law for services rendered with respect to mortgages on real estate Such chattel mortgages shall except between parties thereto take effect and be valid only from the time of recording as herein provided and in case of more than one chattel mortgage the first recorded shall have preference and be first paid out of the proceeds of the sale of the property mortgaged Such mortgage shall remain a lien on the property mortgaged as between the parties thereto until paid but as to third parties shall not remain a lien for a longer period than five years unless the lien thereof is extended [for an additional period of five years] by the filing prior to the expiration of said lien with the recorder of deeds of the affidavit of the mortgagee or his successor in interest stating the amount then secured by the lien in which case the said mortgage shall remain a lien for an additional period of five (5) years from the date of the filing of such affidavit The lien of any mortgage may be further extended with like effect by the filing of successive like affidavits A notation of the filing of such affidavit and extension of lien shall be made on the margin of the original record of the chattel mortgage in the office of the recorder of deeds

Section 2 That the said act is hereby further amended by adding after section 5 the following new sections

Section 5.1 If the mortgagor without the consent of the mortgagee shall substantially injure the chattel or chattels subject to the mortgage or conceal or purport to sell or otherwise dispose of them or any substantial part of them under claim of full ownership or otherwise by his wilful act or wilful neglect substantially impair the value of the agreed security save insofar as is consistent with reasonable use of the chattel or chattels such action shall constitute default But unless otherwise provided in the instrument the injury or destruction of the chattel or chattels without fault of the mortgagor shall not constitute default and such injury or destruction occurring before final sale on foreclosure shall not discharge the mortgagor from any obligation secured for which he is personally liable

Section 5.2 When prior to release or satisfaction of the mortgage the mortgagor maliciously or with intent to defraud and without consent of the mortgagee (a) shall conceal all or any substantial portion of the chattel or chattels subject to the mortgage or remove them from the county in which they are located at the time of the execution of the mortgage or shall procure or be a party to such concealment or removal and (b) shall thereafter or in conjunction therewith purport to sell or otherwise dispose of such chattel or chattels under claim of full ownership he shall be guilty of a misdemeanor and upon conviction thereof be sentenced to pay a fine not exceeding five hundred dollars (\$500) or to undergo an imprisonment not exceeding one (1) year or both

Section 3 This act shall become effective immediately upon its final enactment

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

On the question.

Shall the bill pass finally?

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

YEAS—112

Auker,	Fleming,	Levy,	Reese, R. E.,
Baker,	Flynn,	Leydie,	Regan,
Balthaser,	Poor,	Longo,	Rhea,
Baughner,	French,	Levitt,	Rooney,
Bentley,	Gallagher,	Maxwell,	Rose, W. E.,
Bretherick,	Greenwood,	McClanaghan,	Rosenfeld,
Brown,	Haines,	McDermott,	Shaffer,
Brunner, P. A.,	Hamilton,	McDowell,	Shepard,
Burriss,	Harkins,	McFall,	Sorg,
Cadwalader,	Heatherington,	McIntosh,	Stambaugh,
Chudoff,	Hering,	McLanahan,	Stine,
Cochran,	Herman,	McSurdy,	Tarr,
Cohen, M. M.,	Hersch,	Melchiorre,	Tate,
Cohen, R. E.,	Hewitt,	Modell,	Taylor,
Cook,	Hirsch,	Monks,	Thompson, E. F.,

Cordier,	Holland,	Mooney,	Vincent,
Croop,	Huntley,	Moran,	Voldow,
Cullen,	Imbrie,	Moul,	Voorhees,
Dalrymple,	James,	Nagel,	Wagner,
Dennison,	Jefferson,	Numemacher,	Watkins,
DiGenova,	Jones, G. E.,	O'Connor,	Weiss,
Dolon,	Jones, P. N.,	O'Mullen,	Welsh, M. J.,
Duffy,	Kenehan,	O'Neill,	Welsh, E. B.,
Early,	Kilne,	Petrosky,	Williams,
Elliott,	Lee, E. A.,	Polaski,	Woodring,
Falkenstein,	Lee, T. H.,	Polen,	Young,
Flinstone,	Leonard,	Powers,	Kilroy,
Finnerty,	Lesko,	Prosen,	Speaker.
Fiss,			

NAYS—11

Achterman,	Lichtenwaiter,	Readinger,	Wood, N.,
Gates,	McKinney,	Royt,	Yester,
Hall,	Muir,	TROUT,	

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

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

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 957, as follows:

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

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

Section 1 Sections one two five eight thirteen fourteen fifteen and sixteen of 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" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following words and phrases as used in this act shall be construed to have the following meanings

"Board" the county retirement board created by this act
 "County Employee" [an officer or employe of the county] any person whether elected or appointed who is employed by the county by the county institution district or its predecessor the county poor board by the county prison authorities by the county house of detention authorities or by the county retirement system whose salary or compensation is paid [on a yearly or monthly basis and also any officer or employe regularly employed whose compensation is paid on a per diem basis] in regular periodic installments No person who is employed on a per diem basis less than two hundred working days per year shall be eligible to membership in the retirement system

"Fund" the county employes' retirement fund created by this act

"Accumulated Deductions" the total of the amounts deducted from the salary of a contributor and paid into the fund created by this act and standing to the credit of the members' annuity reserve account together with the regular interest thereon

"Contributor" any person who has accumulated deductions in the fund created by this act standing to the credit of the members' annuity reserve account

"Beneficiary" any person in receipt of a retirement allowance under this act

"Prior Service" all service as a county employe served

not later than December thirty-first preceding the year the retirement system shall be established in any county

"Original Member" a [county employe who was at any time a member of the retirement system prior to January first] member who was at any time a county employe prior to the first Monday of January of the year the retirement system is established in any county

"New Member" a [county employe] member who shall have become a [member of the retirement system] county employe subsequent to date the retirement system is established in any county

"Superannuation Retirement Age" as applied to a contributor means sixty years of age or upwards

"Final Salary" the average annual salary received by contributor for the five years of service immediately preceding retirement or in the event a member has not served five years the total salary received divided by the number of years served

"Regular Interest" interest at the rate of three and one-half per centum compounded annually

"County Annuity" payments for life or during disability derived from contributions made by the county

"Members' Annuity" payments for life or during disability derived from contributions made by the contributor

"Retirement Allowance" the [State] county annuity plus the member's annuity

Section 2 County Retirement System and County Retirement Board Created A retirement system [may] shall be established for county employes by resolution of the county commissioners in any county of the third class which system when established shall be administered by a county retirement board which shall consist of the chairman of the board of county commissioners or his representative who shall be its chairman the county controller or his representative and one county employe to be selected from time to time by the county employes for a term of two years Each member of the board shall take an oath of office that he will diligently and honestly administer the affairs of the board and that he will not knowingly violate or permit to be violated any of the provisions of this act Such oath shall be subscribed by the member taking it and shall be filed among the records of the board the members of the board shall not receive any compensation for their services but shall be reimbursed for all expenses necessarily incurred in the performance of their duty

Two members of the board shall constitute a quorum

The retirement system herein provided for shall be established on the first [day] Monday of January of the year succeeding the one in which the resolution of the county commissioners was adopted

Section 5 County Employes' Retirement Fund There is hereby created in each county of the third class in which a retirement system has been established a county employes' retirement fund which shall consist of all moneys arising from appropriations made by the county and from contributions made by the members of the county employes' retirement system and all interest earned by the investments or moneys of the fund created by this act The moneys contributed by the county shall be credited to a county annuity reserve account and those contributed by the members shall be credited to a members' annuity reserve account [and the interest earnings shall be apportioned to the members' and county annuity reserve accounts] Upon the granting of a retirement allowance to any contributor whether as a superannuation retirement allowance an involuntary retirement allowance or a total disability retirement allowance as hereinafter provided the amount of such contributor's accumulated deductions in the members' annuity reserve account shall lose their status as accumulated contributions and shall be transferred to a retired members' reserve account and the actuarial equivalent of the county annuity shall be similarly transferred from the county annuity reserve account to the retired members' reserve account The interest earnings shall be apportioned to the members' annuity and county annuity and retired members' reserve accounts The actuary shall determine the present value of the liability on account of all county annuities pay-

able to original members and the [percentage] percentage of such liability which shall be contributed by the county each year over a period of fifteen years from the time the system is established until the accumulated reserve equals the present value of said liability All such contributions shall be credited to the county annuity reserve account The actuary shall also determine the amount which shall be contributed by the county into the fund periodically for credit to the county annuity reserve account on account of service of all new and original members subsequent to the time the retirement system is established

