

HOUSE OF REPRESENTATIVES

WEDNESDAY, June 4, 1941

The House met at 11 a. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

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

Dear Lord and Master of us all, we pray Thy blessing upon this Assembly of men as together they consider the business of the State. Help each one to be true lest there be a trust betrayed; help each one to be pure; since there are those at home who care; grant strength to each since suffering there must be; help each man to be brave for there is much to dare.

May Thy blessing be upon our fellowship this day. As Thou dost bless the earth with rain from Heaven, so let Thy blessing fall upon this Nation, this State, this Assembly, yea, upon each one gathered here. In Thy 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. IMBRIE unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. BRADLEY. HOUSE BILL No. 1795.

An Act to further amend clause (c) of section two thousand four hundred six of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administration 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, 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 further providing for the distribution of the State Manual.

Referred to the Committee on Printing.

By Mr. ROSENFELD. HOUSE BILL No. 1796.

An Act creating a joint legislative investigating commission to investigate housing in first class cities; conferring powers and duties on said commission; and making an appropriation.

Referred to the Committee on Appropriations.

By Mr. McCLANAGHAN. HOUSE BILL No. 1797.

An Act making an appropriation to the committee ap-

pointed by the Speaker of the House of Representatives to investigate the maintenance, operation and conduct of all State hospitals.

Referred to the Committee on Appropriations.

By Messrs. CORDIER and KENEHAN.

HOUSE BILL No. 1798

An Act setting up a procedure for the adoption of annual budget ordinances in cities of the second class A.

Referred to the Committee on Cities—Second Class.

By Messrs. D'ORTONA and SHAW.

HOUSE BILL No. 1799.

An Act to investigate title insurance companies in the Commonwealth of Pennsylvania; conferring powers and duties on said commission and making an appropriation.

Referred to the Committee on Appropriations.

By Messrs. GATES and NAGEL. HOUSE BILL No. 1800.

An Act creating a joint legislative commission to be known as the Commission for the Study of Legislative Procedure; prescribing its powers and duties; and making an appropriation.

Referred to the Committee on Appropriations.

By Mr. ROSENFELD. HOUSE BILL No. 1801.

An Act to amend section six of the act, approved the eleventh day of June, one thousand nine hundred fifteen (P. L. 954), entitled "An act to protect the public health and safety; by regulating the erection, alteration repair, use, occupancy, maintenance, sanitation, and condemnation of dwellings, two-family dwellings, rooming houses, and sanitation of the grounds surrounding the same, the adjoining buildings, and all vacant land, in cities of the first class; providing for their inspection, the abatement of nuisances; the vacating of uninhabitable houses, and the filing of liens; creating a Division of Housing and Sanitation; and providing penalties for violations of the provisions thereof, and repealing all laws inconsistent therewith," by adding thereto a provision to the effect that the requirements of said section may be superseded in those instances when a Certificate of Variance is issued by the board of adjustment.

Referred to the Committee on Cities—First Class.

By Messrs. MATTHEW J. WELSH and MONKS.

HOUSE BILL No. 1802.

An Act providing for, and requiring in certain cases, preference in appointments to public position for honorably discharged persons, who served in the military or naval service during any war in which the United States was engaged.

Referred to the Committee on Military Affairs.

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. 1018. (HOUSE BILL No. 1803).

An Act making an appropriation to the State Treasurer for the purpose of paying salaries of State officers and employes in the interim between the thirty-first day of May one thousand nine hundred forty-one and such time as

the funds provided by the General Appropriation Act of one thousand nine hundred forty-one become available.

Referred to the Committee on Appropriations.

SENATE BILL No. 1023. (HOUSE BILL No. 1804).

An Act to further amend Section 1033 of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue. the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" extending the provisions of such section for a further period of two years.

Referred to the Committee on Motor Vehicles.

SENATE BILL No. 697. (HOUSE BILL No. 1805).

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

SENATE BILL No. 801. (HOUSE BILL No. 1806).

An Act to validate and confirm certain contracts heretofore entered into by boards of school directors where there is no evidence of fraud or conspiracy and to authorize ratify confirm and validate payments on such contracts by the school district.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 1006. (HOUSE BILL No. 1808).

An Act to amend Route 18033 established by amendment to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act"

Referred to the Committee on Appropriations.

SENATE BILL No. 463. (HOUSE BILL No. 1808).

An Act to amend sections one and three of the act approved the tenth day of April one thousand nine hundred and twenty-nine (P. L. 478) entitled "Conferring authority on the Department of Highways or any county or township to enter upon private property adjacent to any public road or highway and place thereon snow fence between

November first and April first of the succeeding year providing the method of ascertaining damages and payment of same by the authorities responsible for the maintenance of the said public road or highway to the owner of adjacent property and repealing certain acts" by including the Pennsylvania Turnpike Commission

Referred to the Committee on Highways.

SENATE BILL No. 601. (HOUSE BILL No. 1809).

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania

Referred to the Committee on Constitutional Amendments.

SENATE BILL No. 667. (HOUSE BILL No. 1810).

A Joint Resolution proposing an amendment to Article Nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen.

Referred to the Committee on Constitutional Amendments.

RESOLUTION INTRODUCED AND REFERRED

BY Messrs. LESKO and HABERLEN.

RESOLUTION No. 101.

In the House of Representatives, June 3, 1941.

Whereas, It is possible, if one purchases a round trip ticket on any of the railroads of this Commonwealth, for such passenger to disembark at intermediary points going to and from his destination, without being compelled to purchase new railroad tickets; and

Whereas, Present practice on the new Pennsylvania Turnpike is to refuse to permit motorists who have round trip tickets to leave the turnpike at intermediary interchanges, and to return thereto without the payment of a new tariff; and

Whereas, If the practice were permitted of allowing such motorists to drive off at intermediary interchanges, and to return to the turnpike without the payment of additional fares, it would increase the use of the turnpike considerably, and, therefore, add greatly to the revenue of the said turnpike; be it therefore

Resolved, That the House of Representatives request the Pennsylvania Turnpike Commission to inaugurate a practice of allowing motorists holding round trip tickets to drive off the road at intermediary interchanges, and to return to the turnpike without paying any additional fare; and be it further

Resolved, That a copy of this resolution be mailed by the Chief Clerk of the House of Representatives to the Chairman of the Pennsylvania Turnpike Commission.

SENATE MESSAGES

RESOLUTION FOR CONCURRENCE

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

The report of the Joint State Government Commission of the General Assembly on the organization and administration of Pennsylvania's State Government contains the recommendation that "consideration should be given to the feasibility of establishing a central testing laboratory to make all of the tests of the several departments and agencies of the State Government."

Laboratories are now maintained by the Department of Agriculture, the Department of Health, the Department of Property and Supplies and the Department of Highways which result in a duplication of work and expenses; therefore be it

Resolved (If the House of Representatives concur), That the Joint State Government Commission is directed to undertake an investigation and study of the feasibility and advisability of establishing a central laboratory for the purpose of making such tests, experiments and research as may be required and requested by any department, board, bureau, commission or agency of the State Government and to make a report of their findings and recommendations to the General Assembly not later than February first, one thousand nine hundred forty-three: and be it further

Resolved, That a copy of this resolution shall be transmitted to the Chairman of the said Joint State Government Commission.

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

Referred to the Committee on Rules.

RESOLUTION FOR CONCURRENCE

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

In the Senate, June 3, 1941.