Each member of the retirement system shall be required to contribute to the fund such per centum of his salary as shall be computed by the actuary to be sufficient with regular interest to procure for him on superannuation retirement one one-hundred-twentieth (1-120) of his final salary for each year of service after December thirty-first preceding the year the retirement system is established which contributions shall be paid into the fund through payroll deductions in such manner as the board may require All contributions by members shall be credited to the members' annuity reserve account

Section 8 Compulsory Membership Each county officer may and each county employe shall be required to become a member of the retirement system established by this act at such date as may be specified in the resolution establishing the retirement system and thereafter when first becoming a county employe Those becoming members who have been at any time county employes prior to [January first] the first Monday of January of the year the retirement system is established shall be known as original members and those becoming members after said date as new members Provided however That if any person who becomes a county employe subsequent to [January first] the first Monday of January of the year the retirement fund was established shall have been at any time theretofore a county employe he shall receive credit for the service prior to [January first] the first Monday of January of the year the system was established and shall be known as an original member

Section 13 Involuntary Retirement Allowances Should a contributor be discontinued from service not voluntarily after having completed ten years of total service but before reaching superannuation retirement age he shall be paid as he may elect as follows (a) The full amount of the accumulated deductions standing to his credit in the members' annuity reserve account or (b) a member's annuity of equivalent actuarial value to his accumulated deductions standing to his credit in the members' annuity reserve account and in addition a county annuity having a value equal to the present value of a county annuity beginning at superannuation retirement age [as provided in this act with respect to county annuities for superannuation retirement] but based on the period of service up to the date of discontinuance from service and not on the period of service required to reach superannuation retirement age The same options shall be available to beneficiaries in case of involuntary retirement as provided herein in the case of superannuation retirement

Section 14 Total Disability Retirement Allowance If a contributor after five years of service as a county employe and before reaching superannuation retirement age is disabled while in service and is unable to continue as a county employe as shown by medical examination he shall be paid a retirement allowance consisting of a county annuity of twenty-five per centum of his final salary which shall [be payable one-third from the members' annuity reserve account and two-thirds from the county annuity reserve account] include the member's annuity calculated in accordance with section eleven of this act

Section 15 Payment of Balances Where Disability Annuity Dies Should a person receiving a disability retirement allowance die before receiving [a] total [allowance] members' annuity payments equal to the amount standing to his credit in the members' annuity reserve accounts at the time of retirement there shall be paid to his estate or beneficiary the difference between such credit and the total [retirement allowance] member's annuity

payments received

Section 16 Monthly Payments of Retirement Allowances The retirement allowances granted under the provisions of this act shall be paid in equal monthly installments and shall not be increased decreased revoked or repealed except as otherwise provided in this act [All members' annuities shall be payable from the members' annuity reserve account and all county annuities from the county annuity reserve account]

Section 2 The said act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1625) is hereby amended by adding after section seventeen three new sections to read as follows

Section 17.1 Simultaneous Payments of Salary and Retirement Allowance Should a person receiving a superannuation retirement allowance or an involuntary retirement allowance or a total disability retirement allowance be reemployed by the county the retirement allowance of such person shall immediately cease Such person shall thereupon be reinstated as a contributor and there shall be restored to his credit as accumulated deductions the actuarial value of his member's annuity computed as of the date of his re-employment Should he refuse to surrender his right to retirement allowance as of the date of his reemployment then it shall be unlawful for the county to re-employ him

Section 17.2 Validation of Certain Contributions All employes of the county institution district or its predecessor the county poor board the county prison the county house of detention or the county retirement system who heretofore made contributions to the retirement fund by payroll deductions intending thereby to become members of the retirement system and contributors to the retirement fund are hereby declared to be regular and valid members and contributors as of the time of their first contribution with the same rights and privileges as any other county employes who became members and contributors in the retirement system

Section 17.3 Admission to Retirement System of Those Who Have Heretofore Failed to Join Any county officer who did not become a member of the retirement system when it was first established if he then held office and has since then continuously held office or whose term of office began after the establishment of the retirement system and who did not become a member of the retirement system when his term of office began shall be permitted to become a member of the retirement system at any time and receive a retirement allowance based upon service as a county employe rendered after such date of membership Provided however That if membership is consummated within one year of the effective date of this amendment or within one year from the beginning of such term of office and such sums as would have been deducted from his salary had he become a member at the time of the establishment of the retirement system or of the commencement of such term of office shall have been paid into the retirement system he shall thereupon become entitled to all the rights and privileges in the retirement system as would have been vested in him had he become a member and contributor at the time the retirement system was established or his term of office began

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

On the question,

Shall the bill pass finally?

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

YEAS—199

Achterman,	Foor,	Longo,	Rose, W. E.,
Auker,	French,	Lovett,	Rosenfeld,
Baker,	Gallagher,	Lyons,	Royer,
Balthaser,	Gates,	Malloy,	Rush,
Baughner,	Gerard,	Maxwell,	Sarge,
Bentley,	Gilman,	McClanaghan,	Sarraf,
Bentzel,	Gillette,	McClester,	Scanlon,
Boles,	Goodwin,	McDermott,	Schwab,

Boney,	Greenwood,	McDowell,	Serrill,
Boorse,	Gross,	McFall,	Shafer,
Bower,	Gryskewicz,	McGrath,	Shaw,
Bradley,	Gyger,	McIntosh,	Shepard,
Breth,	Habbyshaw,	McKinney,	Simons,
Bretherick,	Haberlen,	McLanahan,	Skale,
Brown,	Haines,	McLane,	Sorl,
Brunner, C. H.,	Hall,	McMillen,	Stambaugh,
Brunner, P. A.,	Hamilton,	McSurdy,	Stank,
Burns,	Hare,	Melchiorre,	Stine,
Burris,	Harkins,	Modell,	Stockham,
Cadwalader,	Harmuth,	Monks,	Tarr,
Chervenak,	Harris,	Mooney,	Tate,
Chudoff,	Heatherington,	Moran,	Taylor,
Cochran,	Helm,	Moul,	Thompson, E. F.,
Cohen, M. M.,	Hering,	Mulr,	Thompson, R. L.,
Cohen, R. E.,	Herman,	Munley,	Trout,
Cook,	Hersch,	Nagel,	Turner,
Cooper,	Hewitt,	Nunemacher,	VanAllsburg,
Cordier,	Hirsch,	O'Brien,	Vincent,
Corrigan,	Holland,	O'Connor,	Verona,
Croop,	Huntley,	O'Dare,	Vogt,
Cullen,	Imbrie,	O'Mullen,	Voldow,
Dalrymple,	James,	O'Neill,	Voorhees,
Dennison,	Jefferson,	Owens,	Wagner,
DiGenova,	Jone G. E.,	Petrosky,	Watkins,
Dix,	Jones, P. N.,	Pettit,	Weingartner,
Dojon,	Keenan,	Polaski,	Weiss,
D'Ortona,	Kenehan,	Polen,	Welsh, E. B.,
Duffy,	Kline,	Powers,	Welsh, M. J.,
Early,	Knoyle,	Prosen,	Williams,
Eckels,	Kolankiewicz,	Rank,	Winnor,
Elder,	Komorowski,	Rausch,	Wolf,
Elliott,	Krise,	Readinger,	Wood, L. H.,
Ely,	Lee A.,	Reagan,	Wood, N.,
Falkenstein,	Lee, T. H.,	Reese, D. P.,	Woodring,
Finestone,	Lelsey,	Reese, R. E.,	Woodside,
Finnerty,	Leonard,	Regan,	Wright,
Fisher,	Lesko,	Reynolds,	Yeakel,
Fleming,	Levy,	Rhea,	Yester,
Fletcher,	Leydic,	Rooney,	Young,
Flynn,	Lichtenwalter,		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 third reading and consideration of House Bill No. 329, as follows:

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

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

Section 1 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 hun-

dred 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 of 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" as reenacted and amended by the act approved the sixteenth day of June one thousand nine hundred thirty-seven (P. L. 1762) are hereby further amended to read as follows

Section 2 Definitions The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

* * * * *

"Restaurant" shall mean a reputable place operated by responsible persons of good reputation land habitually and principally used for the purpose of providing food for the public the place to havel which has an area within a building of not less than four hundred square feet equipped with tables and chairs accommodating at least thirty persons at one time

Section 411 Sales of Liquor by Licensees Every hotel restaurant or club licensee may sell liquor and malt or brewed beverages by the glass open bottle or other container and in any mixture for consumption in the case of hotels only in that part of the hotel [or restaurant] habitually used for the serving of food to guests or patrons and [in the case of hotels] to guests in their private rooms in the hotel and in the case of clubs to members in their private rooms in the [hotel or] club and in the case of restaurants only in that area within a building which is licensed No club licensee nor its officers servants agents or employes other than one holding a catering license shall sell any liquor or malt or brewed beverages to any person except a member of the club No club holding a catering license nor its officers servants agents or employes shall sell on Sunday to non-members any liquor or malt or brewed beverages In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act liquor may be sold for consumption in that part of the restaurant [habitually used for the serving of meals to patrons] so licensed and also to guests in private guest rooms in the hotel

Hotel restaurant and public service licensees their servants agents or employes may sell liquor and malt or brewed beverages only after seven o'clock antemeridian of any week day and until two o'clock antemeridian of the following week day and shall not sell on Sunday or after two o'clock antemeridian on any day on which a general municipal special or primary election is being held until one hour after the time fixed by law for closing the polls No club licensee or its servants agents or employes may sell liquor or malt or brewed beverages between the hours of three o'clock antemeridian and seven o'clock antemeridian on any day

The board may with the approval of the Governor temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor

The board may with the approval of the Governor advance by one hour the hours herein prescribed as those during which liquor and malt or brewed beverages may be sold in any municipality during such part of the year when daylight saving time may be observed generally in such municipality

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

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

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. CHUDOFF, BENTLEY and PROSEN asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—83

Balthaser,	Gallagher,	McClanaghan,	Reese, R. E.,
Boles,	Gross,	McDermott,	Regan,
Boney,	Gryskewicz,	McIntosh,	Riley,
Brunner, P. A.,	Hamilton,	McLanahan,	Rose, W. E.,
Chervenak,	Hersch,	McSurdy,	Scanlon,
Cook,	Hirsch,	Melchiorre,	Schwab,
Cordier,	Jefferson,	Modell,	Skale,
Corrigan,	Jones, G. E.,	Monks,	Sorg,
Croop,	Jones, P. N.,	Mooney,	Tarr,
Cullen,	Kenehan,	Munley,	Tate,
Dajruple,	Kline,	Nunemacher,	Thompson, E. F.,
DiGenova,	Knoble,	O'Brien,	Voorhees,
Dolon,	Kolankiewicz,	O'Connor,	Watkins,
Duffy,	Krise,	O'Dare,	Welss,
Early,	Lee, E. A.,	O'Mullen,	Welsh, E. B.
Eckels,	Lesko,	O'Neill,	Williams,
Elder,	Lichtenwalter,	Owens,	Wolf,
Finestone,	Longo,	Petrosky,	Woodring,
Finnarty,	Lovett,	Polaski,	Young,
Fletcher,	Malloy,	Powers,	Kilroy, Speaker
Flynn,	Maxwell,	Rausch,	

NAYS—85

Achterman,	French,	Levy,	Shaffer,
Baker,	Gates,	Leydic,	Shaw,
Baughner,	Gerard,	Lyons,	Simons,
Bentley,	Gillette,	McClester,	Snyder,
Bentzel,	Goodwin,	McFall,	Stine,
Bower,	Greenwood,	McKinney,	Stockham,
Breth,	Haines,	McMillen,	Taylor,
Bretherick,	Hall,	Moran,	Thompson, R. L.,
Brown,	Hare,	Moul,	Trout,
Brunner, C. H.	Harkins,	Muir,	Turner,
Burriss,	Harmuth,	Nagel,	VanAllsburg,
Cadwalader,	Harris,	Pettit,	Verona,
Chudoff,	Heatherington,	Polen,	Vincent,
Cochran,	Helm,	Prosen,	Voldow,
Cohen, M. M.,	Herman,	Reagan,	Wagner,
Cohen, R. E.,	Hewitt,	Rhea,	Weingartner,
Dennison,	Holland,	Rosenfeld,	Welsh, M. J.,
Dix,	James,	Rush,	Wood, N.,
D'Ortona,	Keenan,	Sarge,	Wright,
Ely,	Lee, T. H.,	Sarraff,	Yeakel,
Fleming,	Leonard,	Serrill,	Yester.
Foot			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

The SPEAKER. The Chair returns to page 18 of the calendar, bills on third reading, House Bill No. 568, Printer's No. 863.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 568, entitled:

An Act to further amend the act approved the first day of June, one thousand nine hundred and thirty-seven, P. L. 1168) entitled "An act to protect the right of employes to organize and bargain collectively; creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government, and courts; providing for the right of employes to organize and bargain collectively; declaring certain labor practices by employer"

to be unfair; further providing that representatives of a majority of the employes be the exclusive representative of all the employes; authorizing the board to conduct hearings and elections, and certify as to representative of employes for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice, and providing a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court; providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the board; prescribing certain penalties," redefining the powers and duties of the Pennsylvania Labor Relations Board; redefining "labor dispute" the rights of employers and certain unfair labor practices by employers and employes; further changing the provision for designation and selection of representatives for the purpose of labor bargaining; changing the practice and procedure before the board; further prescribing the qualifications for, and increasing the salaries of, members of the board; eliminating the provision making the rules and regulations of the board subject to the approval of the Secretary of Labor and Industry; and eliminating certain forfeiture of rights.

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. JAMES. Mr. Speaker, House Bill 568 seeks to further amend the Act of June 1937, P. L. 1168. In order to discuss intelligently the bill that is presently before us, it seems desirable to go back a little into history to 1937 when the Labor Relations Act was enacted. We do not need to tax our memory very greatly to recall the great labor unrest that existed in the state of Pennsylvania just prior to the enactment of the Labor Relations law, and we do not need to tax our memories very much to recall how at that time the upsurge of strikes became of proportions that were really alarming. After the enactment of the Labor Relations law in 1937, there was a still further upsurge of strikes until the strikes in the state of Pennsylvania reached the highest point of all time, both with respect to the number of persons involved and with respect to the amount of damage done.

At that time it almost seemed that the enactment of the Labor Relations Law was a green light signal for certain labor leaders, certain labor groups to go ahead with ruthlessness of all sorts in strikes, and it was at that time the villainous sit-down strike found its highest expression. All of this was brought about, I believe, because in the Labor Relations Act of 1937 only one side of labor disputes and industrial disputes had been considered. There is no occasion at this time to quarrel or find fault with those who framed the act of 1937. It was a new thing and it provided for many contingencies in the relationship between labor and industry. But one thing it failed utterly to do, it failed to recognize that if labor disputes were to be solved permanently there must be two sides to the question of any labor dispute.