Resolved, (if the House of Representatives concur), That Senate Bill No. 345, Printer's No. 222, entitled:

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

be recalled from the Governor for the purpose of amendment.

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

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

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

HOUSE BILL No. 610.

An Act to amend clause forty-seven of section two thousand four hundred three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" changing the qualifications of historical societies to receive appropriations and limiting the amount of such appropriations

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

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. 310.

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

HOUSE BILL No. 393.

An Act to amend sections one and two of the act approved the fifth day of June one thousand nine hundred and thirty-five (P. L. 266) entitled "An act to protect trade-mark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name" by extending the provisions thereof to vending equipment used in distributing such articles and further defining parties having a right of action for unfair competition

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

BILLS SIGNED BY SPEAKER

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

HOUSE BILL No. 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 relating 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

HOUSE BILL No. 762.

An Act to further amend sections eleven and twelve of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 552), 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," by providing for the issuance of metal tags with kennel certificates, requiring such tags to be kept on dogs kept in kennels permitting dogs kept in a kennel to be taken out for hunting training exercise or entry in field trials and dog shows and requiring keepers of kennels to maintain certain records.

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. COCHRAN for himself after tomorrow's session.

Mr. Polaski for Mr. BRETH for the remainder of the week.

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

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

Mr. HEATHERINGTON for himself for tomorrow's session because of the graduation of one son from High School in the morning and another son from the Eighth Grade in the afternoon.

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

REPORTS FROM COMMITTEES

Mr. PAUL A. BRUNNER, from the Committee on Forestry, reported as committed, House Bill No. 1729, entitled:

An Act to add section fourteen and one-tenth to the act, approved the seventh day of August, one thousand nine hundred and thirty-six (P. L. 106), entitled, as amended "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works and improvements, carrying into effect of such plans, assistance, aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power of eminent domain; providing for the setting off of benefits; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, and the Department of Highways," authorizing the Secretary of Highways and the various political subdivisions, with the approval of the Water and Power Resources Board, to grant easements and flowage rights to the Federal Government, over certain highways, roads, streets and bridges.

Mr. HARKINS, from the Committee on Ways and Means, reported as committed, House Bill No. 1420, entitled:

An Act to amend the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," as amended, by imposing the tax upon personal property held and managed in this Commonwealth, owned, held or possessed by residents as trustees, agents, or attorneys-in-fact jointly with one or more trustees, agents, or attorneys-in-fact domiciled in another state, and by imposing the tax upon equitable interests of residents in personal property held and managed in another state, where the legal title to such personal property is held by more than one trustee, agent or attorney-in-fact, one or more of whom are domiciled in another state and one or more of whom are domiciled within this Commonwealth.

Mr. POWERS, from the Committee on Ways and

Means, reported as committed House Bill No. 1177, entitled:

An Act to amend section seven hundred and seventeen point one 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 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 certain costs upon counties, providing for the disposition of fines forfeitures, fees and miscellaneous receipts, making an appropriation and providing for refunds," by allocating fees for inspection certificates for promotion of highway safety.

Mr. WOLF, from the Committee on Counties, reported as committed, House Bill No. 1731, (Senate Bill No. 599), entitled:

An Act to amend section three of the act approved the twenty-third day of March, one thousand eight hundred and sixty-five (P. L. 607), entitled "An act for the better management of the Allegheny county prison" by requiring all contracts involving an expenditure of one hundred dollars to be in writing and prohibiting the making of any contract involving the expenditure of over five hundred dollars unless made with the lowest and best bidder after due advertising and requiring all purchases to be made through the purchasing department of the county.

Mr. GATES, from the Committee on Ways and Means, reported as committed, House Bill No. 1506, (Senate Bill No. 379), entitled:

An Act to further amend section one of the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for state and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same, providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by excluding proceeds of life insurance policies from the provisions thereof.

Mr. FRENCH, from the Committee on Counties, reported as committed, House Bill No. 1755, (Senate Bill No. 655), entitled:

An Act to amend the first paragraph of section one of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 570), entitled "An act fixing the salaries and providing for the expenses of county commissioners in the counties of this Commonwealth," by increasing the salary of county commissioners in eighth class counties.

Mr. SCANLON IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of 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.

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. 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.

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. 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, right powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement 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 decedents 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.

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. 1652, entitled:

An Act to further amend sections eight and eleven of the act, approved the fifteenth day of May, one thousand nine hundred 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 Secretary 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 registration.

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. 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 employees; and making an appropriation.

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

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1665, entitled:

An Act to amend section six hundred and 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.

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. 1263, entitled:

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

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. 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 an 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.

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. 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 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 to 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.

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. 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.

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. 1536. (Senate Bill No. 212), entitled:

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

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. 1760, entitled:

An Act creating a commission to make a study and investigation 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.

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 an consideration of 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.

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. 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.

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. 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.

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. 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.

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

The SPEAKER pro tempore. House Bill No. 1365, Printer's No. 867, bill on first reading on page 7 of today's Calendar is not on file and will be passed over.

The SPEAKER (Elmer Kilroy) in the Chair.

The SPEAKER. The Chair thanks the gentleman from Philadelphia, Mr. Seanlon, for presiding.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. READINGER asked and obtained permission for the Committee on State Government to meet during the session of the House.

BILLS ON SECOND READING TIME EXTENDED ON BILL

Mr. FALKENSTEIN. Mr. Speaker, I move that the time on House Bill No. 495, Printer's No. 693, entitled:

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

on page 8 of today's Calendar, bills on second reading, be extended fourteen calendar days.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 847, entitled:

An Act to further amend three hundred one and to amend section four hundred one of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicles and brokers in order to regulate effectively

common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by further limiting the control and regulation of the commission in respect to rates, service and extensions by municipal corporations.

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. 664, entitled:

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

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. 1445, (Senate Bill No. 302), entitled:

An Act to further amend section one thousand four 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," changing the qualifi-

cations of certain children for exemption from compulsory attendance provisions.

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. 1709, entitled:

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

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. 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 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. 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 purposes of this act" by changing certain routes and adding certain new routes

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. 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 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. 1431, 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 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. 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.

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. 917, entitled:

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

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

Ordered, To be transcribed for a third reading.

BILLS ON FINAL PASSAGE

BILL PASSED OVER

There being no objection House Bill No. 391, Printer's No. 744, was passed over at the request of the SPEAKER.

and prescribing penalties" further regulating the fixing and the increasing of salaries of persons employed for the purpose of administering said act in certain cases and making payments out of the Unemployment Compensation Fund subject to agreement between the State Treasurer and the Social Security Board and making the Administration Fund subject to certain charges

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

Section 1 Subsection (d) of section two hundred eight sections six hundred two and six hundred three of the act approved the fifth day of December one thousand nine hundred thirty-six (1937 P. L. 2897) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" is hereby amended to read as follows

Section 208 Civil Service Selection of Personnel Additional Duties of Secretary and Board

* * * * *

(d) The secretary shall by rules and regulations establish classes of employment composed of all of the various positions to be created for the purpose of administering this act shall divide such classes into a reasonable number of grades and shall specify a salary range for each grade All appointments shall be made at the lowest salary for the grade in which the appointment is made The secretary may increase the salary of any employee who has served the probationary period hereinafter required by this act to not more than the maximum provided for his grade of employment Provided however That all persons employed pursuant to the provisions of this act shall in addition to the salary which they are now receiving receive increases in salary as follows