The law was written so that only the employers could possibly be guilty of unfair labor practices. Strikes were

so vast and so damaging in the state of Pennsylvania that finally the outraged public arose and demanded some remedy. It was just about that time that the state of Pennsylvania entered into a great political campaign in which was involved the election of a Governor of this state. The Republican Party, recognizing the cry of the public for a remedy for the dangerous conditions that had been brought to this state by the incessant strikes and the loss of hundreds of millions of dollars, not alone in wage envelopes but in damage and absolute destruction of plant equipment and machinery.

The Republican Party in the 1938 campaign as a major plank in its platform put a provision that there should be equal justice to labor and capital alike. One of the first things that was done in the General Assembly immediately after it convened in 1939, was to offer for the consideration of this House an amendment to the act of 1937 which encompassed among other things, writing into the law a provision that labor could do wrong as well as capital. There was written into the law then a number of citations of unfair practices on the part of the employe.

Now, Mr. Speaker, after the enactment of the amendments to the 1937 law in 1939 there was a very definite and a very notable falling off of strikes. There was a falling off of labor disputes and it seemed for a time that the law as amended was a real remedy and would provide for peace between industry and labor. It seemed at that time that at last capital could come before the Labor Relations Board which was set up in the act of 1937 on an equal footing with labor and be heard. Prior to that time,—you will remember this well,—it was utterly impossible for an employer to secure even a modicum of justice, because the 1937 law allowed the Labor Relations Board no latitude whatever. In other words, it was often said that before a capitalist or an employer in industry could go before the Labor Relations Board, he already had two strikes called on him before he went to bat. That is an absolute fact and is borne out by the records between the years 1937 and 1939 in connection with the Labor Relations Board.

Now, Mr. Speaker, coming down to today we have before us House Bill 568. This bill does several things of minor importance, but it does one thing of very great importance and very great injustice. It does a thing that if this bill becomes law cannot help but fly back in the face of labor and those who sponsor it today, because there can never be any enduring understanding or peace between employer and employe until and unless both can stand on common ground with equal rights before the law. If this bill is enacted into law it will say in effect that it is no longer an unfair labor practice for an employe or a workman to "intimidate, restrain, or coerce any employe by threats of force or violence or harm to the person of said employe or the members of his family or his property for the purpose and with the intent of compelling such employe to join or to refrain from joining any labor organization or for the purpose or with the intent of influencing or affecting his selection of representatives for the purposes of collective bargaining."

Further, Mr. Speaker, if this bill is enacted into law, it will no longer be unfair labor practice in Pennsylvania on the part of an employe, "during a labor dispute to join, or become a part of a sit-down strike or without the employer's authorization to seize or hold or to damage or destroy the plant equipment, machinery, or other prop-

erty of the employer with the intent of compelling the employer to accede to demands, conditions, and terms of employment including the demand for collective bargaining."

If this bill is enacted into law, it will no longer be unfair labor practice on the part of an employe, "to intimidate, restrain, or coerce any employe by threats of force or violence or harm to the person of said employe or the members of his family or his property for the purpose and with the intent of influencing or affecting his selection of representatives for the purposes of collective bargaining."

These are the amendments that were written into the Labor Relations Law in 1939 as a fulfillment of the pledge in the Republican party's platform that there should be equal rights for labor and for the employer before the law in Pennsylvania. That the amendments of 1939 were successful is somewhat admitted by a little statement that appeared in the Philadelphia Inquirer this morning, dated Harrisburg, Pa. and written by Mr. Gerson H. Lush and I read as follows from that article:

"Declaring that Pennsylvania has an 'outstanding record' in having less labor trouble than other industrial states, James L. McDevitt, President of the State Federation of Labor, today took issue with John B. Kelly, Philadelphia Democratic Chairman, for urging abolition of all strikes in the defense industries."

Mr. McDevitt was looking into the question and his statement is in the present tense. It is very definitely true that Pennsylvania, since the enactment of the 1939 amendments, has been fairly well on its way to a complete understanding between employer and employe. It is true we have had, we always will have, I presume, differences which may be hard to adjust. No one today on the side of the employer will for one moment state, if he is sincere and serious, that all of the troubles are the cause of labor's position on one or any number of things. It is recognized by employers generally today that a law such as we have in Pennsylvania, the Labor Relations Law, including the amendments of 1939, is a valuable and a worthwhile thing. Both labor and industry can come before the board that is set up under the law and can make equal claims and they receive equal justice.

I believe, Mr. Speaker, that the other minor amendments that are included in House Bill 568 are made for no other purpose than simply to strengthen the position that has been taken by the sponsors with respect to the elimination of all unfair labor practices on the part of the employe.

There is another provision that was in the law, which is now stricken out in this proposed bill, and that is the provision that no member of the Labor Relations Board "shall engage in any business or commercial enterprise of any kind nor be an officer in any labor organization or be engaged in any political activities."

In other words, Mr. Speaker, if this amendment should be enacted and become law, then a man serving as an umpire or as a referee between employer and employe could be a member of a labor organization, and therefore biased in favor of any labor organization or labor person who might have occasion to appear before him. Further, by eliminating the restrictions that such a person, being a member of the Labor Relations Board shall not be engaged in political activities, is a very definite menace

to the integrity and to the services of the Labor Relations Board.

Mr. Speaker, I desire to still further call your attention to another provision which it seems to me to be wholly unwarranted and unnecessary and one that cannot be justified by any reasoning. It is provided in this amendment that "no findings shall be made on the basis of evidence relating to acts which occurred prior to the original passage of this act" shall be eliminated from the law. That means in effect any unfair labor practice committed by any employer at any time prior to the enactment of the original law in 1937, may even now be the subject of a complaint before the Labor Relations Board.

Mr. Speaker and members of the House, particularly those of you who are sincerely and honestly interested in the forthrightness and in the square deal standing of labor, I ask you to vote against this bill.

MR. TURNER IN THE CHAIR.

Mr. LEONARD. Mr. Speaker, as one who has given his entire life in the interest of the worker through the facilities of the American labor movement, possibly I could stand here for quite a long time and relate some of the conditions with which the worker has been confronted because of the unfairness of the employer without any laws to back him up.

Do you remember the black lists put into effect by the employers of the state of Pennsylvania, when if you dared to open your mouth to complain of the conditions you had to endure, somebody carried that word back and the next day you were discharged. Now that would not have been so bad, but they put you on the black list and that ended you as far as getting employment in Pennsylvania was concerned. We of labor were hoping that the question that has been raised in opposition to this bill would have been allowed to die and forgotten about, but inasmuch as the argument has been made again in opposition to this bill, it is only natural for all of those who participated in the interests of the workers in the American labor movement to remind you, in case you might forget, that I am one who has suffered from these things. At one time I got on a street car going out of the heart of the city of Pittsburgh to answer a request from employes of the city of McKeesport. I was taken right off the street car by a city policeman and immediately returned back to the city of Pittsburgh without ever having opened my mouth.

We of labor have had many experiences, so many in fact that it is impossible for me to remember them all. I will give you another instance, two employees of another plant in the Pittsburgh district wanted to go into McKeesport to try and see if they could organize for the purpose of placing that organization in a position to improve its working conditions and increase its wages. They could not do that because of the competition which was so bad that the union employer could not possibly meet the prices that he offered. Two men working at their trade got on a street car in this particular town in Allegheny county and went into McKeesport. They were taken off the car by a city policeman and locked in the jail for twenty-four hours without allowing them to use a telephone.

Now, we are coming back to the capitol of Pennsylvania where we are now. At that time Pinchot was the Governor of the state of Pennsylvania. We immediately

came over and made an appointment and saw the Governor. The Governor called the Attorney General in and after the complaint was laid before the Attorney General, he retired and came back later and announced that nothing could be done. Here was a one hundred per cent rank violation of the constitutional rights of the people, but the courts, the state, the city, nobody would do anything to see that these people got their rights.

Mr. Speaker, we of labor could hardly believe ourselves when the present administration took over in this country and immediately put into effect the N. I. R. A. A lot of men who gave their lives in the interests of the workers through the facilities of the American labor movement must have turned over in their graves when they found out that the government of this country, by its action told the worker if he so saw fit to affiliate himself with his fellow workers for the purpose of making himself a part of the same plane as the employer he might do so. The employer has always been one hundred per cent organized; he belongs to all the associations that have for their purpose the protection of the business in which he is interested, and they are always on the alert to see and to add to the strength of the different associations for their protection.