(1) An increase which shall not be less than at the rate of sixty dollars (\$60) per annum over the present rate of compensation now being paid such employe payable in equal semi-monthly installments for the period of six months beginning with the effective date of this act

(2) An increase which shall not be less than at the rate of one hundred and twenty dollars (\$120) per annum over the present rate of compensation now being paid such employe payable in equal semi-monthly installments for the period of six months beginning immediately following the six month period set forth in the preceding clause (1) hereof

(3) An increase which shall not be less than at the rate of one hundred and eighty dollars (\$180) per annum over the present rate of compensation now being paid such employes payable in equal semi-monthly installments for the period of six months beginning immediately following the six month period set forth in the preceding paragraph (2) hereof

(4) An increase which shall not be less than at the rate of two hundred and forty dollars (\$240) per annum over the present rate of compensation now being paid such employes payable in equal semi-monthly installments for the period beginning immediately following the six month period set forth in the preceding paragraph (3) hereof and so long as such person continues to be employed in the same grade of employment And provided further That all persons employed pursuant to the provisions of this act after the effective date of this amendment shall be entitled to and shall receive increases in salary provided in the following clauses five six seven and eight

(5) Upon the completion of six months service an increase which shall not be less than at the rate of sixty dollars (\$60) per annum over the rate of compensation paid such employe when first employed payable in equal semi-monthly installments for a period of six months

(6) Immediately following the period set forth in the preceding clause (5) an increase which shall not be less than at the rate of one hundred and twenty dollars (\$120) per annum over the rate of compensation paid such employe when first employed payable in equal semi-monthly installments for a period of six months

(7) Immediately following the period set forth in the preceding clause (6) an increase which shall not be less than at the rate of one hundred and eighty dollars (\$180) per annum over the rate of compensation paid such employe when first employed payable in equal semi-monthly installments for a period of six months

(8) Immediately following the period set forth in the preceding clause (7) an increase which shall not be less than at the rate of two hundred and forty dollars (\$240) per annum over the rate of compensation paid such employe when first employed payable in equal semi-monthly installments so long as such person continues to be employed in the same grade of employment

(9) For the sole purpose of applying the provisions of this subsection (d) any person whose grade of employment shall hereafter be changed shall be deemed to be newly employed

(10) The provisions of this subsection (d) shall not apply to any salaries in excess of sixteen hundred and twenty dollars (\$1,620) per annum

Section 602 Administration Fund There is hereby created a special fund to be known as the administration Fund which shall consist of all moneys or other property received by the department from the United States of America or any agency thereof including the Social Security Board or from any other source whatsoever to be used for the administration of this act The department shall pay all costs required for the administration and operation of this act out of the Administration Fund

In addition, any law to the contrary notwithstanding, this fund shall be subject to a charge by the Treasury Department for the costs incurred by said department in making disbursements arising from payments out of the Unemployment Compensation Fund, and the fund created in this section.

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

Section 2 This act shall become effective on the first day of July one thousand nine hundred and forty-one

Section 3 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

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—189

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

NAYS—1

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. 1283, as follows:

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

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

Section 1 Whenever any seated or unseated lands have been or shall hereafter be sold at any county treasurer's sale for the collection of taxes and such lands have been or are purchased at said sale by the county commissioners and thereafter such county commissioners shall sell the lands so purchased under the authority of any act of assembly at either public or private sale the county commissioners are hereby authorized to execute and deliver to the purchaser a good and sufficient fee simple deed for such lands which deed shall operate to transfer all right title and interest of the county commissioners therein

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

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

On the question, Shall the bill pass finally?

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

YEAS—190

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

NAYS—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. 908, as follows:

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

defining the jurisdiction of the Pennsylvania Milk Control Commission over certain associations

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

Section 1 The next to the last paragraph of section four of the act approved the thirtieth day of April one thousand nine hundred and twenty-nine (P. L. 885) entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock and defining agriculture so as to include persons engaged in agriculture dairying livestock raising poultry raising floriculture mushroom growing beekeeping horticulture and other allied occupations and providing penalties" is hereby amended to read as follows

Section 4 * * * *

Said articles of association accompanied with proof of publication of the notice hereinbefore provided to be given shall then be presented to the Governor of this Commonwealth who shall examine the same and if finds it in proper form and within the purpose mentioned in this act he shall indorse his approval thereon and direct letters patent to issue in form similar to those issued to corporations of the second class in this Commonwealth with letters patent shall incorporate the subscribers and their associates and successors into a body politic and corporate in deed and in law by the name chosen Provided however That if the articles of association are for the incorporation of an association with power to handle process or market milk or milk products the Governor having found it in proper form shall refer it to the Pennsylvania Milk Control Commission and if the commission shall find and so certify to the Governor that the application is a genuine one and not made for the purpose of avoiding full compliance with the provisions of the act approved the twenty-eighth day of April one thousand nine hundred thirty-seven (P. L. 417) known as the "Milk Control Law" and amendments thereto the Governor shall indorse his approval thereon and direct letters patent to issue as provided above Said articles of association shall be recorded in the office of the Secretary of the Commonwealth in a book to be by him kept for the purpose

Section 2 Section sixteen of said act as last amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 645) is hereby further amended to read as follows

Section 16 Any such association after making provision for the payment of dividends on the preferred stock and before payment of dividends on the common stock or the distribution of any patronage refund or dividend shall set aside ten per centum of the total net earnings annually for a reserve fund until the reserve fund shall equal at least thirty per centum of the paid up capital stock The reserve fund shall be available for such purposes as shall be designated and authorized by the vote of two-thirds of the members of the board of directors at a duly assembled meeting of said board subject to such limitations and conditions as shall be provided for in the by-laws of the association Any such association handling processing or marketing milk or milk products shall file such annual and other periodic reports with the Pennsylvania Milk Control Commission concerning its transactions as the said board may require containing such information as the said board may require

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—190

- Achterman, Baker, Balthaser, Baugher, Bentley, Poor, French, Gallagher, Gates, Gerard, Malloy, Maxwell, McClanaghan, McClester, McDermott, Rush, Sarge, Sarraf, Scanton, Schwab

- Bentzel, Boles, Boney, Boorse, Bower, Bradley, Bretherick, Brown, Brunner, C. H., Brunner, P. A., Burns, Burris, Cadwalader, Chervenak, Cludoff, Cochran, Cohen, M. M., Cohen, R. E., Cook, Cooper, Cordier, Corrigan, Croop, Cullen, Dalrymple, Dennison, DiGenova, D'Ortona, Dolon, Duffy, Early, Eider, Elliott, Ely, Falkenstein, Finestone, Finnerty, Fisher, Fiss, Fleming, Fletcher, Flynn, Gillan, Gillette, Goodwin, Greenwood, Gross, Gryskewicz, Haberman, Hall, Hamilton, Hare, Harkins, Harmuth, Harris, Heatherington, Helm, Hering, Herman, Hersch, Hewitt, Hirsch, Holland, Huntley, Imbrie, James, Jefferson, Jones, G. E., Jones, P. N., Keenan, Kenehan, Kline, Kolaniewicz, Komorowski, Krise, Lee, E. A., Lee, T. H., Lelsey, Leonard, Lesko, Levy, Leydic, Longo, Lovett, McDowell, McFall, McGrath, McIntosh, McLanahan, McLane, McMillen, McSurdy, Melchiorre, Modell, Monks, Mooney, Moran, Muir, Munley, Nagel, Nunemacher, O'Brien, O'Connor, O'Dare, O'Mullen, O'Neill, Owens, Petrosky, Pettit, Polaski, Polen, Powers, Prosen, Rank, Rausch, Readinger, Reagan, Reese, D. P., Reese, R. E., Regan, Reynolds, Rhea, Riley, Rooney, Rose, W. E., Rosenfeld, Royer, Serrill, Shaffer, Shaw, Shepard, Simons, Skale, Snyder, Sollenberger, Sorg, Stambaugh, Stank, Stine, Stockham, Tarr, Tate, Taylor, Thompson, E. F., Thompson, E. L., Trout, Turner, Verona, Vincent, Vogt, Voldow, Voorhees, Wagner, Watkins, Weingartner, Weiss, Welsh, E. B., Welsh, M. J., Williams, Winner, Wolf, Wood, L. H., Wood, N., Woodring, Woodside, Wright, Yeakel, Yester, Young, Kilroy, Speaker.

NAYS—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.

I agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1233, as follows:

An Act to amend section three hundred seventy of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing the county commissioners from time to time to make supplemental appropriations

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

Section 1 Section three hundred seventy of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" which was added by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1184) is hereby amended to read as follows

Section 370 Annual Budget Control of Expenditures The controller or the county commissioners where there is no controller shall annually prepare a proposed budget for the next fiscal year at least thirty days prior to the adoption of the budget Said budget shall be prepared on forms furnished as provided in section three hundred seventy point one of this act Final action shall not be taken on the proposed budget by the county commissioners until after at least ten days' public notice The proposed budget

shall be published or otherwise made available for public inspection by all persons who may interest themselves at least twenty days prior to the date set for the adoption of the budget. The county commissioners shall after making such revisions and changes therein as appear advisable adopt the budget and necessary appropriation measures required to put it into effect.

Within fifteen days after the adoption of the budget the county commissioners shall file a copy of the same in the office of the Department of Internal Affairs.

The county commissioners may at any time by resolution make supplemental appropriations for any lawful purpose from any funds on hand or estimated to be received within the fiscal year and not otherwise appropriated including the proceeds of any borrowing now or hereafter authorized by law.

The county commissioners shall have power to authorize the transfer within the same fund of any unencumbered balance or any portion thereof from one spending agency to another but such action shall be taken only during the last nine months of the fiscal year.

No work shall be hired to be done no materials purchased no contracts made and no orders issued for the payment of any moneys by the county commissioners which will cause the sums appropriated to be exceeded.

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

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

On the question,

Shall the bill pass finally?

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

YEAS—190

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

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. 1235, as follows:

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

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

Section 1 Section three hundred and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" as amended by the act approved the twentieth day of June one thousand nine hundred thirty-nine (P. L. 516) is hereby further amended to read as follows

Section 309 Budget and Financial Requirements The Commissioners of every county institution district shall annually at least thirty days prior to the adoption of the annual budget prepare a proposed budget of the amount of funds that will be required by the district in its several departments for the ensuing fiscal year. Such proposed budget shall be prepared on a uniform form prepared and furnished as provided in this act and shall be apportioned to the several classes of expenditures of the district as the commissioners may determine. Final action shall not be taken on any proposed budget until after at least ten days' public notice. The proposed budget shall be published or otherwise made available for public inspection at least twenty days prior to the date set for the adoption of the

budget The commissioners after making such revisions and changes therein as appear advisable shall adopt the budget and the necessary appropriation measures required to put it into effect Within fifteen days after the adoption of the budget the commissioners shall file a copy of the same in the office of the Department of Internal Affairs.

The commissioners may at any time by resolution make a supplemental appropriation for any lawful purpose from any funds on hand or estimated to be received within the fiscal year and not otherwise appropriated including the proceeds of any borrowing now or hereafter authorized by law

The commissioners shall have power to authorize the transfer within the same fund of any unencumbered balances or any portion thereof from one spending agency to another but such action shall be taken only during the last nine months of the fiscal year

No work shall be hired to be done no materials purchased no contracts made and no order issued for the payment of any moneys by the commissioners in any amount which will cause the sums appropriated to specific purposes to be exceeded

In the year one thousand nine hundred and thirty-nine the commissioners of any county institution district having an institution for the care and maintenance of mental patients transferred to the Commonwealth under the act approved the twenty-ninth day of September one thousand nine hundred and thirty-eight (P. L. 53) entitled "An act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and the maintenance of mental patients therein including the collection of maintenance in certain cases providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws" shall have power to adopt a supplemental budget to any annual budget theretofore adopted for the amount of funds that will be required by such district to operate such institution for that proportion of the year one thousand nine hundred and thirty-nine not provided for in the regularly adopted annual budget and for the purpose of providing funds for the expenditures set forth in such supplemental budget may borrow moneys in accordance with section three hundred eight hereof]

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

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

On the question,

Shall the bill pass finally?

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

YEAS—190

Achterman,	Foor,	Malloy,	Rush,
Baker,	French,	Maxwell,	Sarge,
Balthaser,	Gallagher,	McClanaghan,	Sarraf,
Baughner,	Gates,	McClester,	Scanlon,
Bentley,	Gerard,	McDermott,	Schwab,
Bentzel,	Gilian,	McDowell,	Serrill,
Boies,	Gillette,	McFall,	Shaffer,
Boney,	Greenwood,	Mc rath,	Shaw,
Boorse,	Goodwin,	McIntosh,	Shepard,
Bower,	Gross,	McLanahan,	Simons,
Bradley,	Gryskewicz,	McLane,	Skale,
Bretherick,	Haberlen,	McMillen,	Snyder,
Brown,	Hall,	McSurdy,	Sollenberger,
Brunner, C. H.,	Hamilton,	Melchiorre,	Sorg,
Brunner, P. A.,	Hare,	Modell,	Stambaugh,
Burns,	Harkins,	Monks,	Stank,
Burris,	Harmuth,	Mooney,	Stine,

Cadwalader,	Harris,	Moran,	Stockham,
Chervenak,	Heatherington,	Muir,	Tarr,
Chudoff,	Helm,	Munley,	Tate,
Cochran,	Hering,	Nagel,	Taylor,
Cohen, M. M.,	Herman,	Nunemacher,	Thompson, E. F.,
Cohen, R. E.,	Hersch,	O'Brien,	Thompson, R. L.,
Cook,	Hewitt,	O'Connor,	Trout,
Cooper,	Hirsch,	O'Dare,	Turner,
Cordier,	Holland,	O'Mullen,	Verona,
Corrigan,	Huntley,	O'Neill,	Vincent,
Croop,	Imbrie,	Owens,	Vogt,
Cullen,	James,	Petrosky,	Voldow,
Dalrymple,	Jefferson,	Pettit,	Voorhees,
Dennison,	Jones, G. E.,	Polaski,	Wagner,
DiGenova,	Jones, P. N.,	Polen,	Watkins,
Dolon,	Keenan,	Powers,	Weingartner,
D'Ortona,	Kenehan,	Prosen,	Weiss,
Duffy,	Kilne,	Rank,	Welsh, E. B.,
Early,	Kolankiewicz,	Rausch,	Welsh, M. J.,
Elder,	Ko' orofski,	Readinger,	Williams,
Elliott,	Krise,	Reagan,	Winner,
Ely,	Lee, A.,	Reese, D. P.,	Wolf,
Falkenstein,	Lee, T. H.,	Reese, R. E.,	Wood, L. H.,
Finestone,	Leisey,	Regan,	Wood, N.,
Finnerty,	Leonard,	Reynolds,	Woodring,
Fisher,	Lesko,	Rhea,	Woodside,
Floss,	Levy,	Riley,	Wright,
Fleming,	Leydic,	Rooney,	Yeakel,
Fletcher,	Longo,	Rose, W. E.,	Yester,
Flynn,	Lovett,	Rosenfeld,	Young,
		Royer,	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. 2, as follows:

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

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 - (d) Officers of Boards of Directors
 - (e) Audits
 - (f) Municipal Powers
- Article IV Miscellaneous Provisions
- The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Article I

Preliminary Provisions

Section 1 Definitions The following words and phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section
"Board" the board of directors created under this act

to manage and operate public utility facilities acquired or constructed in accordance with this act

"Municipality" any city borough town and township of this Commonwealth and shall refer to the municipality acquiring or constructing public utility facilities in accordance with the provisions of this act

"Municipal authorities" refers to the municipal authorities of the municipality acquiring or constructing public utility facilities in accordance with the provisions of this act

"Owner" any individual copartnership association and corporation owning or leasing in whole or in part any public utility facilities in use or usable for the purpose of furnishing and supplying water or electrical energy to the public the acquisition of which is desired by a municipality

"Public utility facilities" all the plant and equipment including and tangible and intangible real and personal property and any and all means and instrumentalities owned operated leased used and controlled in connection with the production generation transmission distribution or furnishing of natural or artificial gas electricity steam or water and the collection disposition or treatment of sewage

"Public Utility service" the furnishing or rendering of natural or artificial gas electric energy steam water or sewage service to the public

Section 2 Short Title This act shall be known and may be cited as "The Municipal Utility Law"

Article II

Acquisition and Construction of Municipal Waterworks or Electric Plants

Section 21 Powers of Municipalities Any municipality is hereby authorized and given power to construct acquire own operate control sell or lease public utility facilities and to add to and maintain such facilities to enable it to furnish or render public utility service within or beyond its corporate limits or both

Section 22 Constitution of Waterworks and Dams The construction of any waterworks shall be in accordance with plans therefor previously filed with the Secretary of Health and a permit issued therefor in accordance with the Act of Assembly approved the twenty-second day of April one thousand nine hundred and five (P. L. 260) entitled "An act to preserve the purity of the waters of the State for the protection of the public health" and the amendments and supplements thereto The construction of any dam or of any other obstruction to a stream shall be in accordance with a permit issued therefor by the Water and Power Resources Board in accordance with the act approved the twenty-fifth day of June one thousand nine hundred and thirteen (P. L. 555) entitled "An act providing for the regulation of dams or other structures or obstruction as defined herein in along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof" and the amendments and supplements thereto

Section 23 Power of Eminent Domain Every municipality is hereby granted the power of eminent domain under the same provisions and procedure as is or shall be provided by law for the condemnation of private property for any of the corporate uses or purposes of such municipality

(a) For the purpose of erecting public utility facilities or improving its public utility facilities to acquire springs streams rivers lakes ponds water sheds or creeks and lands easements roads streets and rights of way within or beyond its territorial limits as to which the Water and Power Resources Board after due notice and public hearing shall have found that the appropriation of the same is required by the present or future interests of the Commonwealth for the construction maintenance or operation of the public utility facilities of said municipality and is not incompatible with the public interests of

the region in the vicinity of such public utility facilities and

(b) For the purpose of laying and constructing pipes drains conduits water ways substations inter-tie and transmission lines under and over any lands rivers streams bridges roads streets sidewalks or across railroads and street railways to acquire lands easements roads streets and rights of way No water appropriated under the provisions of this act shall be used in such manner as to deprive the owner thereof of the free use and enjoyment of the same for domestic or farm purposes

No municipality shall exercise the right of eminent domain herein conferred as against any property of a public utility company other than a company rendering a public utility service as defined in this act as against land now occupied by any building which was used during the Colonial or Revolutionary period as a place of assembly by the Council of the Colony of Pennsylvania the Supreme Executive Council of the Commonwealth of Pennsylvania or the Congress of the United States or as against the land occupied by any fort redoubt or blockhouse erected during the Colonial or Revolutionary period or any building used as headquarters by the Commander-in-Chief of the Continental Army or as against the site of any building fort redoubt blockhouse or headquarters which are preserved for their historic associations and not for private profit The Colonial and Revolutionary period shall be taken as ended on the third day of September one thousand seven hundred and eighty-three

No municipality shall exercise the right of eminent domain herein conferred against any real property outside its corporate limits without the approval of the Pennsylvania Public Utility Commission

Section 24 Notice of Intention to Acquire Public Utility Facilities Whenever the municipal authorities of any municipality shall desire to acquire by purchase or right of eminent domain the public utility facilities of an owner in whole or in part they shall adopt a resolution signifying their intention to do so The municipal authorities shall forthwith serve on the owner his her their or its authorized agent or representative a true copy of such resolution duly certified under the seal of the municipality

Section 25 Hearings If within ten days after the service of such resolution upon the owner his her their or its authorized agent or representative such owner shall propose to sell and transfer such public utility facilities in whole or in part to the municipality upon terms and conditions to be mutually agreed upon between such owner and the municipal authorities the Pennsylvania Public Utility Commission shall upon application fix a time and place for a public hearing and consideration of such proposal of which due notice to all parties interested shall be given as the commission may direct

Section 26 Owners to Furnish Maps and Drafts of Public Utility Facilities The owner or owners shall also furnish to the municipal authorities five days before the day of hearing a map or draft delineating and picturing the public utility facilities of the said owner or owners in actual and contemplated use for furnishing or rendering public utility service to any and all portions of the area of such municipality

Section 27 Execution of Contracts for Purchase If after the public hearing the terms and conditions of the purchase and sale shall be agreed upon by the municipal authorities and the said owner or owners and be approved by the Pennsylvania Public Utility Commission then the municipal authorities shall by resolution authorize and direct the execution on the part of the municipality of such contracts in writing and other instruments and take any and every action with reference thereto necessary or appropriate to consummate such purchase and sale and transfer to the municipality of the public utility facilities of the said owner or owners and to make payment therefor in accordance with the terms of such agreement

Section 28 Power of Eminent Domain If the amount to be paid by the municipality to said owner or owners for his her their or its public utility facilities cannot be

mutually agreed upon then the municipality shall have power by its municipal authorities to acquire such public utility facilities or any part thereof by the exercise of the power of eminent domain which power of eminent domain is hereby granted. Provided however That no municipality shall acquire by condemnation or purchase any privately owned public utility facilities located within its limits except with the approval of a majority of the electors of the municipality voting on a question submitted to determine the will of the electors in the manner provided by the election laws of this Commonwealth and when such facilities are located in some other municipality also with the approval of a majority of the electors of such municipality voting on a question so submitted. No municipality shall acquire by condemnation the public utility facilities or any part thereof belonging to or owned or operated by any political subdivision or governmental agency or mutual nonprofit or cooperative association or organization. No private corporation whose public utility facilities are so acquired shall cease to operate the same until such facilities are turned over to the municipality.

No source of supply or generating system for public utility service shall be taken without taking also the property and works necessarily dependent upon such source of supply or generating system for such service at the time of such taking.