Why then should not organized labor do the same thing for the worker? The worker has been suffering long and hard in maintaining the association he established at the cost of his job and in many cases of the Coal and Iron Police clubs. We are very glad at this time there is an administration in charge of the affairs of our government that knows and believes that regardless of what your occupation in life is, you have the same privilege under the Constitution that governs our country.

Now, Mr. Speaker, we believe this amendment to the law will strengthen the position of the workers and help to pay back for the suffering that the workers have undergone prior to stable administration. I am asking the Members of this House, whether you are Republican or Democrat, to look at it from the standpoint of the constitutional rights of the citizens of the state of Pennsylvania and try by your vote to undo the black mark that lies against the state of Pennsylvania, throughout the length and breadth of this country because of the atrocities committed against the workers and allowed to exist by the officials in charge of our government in the past. The records of the labor movement are as high as the ceiling regarding the atrocities that were permitted by the employer to be practiced upon the workers and thereby deny them the right of organization and deny them the right to put themselves in a position on an equal plane with the employer in the matter of collective bargaining, what they shall sell their labor for and what the working conditions shall be. The employers' organization tells you what you are going to pay for their products. Why should not the worker be in the same position? When we leave this Assembly Hall this afternoon we will more than likely go to a restaurant or a hotel for our lunch. we will not tell that hotel keeper or that restaurant keeper what we are going to pay for our lunch. He will put a bill down in front of us and say, "Here is what the bill is." The employer does the same thing with his product, but up until 1933 the workers of the country did not have that right unless they were successful in maintaining their organization.

Therefore, Mr. Speaker, we are only asking you to help

increase the strength and the position of the worker especially now. I can not agree that the organized worker is deliberately doing things detrimental to the defense program by direct action. We have that condition in all classes of people that compose the one hundred thirty million people of the United States. We have some highly recognized bank officials and other high officials who are today, through their manipulation, resting nicely behind bars. Naturally, there are so many workers, some fifty-four million, I believe I put on the record once before, and that is a lot of people. Those are the people who turn the wheels of industry and make possible prosperity in this great country of ours. Those are the people that are preparing this country to resist attack from the outside; those are the people that you and I will look to when the emergency arises.

Mr. Speaker and members of the House, I ask you to support this bill.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR.

Mr. JAMES. Mr. Speaker, I find very little fault with the remarks of the last speaker. It is true, however, that he went back a considerable distance into history to recite a lot of things that have been done in the past to labor. I do not believe that anybody would stand in this House today and deny that wrongs were committed by capital against labor. Least of any in this House would I speak to defend or condone the activities of the so-called mine police and the hoodlums and ruffians who beat down the working man at a time when he was not strong enough to defend himself. I would like to say to this House that I too have followed the labor movement in this country. I am almost tempted to say, although it is none of your business, that I too suffered considerably in my younger days because of the unequal and unfair conditions that existed between capital and labor.

The one point in Mr. Leonard's remarks, however, to which I take exception is the point where he asked us to vote for this bill to be vindictive, to get back at capital, down through the corridors of time for all the injuries labor has suffered. Nothing we here can do will ever heal the wounds that were suffered by men long since dead in the cause of labor. We here today must look on this world as we find it; we must meet the conditions that immediately confront us, and the only way in which we can meet them is with an honest attitude, one toward the other. I maintain that it is wrong, that it is an incentive to further trouble between capital and labor to vote for any thing that is intended to be a clubbing back for a clubbing received in the past. Today we have entirely different conditions. Labor is no longer exploited by the employer, and if there was no other reason for making that statement, let me say to you that it is no longer profitable to exploit labor. That is a fact that appears on trial balances and on profit and loss statements in every industrial enterprise. Industry wants peace, and labor most certainly should want peace because in the end where there is no peace labor is the greater sufferer.

I believe, Mr. Speaker, that no good purpose can be served by saying in a law of Pennsylvania that one side of a great industrial question and of our great economic problem, can be guilty of unfair practices and that the other side cannot be guilty of unfair practices, and that Mr. Speaker, is what this amendment does.

Mr. WILLIAMS. Mr. Speaker, the bill now before the

House is known as House Bill 568 and also known as the State Labor Relations Act of Pennsylvania. I cannot see why there should be so much fuss about the passage of this bill today because of the fact that it takes the law back to 1937 and makes it conform with the law now on the statute books which is known as the National Labor Relations Act.

I say, Mr. Speaker, in this time of trouble when the world is full of unrest, we should especially in labor legislation have uniformity of law between the states and the national government. That was one of my purposes for introducing this particular bill. We know, as Mr. Leonard has stated, that prior to 1937, and as the gentleman from Delaware, Mr. James has admitted, labor was kicked from post to post; it was kicked all over the lot. That was what brought about the National Labor Relations Act of 1933 and that is what brought about the State Labor Relations Act in 1937. I heard him make the statement here that because of the fact that labor has been punished that is no reason that the employer should be punished. There is no intent on the part of labor to punish industry itself or capital itself, whichever way you desire to put it. It is only the intention of labor to ask for a square deal in the passage of the National Labor Relations Act and the State Labor Relations Act. If the Republican Administration were so desirous of giving labor a break in legislation why did they not do it in the Session of 1933 and 1935? The Republican Administration has never been in favor of labor legislation. In 1939 they went as far as they dared go in amending the law so that it might be used against labor instead of being used to protect labor.

Mr. Speaker, I want to say that in 1939 they gave the employer the right to petition for an election. Now, that is one of the most comical controversial things that can ever be done in labor legislation, especially where anybody who knows anything about labor is concerned. An employer who thought that organizers were going to come into his plant to organize it immediately set up his propaganda machine and immediately petitioned the Labor Relations Board for an election before the organizers had an opportunity to organize the plant. The amendment there permitted them to operate a company union, which is contrary to the National Labor Relations Act. The State Labor Relations Act had no effect on any corporations engaged in intra-state commerce; it only had an effect upon the corporations who were operating in inter-state commerce. Of course, those are the ones they desire to protect.

I want to say that prior to 1937, being a coal miner, I fought against that type of legislation which was granted to the working people of Pennsylvania by the Republican Party. Down on the picket line in some companies in the coal mining industry in the bituminous fields we were not even permitted to be on the state highways to picket. We were not free American Citizens. We were not given the privileges granted to us by the Constitution of the United States and by the Constitution of Pennsylvania. We had no protection whatsoever, and in fact labor was not liberated until after the passage of the NIRA and the National Labor Relations Act became a law.

I might say that the gentleman said that today there is a good relationship between industry and labor. He said that industry today does not care to exploit labor. I ask him what Henry Ford has been doing during the last four years when he stated all over the country that his em-

ployes did not want a union. He fought the union through the courts. He said, "My employees do not want a union." But finally when it came to the end the National Labor Relations Board and the Supreme Court of the United States said there must be an election held and it is now history as to what happened. Did his employees uphold him in the statements he made? The same thing will soon happen in the Bethlehem Steel Corporation of Pennsylvania, which corporation just a few weeks ago had the State Police down there trying to stop the men from carrying on picketing at the plant, where they are asking for collective bargaining which was denied by the corporation. It was defying the National Labor Relations Board and the Supreme Court of the United States. But they come into these legislative halls to protect the corporations and then stand before the public saying that the employers of the United States of America do not care to exploit labor. They only care to take from labor everything they can take from them. The only way we have to combat these people is not as individuals but collectively.

I might say for the information of the gentleman from Delaware, Mr. James, that labor does not really want a strike and labor only uses it as a last resort. Of course, we have had some instances when a situation has gotten out of control, but they are very rare, and our labor leaders have been chastized by their officials for having acted without being authorized to do so. I might say to you that in the amendment offered in 1939 permission was not going to be granted to any member of organized labor or any officer of organized labor affiliated with the union at that time to be a member of the State Labor Relations Board. I ask you, would that be a Labor Board without labor being represented on that Board?

I might also say for the information of the gentleman from Delaware that the politicians were represented because a politician took the place of our own District president, Pat Fagan, when he was left off the Board in 1939. The gentleman from Delaware said it would be non-political. I say further that the Act of 1933 and everything that has been done since that time, insofar as the National Labor Relations Board Act is concerned, has kept closely affiliated with labor and it has also taken care of industry insofar as perfect fairness is concerned. I ask the gentleman from Delaware right now if the Mediation Board put into effect by the President of the United States is not doing a good job in helping settle strikes? In the Act of 1939 in Pennsylvania they did not want labor to be represented on the Board, but now the President of the United States in setting up his Mediation Board has named members of organized labor on those boards in order that they might assume responsibility for the activities of organized labor.

I might say further in all nations where labor has been ignored, where labor has been trampled into the dirt in this turmoil that is going on today, those nations have fallen one after another. I ask you to look around this world today and you will find in no place other than England, where labor has been recognized and where labor has a voice in the government of England and the British Empire, is labor better appreciated. Labor in the United States of America is willing to take its place, labor is willing to fight to the last ditch to preserve this democracy of ours, because we all know that although in our state Legislature we have had some reactionary measures passed, in spite of that the federal government has pro-

tected labor; but despite all of that labor will do everything in its power to preserve this democracy of ours.

In 1917, in the last World War, when we did not have any of these labor laws on our books, labor felt the same way about it because they were living in hopes. I am glad to stand before this microphone and say that the union with which I am affiliated has today the largest service flag of any organization in the United States of America. That was in effect in 1917 and in 1918. This service flag has eighty six thousand stars on it, and they were not back from the lines twenty-five miles but they were out in the infantry battling to save this democracy. They appreciate all our gifts and the advantages of democracy. I say, if you will only listen to labor, if you will only go along with labor, that labor will save this nation in spite of Henry Ford and the Bethlehem Steel Corporation and a few of the other controlled organizations. They are the ones who are trying to retard the program, they are hiding behind the national defense program to create a feeling against organized labor in order that they might gain their point. I ask you to open your eyes and place on the statute books laws that encourage the people, the moral fiber of the nation and help preserve our democracy.

Mr. PETROSKY. Mr. Speaker, I rise at this time in support of the measure that is before this body for its consideration because I feel that I would be lax in my duty if I would not point out to the membership a brief history concerning labor legislation and the crippling amendments that have been placed upon the statute books by the Republican administration in 1939.

Mr. Speaker, I well recall that throughout the campaign of 1938 for the governorship of the state of Pennsylvania the different remarks that were placed in the record by the now Governor of the state of Pennsylvania, in stating to the people of the Commonwealth that he would burn the labor legislation that existed upon the record books. I say that in doing this he has been one great force in retarding the national defense program and has added greatly in retarding those things, the completion of which we cherish. I say, Mr. Speaker, in the history of these acts there should be included along with the words of my good friends and colleague, the gentleman from Washington, Mr. Williams, the fact that we can only be consistent in aiding that program by aligning our legislation that we place upon the statute books to conform with that of the national government.

May I further state, Mr. Speaker, and may I also answer the gentleman on the other side of the House and endeavor to present my views of the conditions that confront each of us? It is my contention that in every phase of endeavor in this great United States of ours we find a few ambitious, greedy and vengeful instigators of dissension; working toward an end to create disorder in the schedule of a program sponsored by the great patriot and leader, Franklin Delano Roosevelt. The roots of discontent that are planted in the minds of our poorer people.

POINT OF ORDER

Mr. VOORHEES. Mr. Speaker, I arise to a point of order.

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

Mr. VOORHEES. Mr. Speaker, the gentleman is not speaking on the bill.

The SPEAKER. The gentleman will confine his remarks to the bill.

Mr. PETROSKY. Mr. Speaker, I am endeavoring to place before the membership of the House the real necessity of returning the State Labor Relations Act to the form in which we are endeavoring to put it by removing the amendments inserted in the act of 1939, and placing it in the status that it was in 1937. I will repeat, Mr. Speaker, the roots of discontent that are planted in the minds of our poorer people, the imprint of hatred stamped on the heart of the laborer, the falsification of fact forced upon our white collar peoples, the disgusting impositions upon our small business, the greed and lust for power of our industrialists, and the high handed tactics of the money changers in this nation, all should be condemned with a sincerity of purpose toward a common goal, and that is a more secure America for all Americans.

Mr. Speaker, I say to you that we can only have a program of national defense through the efforts, through the co-ordinated efforts, of both the employer and employe. The crippling amendments to the 1937 State Labor Relations Act were placed upon the statute books of this Commonwealth by the membership on the other side of the House, which enabled that process to come about.

Therefore, I say to you, Mr. Speaker, in order to get this greater cooperation, in order that we may be consistent with the national legislation that is on the statute books, in order that we may greatly aid in the greatest of all projects that is facing the people at this time, I ask the membership of this House to vote back the 1937 status of the State Labor Relations Act and help us to make a more secure America for those true, righteous and loyal citizens, who comprise the working people of this Commonwealth and this nation, and to give them the rights that have been guaranteed to them under the Constitution.

Mr. BROWN. Mr. Speaker, I would like to interrogate the gentleman from Delaware, Mr. James.

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

Mr. JAMES. I shall, Mr. Speaker.

Mr. BROWN. Mr. Speaker, I would like to ask the gentleman from Delaware, Mr. James, if it is not a fact that House Bill 568, Printer's No. 683, concerns itself with labor practices and unfair labor practices?

Mr. JAMES. I should say that it does, yes, Mr. Speaker.

Mr. BROWN. Does the gentleman agree, Mr. Speaker, with the decision of the Supreme Court of the United States that has held that sit-down strikes do not constitute unfair labor practices?

Mr. JAMES. No, I do not, Mr. Speaker.

Mr. BROWN. I want to thank the gentleman from Delaware, Mr. James.

Mr. Speaker, I simply wanted to ask those two questions. I think we have gone far afield in the discussion of the bill. No one in the House would oppose any bill that would give any consideration at all to sit-down strikes more than I would. However, it is my impression that this matter should never have been placed into this bill in the original amendments inserted in 1939. The Supreme Court has held that sit-down strikes do not constitute unfair labor practice. Sit-down strikes are a crime. Sit-down strikes, the Supreme Court has said

in the Fansteel Case, are simply in the nature of a conversion of goods and are an unfair labor act. The question here is labor practice and unfair labor practice. It seems to me we can not make an unfair labor practice out of a thing that has already been stated by the Supreme Court is a crime. It had no purpose in the act originally; it has no purpose in the act now, and I want to say for the benefit of those who might be disturbed and feel that they are voting for a sit-down strike because this deals with unfair labor practice, that sit-down strikes do not come under the heading of labor practice or unfair labor practice.

Mr. HOLLAND. Mr. Chairman, the gentleman from Delaware, Mr. James, stated that before the amendments placed in the Labor Relations Act of Pennsylvania by the Republicans in 1939, the employer had two strikes called on him before going before the Labor Board. I want to add that after the Republicans got through in 1939 the employee did not have a bat to use when he was called to bat.

Mr. WILLIAMS. Mr. Speaker, the gentleman from Delaware during his debate stated that in 1938 there was sent to the Legislature in Harrisburg a Republican majority because of the act of 1937 causing disturbances. I cannot agree with him on that particular point.

QUESTION OF PERSONAL PRIVILEGE

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

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

Mr. JAMES. Mr. Speaker, the gentleman is mis-stating me deliberately and grossly.

The SPEAKER. If the gentleman wishes to quote a member he should quote him exactly.

Mr. WILLIAMS. Mr. Speaker, the inference has been left during the debate on this bill that a Republican majority was sent to Harrisburg by the Act of 1937, because of labor disputes that were in effect during that period. If that be the case then I say that in 1940 there was a Democratic House returned to Harrisburg by the activities of the House in 1939.