Section 29 Procedure Valuation Every such eminent domain proceeding shall be instituted by petition filed by the municipality before the Pennsylvania Public Utility Commission. The commission shall thereupon proceed to value and appraise the public utility facilities and for such purpose shall have access to the books and records of the owner to inform itself as to the value thereof. The commission shall fix a time and place for a hearing on said violation of which reasonable notice shall be given to all parties in interest. At such hearing testimony and evidence may be offered by either party.

After such notice and hearing the commission shall make an order determining the value of the public utility facilities to be acquired. Any party aggrieved by such order may appeal therefrom as provided in section ninety-three of this act.

Section 30 Completion of Financing Plans Taking of Possession When the value of the public utility facilities of an owner or owners has been finally determined as provided in this act and the plans of the municipality for financing such acquisition have been fully completed the municipality shall have the right to enter into possession of said public utility facilities. The municipal authorities shall notify the owner or owners in writing by service upon his her their or its officers agent or representative of the time and place on the property of the owner or owners when they will take possession of the public utility facilities and will pay to the owner or owners the amount finally determined as the value of such facilities or the amount if any over and above the liens against the facilities to be acquired if such liens are to remain.

Nothing in this section shall be construed to prevent an agreement between the municipality and the owner or owners of such facilities for the payment of such value by installments.

Section 31 Payment of Money into Court Writ of Possession If the owner or owners shall upon tender of the proper amount refuse to accept the same and to surrender possession of the public utility facilities to the municipality the amount due shall be paid into the court of common pleas of the county in which the greater portion of the facilities to be acquired are located under such safeguards as the court may by its order require and the court shall upon application of the municipal authorities order a writ of habere facias possessionem to issue forthwith directing the sheriff to give the municipality possession of the said facilities.

Section 32 Financing and Indebtedness (a) For the purpose of financing the acquisition or construction of public utility facilities in accordance with the provisions of this act or the operation improvement or extension of

such facilities so acquired or constructed any municipality may

(1) Expend public moneys and in accordance with existing law incur or increase its indebtedness

(2) Issue non-debt revenue bonds secured solely by a pledge in whole or in part of the rentals rates or charges for the service of such facilities. Said bonds shall not pledge the credit nor create any debt nor be a charge against the general revenues nor be a lien against any property of the municipality but shall be a lien upon and payable solely from the rentals rates or charges for the services of such facilities.

Said bonds shall be sold and their dates of maturity and interest fixed in accordance with the existing law respecting bonds of such municipality.

(b) For the purpose of financing the acquisition or construction of any waterworks any municipality may issue obligations to be secured by liens on the property and works acquired or constructed in accordance with section fifteen article nine of the Constitution of this Commonwealth. Said obligations shall not pledge the credit nor create any debt nor be a charge against the general revenues of the municipality but shall be secured solely by such liens.

Said obligations shall be sold and their dates of maturity and interest fixed in accordance with existing law respecting obligation of such municipality.

Article III

Boards of Directors Optional

(a) Municipal Authorities shall Determine

Section 41 Municipal Authorities shall Determine Body to Manage and Operate Before the construction of any public utility facilities shall be completed or before any such public utility facilities shall be finally acquired by any municipality in accordance with the provisions of this act the municipal authorities shall determine whether they desire the management and operation of such facilities to be either under a bureau or department of such municipality or under the municipal authorities in such other manner as they provide or whether they desire the same to be under a board of directors.

If the municipal authorities shall desire that the management and operation of the public utility facilities are to be under a board of directors they shall incorporate the cause to be organized a board of directors to so manage and operate such facilities.

(b) Creation of Board of Directors

Section 42 Method of Incorporation Whenever the municipal authorities shall desire to organize a board of directors under this act they shall adopt a resolution or ordinance signifying their intention to do so and setting forth in full the proposed articles of incorporation for such board. Thereafter the municipal authorities shall cause a notice of such resolution or ordinance to be published at least one time in the legal periodical of the county in which such municipality is located and at least one time in a newspaper published or circulated generally in such municipality. Said notice shall contain a brief statement of the substance of such articles making reference to this act and shall state that on a day certain not less than three days after publication of said notice articles of incorporation of the proposed board of directors will be delivered to the Secretary of the Commonwealth.

On or before the day specified in said notice the municipal authorities shall deliver to the Secretary of the Commonwealth articles of incorporation together with proof of publication of the notices as aforesaid. Said articles of incorporation shall set forth

(a) The name of the board of directors

(b) A statement that such board is created under this act

(c) The name of the incorporating municipality together with the names and addresses of its municipal authorities

(d) A brief description of the public utility facilities

to be managed and operated by the board

(e) The date on which the election of the first members of the board is to be held and the number of directors to be elected

Said articles of incorporation shall be executed by each incorporating municipality by its proper officers and under its municipal seal

If the Secretary of the Commonwealth finds that the articles of incorporation conform to law he shall forthwith but not prior to the day specified in the aforesaid notice endorse his approval thereon and when all proper fees and charges have been paid shall file the articles and issue a certificate of incorporation to which shall be attached a copy of the approved articles

The certificate of incorporation shall be conclusive evidence of the fact that such board has been incorporated but proceedings may be instituted by the Commonwealth to dissolve any board which shall have been formed without substantial compliance with the provisions of this section

Section 43 Election of Directors Upon the issuance of a certificate of incorporation of the board by the Secretary of the Commonwealth the municipal authorities shall give notice during at least thirty days by weekly advertisements in a newspaper published or circulated generally in said municipality and if no newspaper be published or circulated generally therein by at least twenty printed handbills posted in the most public parts thereof of an election to be held on a day to be by them fixed for the purpose of electing the members of boards to manage and operate the public utility facilities to be acquired or constructed

Section 44 Time of Election Expense Such election shall be held at the place time and under the same regulations as provided by law for the holding of municipal or general elections The municipal authorities shall in all cases fix the time of holding such election on the day of the municipal or of the general election unless less than sixty or more than one hundred twenty days elapse between the date of issuance of a certificate of incorporation and the day of holding the said municipal or general election If any other day be fixed for such election the expense of holding the same shall be paid by the municipality for the benefit of which it shall be held

Section 45 Non-party Ballot Terms The members of the board of directors shall be qualified electors of the municipality creating said board and shall be elected on a non-party ballot Not less than three nor more than five directors shall be elected Not less than one nor more than two directors shall be elected for terms of two years each and not less than two nor more than three for terms of four years each and until their successors are duly elected and qualified

The members shall take office and assume their duties immediately upon the completion of the construction or the final acquisition of the public utility facilities to be managed and operated by the board but their terms shall run from the first Monday of January next succeeding such completion of construction or final acquisition Thereafter at the general or municipal election next preceding the expiration of the terms of the directors not less than one nor more than three directors as the case may be shall be elected for terms of four years each and until their successors are duly elected and qualified to take the place of those whose terms are about to expire Vacancies shall be filled by the municipal authorities for the unexpired term

Section 46 Nomination of Directors Nomination of candidates may be made on petitions the form of which shall be prescribed by the municipal authorities In order to secure a valid nomination a nomination petition shall be signed by electors equal in number to at least five per centum of the highest vote cast for any office in the municipality at the last preceding municipal or general election Such nomination petitions shall be filed with the municipal authorities at least thirty days before the election at which such nominees consent to become candidates If three directors are to be elected and less than

five petitions sufficiently signed are filed with the municipal authorities or if five directors are to be elected and less than seven petitions sufficiently signed are filed with the municipal authorities within the time herein specified the municipal authorities shall make additional nominations until the number of nominees is five or seven as the case may be and shall then certify such nominees including all of those whose petitions are sufficiently signed to the county commissioners at least twenty days before the election