Furthermore, I might say that the people whom they are desiring to protect by trying to defeat this bill are persons who have been unfair to labor and who today are unfair to labor. I might mention that they are not working and acting in the best interests of democracy.

I mentioned that the Henry Ford Company some time ago had an opportunity to build six thousand airplane motors in order that democracy might be preserved. He was in a position that he could build them a lot quicker than anybody else. There wasn't enough profit in those orders for the six thousand airplane motors, with the result that he refused to accept the orders. I might say that the same thing is true of other corporations; they are only hiding behind a smoke screen and are acting for the defeat of this particular bill in order that they might delay and retard the organization of labor further.

Mr. Speaker, I ask the Members of the House again to vote "aye" on this particular bill.

Mr. MORAN. Mr. Speaker, no one can get up here and tell any member of this House anything in connection with this bill. I am not going to stand here and go back into history. I am simply going to ask all the Members of this

House to vote "Aye" on this bill because it is a good bill and one that should not have been wrecked in the 1939 session.

(During the calling of the roll).

QUESTION OF INFORMATION

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

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

Mr. ACHTERMAN. Mr. Speaker, having discovered an error in the bill, would it be in order to make a motion to place the bill on the postponed calendar?

The SPEAKER. A motion can only be made at this time by unanimous consent.

Mr. ACHTERMAN. Mr. Speaker, I ask unanimous consent of the House to make a motion.

The SPEAKER. Will the House give its unanimous consent for the making of a motion to place the bill on the postponed calendar? Is there objection? The Chair hears none and consent is granted.

BILL POSTPONED

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

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

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

APPROVAL OF HOUSE BILL No. 524

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 3, 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. 524, Printer's No. 560, entitled, "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."

ARTHUR H. JAMES

BILLS SIGNED BY SPEAKER

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

HOUSE BILL No. 764.

An Act to add section nine hundred thirty-eight to 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 the establishment, regulation and use of special dog training areas.

HOUSE BILL No. 949.

An Act to further amend section nine of the act approved

the seventh day of June one thousand nine hundred and seventeen (P. L. 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" by imposing liability on executors administrators or trustees for real estate broker's commissions in certain cases

HOUSE BILL No. 1005.

An Act to add section six hundred ninety-nine and six-tenths to the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "The Penal Code," making it unlawful for unauthorized persons to buy or exchange Federal food order stamps for currency or for any person to accept Federal food order stamps for other than food or surplus food as defined by the United States Department of Agriculture and providing penalties

HOUSE BILL No. 1022.

An Act to amend section thirteen and to further amend section eighteen of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled as amended "An act relating to dogs, and the protection of live stock, poultry, and game birds raised in captivity from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock, poultry, and game birds by dogs, and for live stock killed by, or dying from, rabies, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employees, directing the payment of all moneys collected into the State Treasury; and providing penalties," permitting certain dogs to be brought into the Commonwealth for hunting purposes, by holders of non-resident hunting licenses, without securing a Pennsylvania dog license where the home states of such non-residents afford a similar exemption to residents of Pennsylvania

HOUSE BILL No. 1088.

An Act prohibiting the employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic, malt or vinous beverages are sold; excepting on-sale licensees and the wives of on-sale licensees; providing penalties for a violation thereof; repealing all inconsistent legislation.

HOUSE BILL No. 1510.

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

TIME EXTENDED ON BILL

Mr. PETROSKY. Mr. Speaker, I move that the time on House Bill No. 814, Printer's No. 646 entitled

An Act regulating the payment of wages or compensation for labor or service in private employments; estab-

lishing regular pay days; imposing duties upon employes; conferring powers and duties upon the Department of Labor and Industry and district attorneys; imposing additional powers and duties on the Secretary of the Department of Labor and Industry and district attorneys for the civil collection of wages; imposing civil and criminal penalties for the violations of the act, and providing for their collection and disposition; and repealing inconsistent legislation.

on page 42 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE
ON HOUSE BILL No. 616

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 616 entitled:

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

And has appointed Messrs. Becker, H. I. Wilson and Haluska a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

PERMISSION TO ADDRESS HOUSE

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

Mr. Speaker, it is rather unfair to take advantage of a man who is not present to make an accusation which either he or his family might resent. For many years I was a reader of the "North American" a Philadelphia newspaper, and when that paper discontinued publication I hung my fortunes on the "Philadelphia Inquirer" and I have been reading it ever since. Periodically I read a column written by John Cummings and by accident he does say some rather funny things and periodically gets a joke that might be considered good, but in his serious moments he casts reflection upon some people as was illustrated here last week on the floor of the House when he ruled out the administrative position of the gentleman from Relaware, Mr. Turner, and seriously injured his feelings. But lately he has taken opportunity to cast reflections upon the actions of the Members of the House and Senate while in Harrisburg, and even has gone so far as to say that because of lady lobbyists the Session has been continued beyond what it probably would have been.

In going through some papers on the floor at my desk just a little while ago I happened to pick up a letter which was addressed to Mrs. John Cummings, and after reading it I thought it should be submitted to the House for the benefit of the record, and by your permission, Mr. Speaker, I should like to read it. It is addressed to Mrs.

John M. Cummings, 3324 Diamond Street, Philadelphia, Penna. and reads as follows:

"Dear Mrs. Cummings:

"Newspaper columnists, we are led to believe, write their columns through personal experience and we believe that the columns of Mr. Cummings on the doings at Harrisburg are based on facts gathered by actual experience.

"If ever a man has been missed at Harrisburg, by the beautiful lady lobbyists and the blonde sirens at the Hotel Bolton, that man is the celebrated John M. Cummings, a past master at entertaining the ladies at Harrisburg. So, it was no surprise to some of the members of the House, who know of Mr. Cummings' dark and evil past, to see that he is again living over his many years in the night life of Harrisburg. When a man becomes old, he loves to relive those days when he was the talk of the boulevard cafes.

"I can remember my first session in Harrisburg, and my first visit to one of Harrisburg's night clubs. There was the celebrated Mr. Cummings sitting at a ring-side table, entertaining, with wit and story, all the female lobbyists of the House, for remember, female lobbyist must have the proper newspaper publicity to secure the action they require on special legislation. It was to that great dean of newspaper writers, Mr. Cummings, that these female lobbyists flocked to in great numbers, and I might add, it was only this week that I learned that Mr. Cummings is not a bachelor.

"Mrs. Cummings, on behalf of the legislators of Pennsylvania, I want to compliment you on not permitting your spouse to continue his playing around at Harrisburg, and for your ability to keep him close at home. We hope that you have read both of his columns and will read between the lines that he is merely again living over his many sessions in the State Capitol. He certainly is a man of experience."

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 316 entitled:

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

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

COMMITTEE OF CONFERENCE APPOINTED ON HOUSE BILL No. 316

The SPEAKER. The Chair appoints as a Committee of Conference on said bill Messrs. Levy, Lovett and James. Ordered, That the Clerk inform the Senate accordingly.

REPORTS FROM COMMITTEES

Mr. KENEHAN, from the Committee on Mines and Mining, reported as committed, House Bill No. 1760, entitled:

An Act creating a commission to make a study and in-

vestigation of the various problems related to the surface subsidence frequently caused by the mining of anthracite coal, directing such commission to make a report and recommendations to the General Assembly; conferring certain powers upon such commission, including the power to issue subpoenas, administer oaths and affirmations, retain employes and expend funds; and making an appropriation.

Mr. MALLOY, from the Committee on Appropriations, re-reported as committed, House Bill No. 389, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of the Farview State Hospital, to acquire a certain tract of land for the use of said hospital; and making an appropriation therefor.

Mr. BAKER, from the Committee on Workmen's Compensation, re-reported as committed, House Bill No. 990, entitled:

An Act to amend section one hundred and eight of the act approved the twenty-first day of June, one thousand nine hundred and thirty-nine, (P. L. 566), entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools; creating a medical board to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation; and prescribing penalties," by further defining the term "occupational disease."

Mr. HERING, from the Committee on Workmen's Compensation, re-reported as committed, House Bill No. 1002, entitled:

An Act to further reenact and amend 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," prescribing duties on certain employers changing maximum and minimum rates, periods, total amounts and aggregate of compensation; changing the system of computation of wages for compensation purposes; changing practice and rules of evidence; defining earning power after accident; authorizing the board to terminate compensation in certain cases; changing the classes of dependents entitled to compensation in case of death; changing powers and duties of the board; and imposing additional penalties; authorizing the department, the board and the referees to approve compromise agreements in certain cases, and generally amending, clarifying and changing the provisions of said act.

BILL ON FIRST READING

The SPEAKER. If there is no objection the Chair will return to page 2 of today's calendar, bills on first reading, House Bill No. 1430, which is now on file. The Chair hears none.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1430, entitled:

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

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

CONDOLENCE RESOLUTION

Messrs. MODELL and PROSEN offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted:

In the House of Representatives, June 3, 1941.

The House of Representatives has learned with sorrow of the passing of Dr. Emanuel Jacobson, age 50, suddenly on May 28, 1941.

Dr. Jacobson was prominently known in the City of Philadelphia and throughout the Commonwealth for his achievements in the osteopathic field. He was former professor of pathology at the Philadelphia College of Osteopathy, where he founded the well known Atlas Club and before his untimely death was a great lecturer at that institution. He was likewise formerly Director in Chief of Laboratories at the Hospital for Deformities and Joint Diseases in New York, and at one time was a member of the Pennsylvania State Board of Osteopathic Examiners. He leaves surviving him, two brothers and a sister residing in New York City.

Since it is fitting for this House to pause in its deliberations to note the passing of its prominent citizens; now therefore be it

Resolved, That the House of Representatives mourns the passing of Dr. Emanuel Jacobson, an able and useful citizen, and be it further

Resolved, That copies of this resolution be sent to:

Mr. Joseph Jacobson	Mr. Morton Jacobson
Mr. Benjamin Jacobson	Mrs. Jean Goldstein
Mr. Paul Jacobson	Mrs. Rose Ittelman

surviving members of the family of the deceased, to his closest personal friend, Samuel A. Blank, a former member of this House, to the Osteopathic Hospital, in Philadelphia, and to the Lincoln Lodge of B'nai B'rith, of which he was an active member, conveying thereby the heartfelt sympathy of the House to them in their bereavement and loss.

BASEBALL CHALLENGE

The SPEAKER. The Speaker has been asked on behalf of the Democratic Members to challenge the Republican Members to a game of softball, the Republican floor leader to pick out a captain. For information of the Members Democratic Members asked the Speaker to play with them but the Speaker refused, saying it is a "sissy" game.

PERMISSION TO ADDRESS HOUSE

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

Mr. Speaker, about a month ago I received a request from a group of newly naturalized citizens who were coming for a visit to the Capitol. They came to Harrisburg this afternoon but unfortunately they were delayed because of an accident enroute to Harrisburg. They were sitting up in the gallery and could not stay very long.

Mr. Speaker, I ask permission of the House to offer my few brief remarks of welcome to these visitors and I ask consent of the House to have them spread on the record.

The SPEAKER. The remarks of the gentleman will be spread upon the Journal of the House.

Mr. SKALE. Mr. Speaker, it is with a deep sense of honor and pride that I extend on behalf of the Members of this House a sincere welcome to the visitors from Philadelphia. To you people who have felt the love and appreciation of this land, who have learned to enjoy its privileges, its hopes and responsibilities and who are glad to say "I am an American"—I welcome you.

You now have an opportunity of seeing where and how representative government in this Commonwealth operates. Those of you who have already become citizens will soon enjoy the opportunity of selecting people to represent you in this body and other governmental bodies.

I am sure that it is with a sense of pride and feeling that you can now say "I am a citizen of the United States", because as a citizen of the United States you have certain responsibilities to your country. You have recently taken an oath of allegiance to the United States—it is not an allegiance to any one person, unless it be to God—not an allegiance to those who temporarily represent this great government. You have taken an oath of allegiance to a great ideal—to a great body of principles—to a great hope of the human race and while you may have come from many countries, you come with a purpose of leaving all other countries behind you, bringing what is best of their spirit, but not looking over your shoulders and seeking to perpetuate what you intended to leave behind in them.

America was created to unite mankind by those passions which lift and not by those passions which separate and debase. Before you came to this country you dreamed dreams of what America was to be and I hope you brought the dreams with you. No man who does not see visions will ever realize any high hope or undertake any high enterprise. Just because you brought dreams with you, America is more likely to realize dreams such as you brought. You are enriching us if you came expecting us to be better than we are.

About a year ago, President Roosevelt sent a message to new citizens and reminded them of their duty—"always to think first of America and at the same time to think in terms of humanity."

We in the United States, are given to the doctrine of human equality. We refuse to be led by a king, we believe in equality before the law. Education became universal for the first time in the history of the world. We declared that all men had the right to happiness—to pursue it. The state was made for the man—not man for the state. And while mistakes have been made, our country has grown and has had a good life. We have created and controlled our own Legislatures, our own schools. We have built and worshipped in our own religious institutions. We have a free press and we speak when we want and say what we want. JUSTICE pervades our courts and the same law applies to all men. We have not taught our children the hatred of other races—we have not taught our young men the goose step—we have not taught our people to raise their hands in a salute of fear—we have respected individual freedom.

To the new citizens, I say that we face a great issue—an issue between worlds which no nation can escape. The aggressor is attacking not only with planes and tanks, but with fear and propaganda. In order that the issue may not be confused, we must—new and old citi-

zens alike, beware of propaganda which attempts to destroy the history of Democracy in America.

You, new citizens, and you who are on your way to citizenship can bring to your new responsibilities a persuasive insistence that we face this great issue as fellow Americans—not as Democrats or Republicans, but as Americans. If we do not, then we will play into the hands of those who are attempting to disorganize and confuse us—who are attempting to confuse the real issue before us.

There must be the single purpose of living as we choose to live; the determination to hold steadily the faith in our own ideals. Ideals like ideas are curious things. They work only if you do. America is a nation of nations, united in the belief and love for the democratic way of living, with its respect for and guarantee to the individual citizen.

You new citizens bring to us new hopes and new dreams and a fresh realization in this grave time in the history of the world of "what privileges and safeties of citizenship" mean to us who are still free men and women.

It is our avowed purpose to stand shoulder to shoulder for the preservation of our ideals and free American government.

COMMITTEE MEETINGS

Counties, Wednesday, June 4, at 1:30 a. m. in Room 522.

Forestry, Wednesday, June 4, at 10:30 a. m. in Room 521.

Ways and Means, Wednesday, June 4, at 10 a. m. in Room 327.

The Democratic Steering Committee will meet Wednesday morning, June 4, 1941, at 10 a. m., E. S. T., in the New House Caucus Room.

SPEAKER'S PICNIC PARTY

Time—Wednesday, June 4, 1941. Leave Plaza in front of Capitol at 3:30 p. m. (D. S. T.).

Place—Blue Ridge Country Club. Go north on Front Street five miles; turn right on Route 39 for two miles. State Police will be stationed at intersection of Route 39, and at Club entrance.

Who's invited—Members of the House. Officers and employes of the House. Staff and employes of Legislative Reference Bureau. Legislative correspondents.

Transportation—If you do not have transportation, report to Thomas J. Callahan, in Chief Clerk's Office, not later than Tuesday, June 3, 1941.

Supper—5:45 p. m. (D. S. T.).

ADJOURNMENT

Mr. MAXWELL. Mr. Speaker, I move that this House do now adjourn until Wednesday, June 4, 1941, at 11 a. m.

The motion was agreed to, and (at 4:43 p. m.) the House adjourned.