Section 47 Conduct of Elections The county commissioners shall print the names of nominees for the board on separate official ballots without any party designation and shall furnish a sufficient number of such separate ballots to each election board in the municipality for which nominated so that one ballot can be furnished to each voter Each person voting at the election at which such persons are candidates shall be entitled to vote for three or five as the case may be of the candidates whose names appear on such ballot and the three or five as the case may be receiving the highest number of votes shall be elected The vote of an elector shall be indicated by a cross mark (X) in the square provided opposite the name of the candidate or candidates for whom he desires to vote

It shall be the duty of the inspectors of such election to receive such ballots and to deposit said ballots in a box provided for that purpose as is provided by law in regard to other ballots received at said election and the ballots so received shall be counted and a return thereof made to the clerk of the court of quarter sessions of the proper county duly certified as is required by law together with a certified copy of the articles of incorporation and the advertisement and the said clerk shall make a record of the same and furnish a certified copy thereof under seal showing the result to the municipal authorities of such municipality and the same shall be placed of record upon the minutes thereof

In receiving and counting and in making returns of the votes cast the inspectors judges and clerks of said election shall be governed by the laws of this Commonwealth regulating municipal or general elections and the vote shall be counted by the court of quarter sessions in the manner provided by law governing municipal or general elections and all the penalties of the said election laws for the violation thereof are hereby extended to and shall apply to the voters inspectors judges and clerks voting at and in attendance upon the elections held under the provisions of this act

(c) Powers of Boards of Directors

Section 51 General Powers of Board Every board of directors created under the provisions of this act shall be a body corporate and politic and shall be for the purpose of managing and operating the public utility facilities acquired or constructed by the municipality creating the board Every board is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

I To have succession perpetually by its corporate name

II To sue and be sued implead and be impleaded complain and defend in all courts of the Commonwealth All actions by or against the board shall be brought in the court having jurisdiction over the municipality creating the board

III To adopt use and alter at will a corporate seal

IV To adopt by-laws to govern the proceedings of the directors and the affairs of the board to fix the time for regular meetings and to hold adjourned meetings and upon three days' written notice to each member of the board to hold a special meeting

V To appoint and employ and to dismiss at pleasure a secretary treasurer general manager attorney and such assistant attorneys superintendents experts operators workmen assistants stenographers clerks engineers surveyors laborers and employes as may be deemed necessary and proper to protect maintain improve and operate

the public utility facilities to fix their compensation to prescribe the amount and form of bond required of them and to approve the same

VI To maintain a principal business office which shall be conveniently located within the territorial limits of the municipality creating the board

VII To make and execute such contracts as shall be deemed necessary and proper in the exercise of the powers and privileges granted by this act and in the performance of the duties charged upon them No contract involving an expenditure of more than five hundred dollars (\$500) shall be let except to the lowest responsible bidder after due advertisement for bids

VIII To purchase such materials and supplies as may be required for keeping the public utility facilities under their management in good repair and have charge of all construction repairs enlargements and extensions of such facilities and to conduct and manage the affairs and business connected with such facilities in accordance with law

IX To designate and appoint a suitable and responsible depository or depositories for the deposit and safekeeping of the funds of the board and to contract with such depositories with respect thereto and the rate of interest to be paid the board on such deposits and to require such depositories to give bond for the safekeeping of deposits

X To furnish and render public utility service to the public and to any persons associations copartnerships municipal public or private corporations and to the Commonwealth or any subdivision or agency thereof Provided however That the rendering or furnishing of public utility service beyond the corporate limits of the municipality shall be subject to the approval and jurisdiction of the Pennsylvania Public Utility Commission

XI To sue and occupy any public highway street or road and private and public lands necessary to be used or occupied by the maintenance and operation of its public utility facilities or any part thereof subject however to such reasonable local police regulations as may be imposed by ordinance adopted by the municipal authorities of the municipality in which such highway street roads or land is located and subject to the approval of the Department of Highways of the Commonwealth as to any highways within its jurisdiction

XII To examine and act upon all claims against the board to require examine and approve or disapprove monthly reports of operation and recommendations by the general manager to require examine approve or disapprove periodical reports made by the secretary and to make an annual budget

XIII To do all acts and things necessary or convenient to carry out the power granted to it by this act or any other acts

XIV To connect with other public utility facilities with the consent of the owner or owners thereof Provided however That the board shall have no power at any time or in any manner to pledge the credit or taxing power of the municipality nor shall any of its obligations be deemed to be obligations of the municipality nor shall the municipality be liable for the payment of principal of or interest on such obligations

Section 52 Rates The board or the municipal authorities if there be no board shall fix rates for the public utility service which shall be sufficient to operate the public utility facilities in an efficient manner provide for the repair replacement and extension thereof pay the interest on any bonds or obligations issued by the municipality to finance the cost of constructing acquiring improving or operating such facilities and provide for their retirement and all other costs and expenses properly chargeable to the operation of such facilities But such plants shall at all times be operated for the mutual benefit of the inhabitants of the municipality

Section 53 Collection of Rates The municipal authorities of the municipality acquiring or constructing the public utility facilities shall provide by ordinance for the collection of all rates that may accrue fix the times when the same shall be payable and the penalties for nonpayment Claims for such rates due may be filed as liens and may be collected in the same manner as other muni-

cipal claims All such rates shall be collected in such manner as the municipal authorities shall provide

Section 54 Annual Budget Surplus The board shall annually within ten days after the financial statement of the board has been filed with the municipal authorities by the auditor or controller as the case may be submit to the municipal authorities a budget for the ensuing year which shall include full estimates of the costs charges and expenses of any new work enlargement extension or alteration of the public utility facilities and no such work shall be undertaken or prosecuted without the consent of the municipal authorities

All surplus in the hands of the board and not required for operating expenses for expenses of any approved new work enlargement extension or alteration of the public utility facilities and for reasonable reserve shall be paid over by the board to the municipal authorities for the use of the municipality

(d) Officers of Boards of Directors

Section 61 Compensation of Directors Oaths Each director shall receive such salary as may be fixed by municipal authorities of the municipality creating such board Each member of the board before entering upon the duties of his office shall take and subscribe on oath before an officer authorized to administer oaths that he will honestly faithfully and impartially perform the duties of his office and that he will not be pecuniarily interested directly or indirectly in any contract concerning the business or affairs of the board Each member of the board shall also give bond to the Commonwealth for the use of the municipality in the penal sum of twenty-five thousand dollars (\$25,000) with corporate surety conditioned for the faithful an honest discharge of his duties The premium on such bonds shall be paid from the funds of the municipality The oath and bond shall be filed with the prothonotary of the court

Section 62 Organization of Board Quorum Seal Records The board shall upon assuming its duties and annually thereafter organize by the election of one of its members as chairman and one as vice-chairman and by electing a secretary who may or may not be a member of the board and a treasurer who may not be a member of the board The Secretary and treasurer shall take and subscribe the same oath of office as the directors which also shall be filed with the prothonotary of the court Three directors shall constitute a quorum to do business and the concurrence of three directors shall be required to exercise any power or perform any duty required by this act

The board shall keep a record of all its proceedings minutes of meetings certificates contracts and all corporate acts which shall be public records open to inspection during business hours The seal of the board shall be impressed on all contracts and official documents of the board

Section 63 Duties of Chairman and Vice-Chairman The principal duties of the chairman of the board of directors other than his duties as director shall be

I To preside at all meetings of the board

II To sign all resolutions adopted by the board

III To sign all warrants for the payment of moneys and to sign execute and acknowledge as the case may require all contracts deeds leases or other instruments authorized by the board to be executed by or on behalf of the board

In the absence of the chairman or in the case of his inability to act the vice-chairman shall perform the duties of the chairman

Section 64 Duties of Secretary The principle duties of the Secretary shall be

I To give bond to the Commonwealth for the use of the board in an amount to be fixed by the board conditioned for the faithful performance of the duties of his office and the payment over and accounting of all moneys belonging to the board Such bond shall be filed with the prothonotary of the court

II To act as secretary of the board and keep a correct and proper record of all the business and proceedings thereof

III To record and sign all minutes of meetings of the board including all resolutions adopted by the board

IV To keep safely and systematically all records and files of the board and at the expiration of his term turn the same over to his successor

V To draw and countersign all orders and warrants for the payment of money by the treasurer to be signed by the chairman or vice-chairman

VI To keep safely the corporate seal of the board and to affix the same to all deeds leases conveyances or other instruments required to be sealed and executed by or on behalf of the board and to all certificates made by him as secretary

VII To sign execute and acknowledge with the chairman all contracts deeds leases and other instruments required by law or authorized by the board and

VIII To perform such other duties as may be imposed on him by law or by vote or resolution adopted by the board

Section 65 Duties of Treasurer The principal duties of the treasurer shall be

I To give bond to the Commonwealth for the use of the board in an amount to be fixed by the board conditioned for the faithful discharge of the duties of his office to keep a just account of all deposits and expenditures and to pay over the whole amount of the funds belonging to the board to his successor in office

II To demand receive keep and account for all moneys and credits of the board

III To pay to persons entitled thereto the amounts called for in orders or warrants drawn upon him by the secretary of the board signed by the chairman or vice-chairman and countersigned by the secretary and to keep receipts vouchers and other suitable evidences of payment thereof

IV To keep accurate account of all moneys received and disbursed by him and to render accounts statements and inventories of moneys and credits received or disbursed or on hand and

V Generally to perform such duties pertaining to his office as the board of directors may require

(e) Audits

Section 71 Duties of Municipal Controller or Auditors At least sixty days prior to the adoption by any municipality creating a board of its annual budget the controller or auditors of such municipality as the case may be shall audit adjust and settle the accounts of the officers and employes of the board

The controller or auditors shall prepare a statement thereof which shall contain an account of the last fiscal year and shall show a complete statement of the financial condition of the board

Section 72 Surcharges The amount of any balance or shortage or of any expenditure of a kind or made in a manner prohibited or not authorized by law which caused a financial loss to the board of the municipality shall be a surcharge against any officer against whom such balance or shortage appears or who by vote act or neglect has permitted or approved such expenditures

Section 73 Orders and Vouchers to be Marked "Audited" All orders and vouchers which have been paid shall on their presentation to the controller or auditors be cancelled by writing the word "audited" on the face thereof

Section 74 Controller or Auditors to Advertise and File Statement in Court The controller or auditors shall complete such audit adjustment and settlement as soon as possible and shall within ten days thereafter publish a summary statement of the receipts and expenditures of the several officers for the preceding year once in at least two newspapers circulating generally in the municipality The controller or auditors shall also within such period of ten days file a copy of the statement with the municipal authorities the secretary of the board and also with the prothonotary of the court which copy shall be at all times subject to public inspection A copy of such statement shall also be filed with the Secretary of Internal Affairs

Section 75 Appeals from Audit It shall be lawful for the board the municipal authorities or any taxpayer of the municipality on its behalf or any officer whose account is settled or audited to appeal from the settlement or audit

to the court within thirty days after the statement has been filed

Section 76 Taxpayers Appealing to Enter Bond No appeal by a taxpayer or officer shall be allowed unless the appellant shall enter into bond in the sum of five hundred dollars (\$500) with sufficient surety to prosecute the same with effect and to pay all costs accruing thereon in case if the appellant be a taxpayer he shall fail to obtain a final decision more favorable to the municipality than that awarded by the controller or auditors or in case if the appellant be an officer he shall fail to obtain a final decision more favorable to the officer than that awarded by the controller or auditors

Section 77 Taxpayers May Intervene in Appeals When an appeal has been taken from the report of the controller or auditors by the board by the municipal authorities or by any person charged in such report with any sum of money any taxpayer of the municipality may intervene in such appeal and either prosecute the same on its behalf or defend it against the appeal of the person so charged No taxpayer shall intervene unless he shall file in the court a bond with one or more sufficient sureties conditioned to indemnify the board against all costs accruing by reason of such intervention

Section 78. Procedure on Appeals Any person interested may order the appeal upon the argument list and evidence may be taken before any person authorized to administer oaths upon rule for that purpose served upon the opposite party In any proceeding upon an appeal from a report of the controller or auditors of any board the accounts of the officer or officers in question may be investigated de novo and the burden shall be upon each officer whose accounts are involved in the appeal of establishing by evidence from original sources his right to credits claimed by him but the opposing party in such appeal may use any facts figures or findings of the report of audit as prima facie evidence against any officer

When more than one appeal from a report of such controller or auditors shall have been taken whether by the municipality an officer or officers of the board or by a taxpayer of the municipality or any or all of them the court shall upon petition of any party interested direct the several appeals to be disposed of in a single proceeding

Section 79 Framed Issues Whenever any matter of fact is in dispute the court is authorized to frame an issue for the trial thereof

Section 80 Findings of Fact and Law Judgment After the hearing the court shall file its findings of fact and law and enter judgment in accordance therewith and the judgment so entered may be enforced by any appropriate proceedings by the party prevailing

Section 81 Exceptions and Appeals Any person interested may except to the ruling of the court and may appeal therefrom to the Superior or Supreme Court as in other cases

Section 82 Balances Due to be Entered as Judgment Any balance in any report of the controller or auditors against any officer of the board shall constitute a surcharge against such officer as fully as if expressly stated in said report to be a surcharge and the amount of any balance and of any express surcharge shall be entered by the prothonotary as a judgment against such officer and in favor of the municipality The prothonotary shall enter the amount of every balance or surcharge contained in any such report as a judgment Any taxpayer of the municipality may enforce the collection thereof for the benefit of the municipality by action or execution upon filing in the court a bond with one or more sureties conditioned to indemnify the municipality from all costs which may accrue in the proceedings undertaken by such taxpayer subject however to all rights of appeal from the report of the controller or auditors granted by this act

Section 83 Attorney to Controller or Auditors The controller or auditors may employ an attorney in case of any disagreement with an official or board of officials whose accounts he is required to audit Such attorney shall not be employed until reasonable effort has been made to reach an agreement and only after notice of such

contemplated employment has been given to such official or board

The compensation of such attorney shall be fixed by the controller or auditors and shall not exceed the sum of twenty dollars (\$20) per day nor one hundred dollars (\$100) in any case in dispute except when an appeal is taken in which case the court shall fix an additional upon the treasurer

The compensation of such attorney shall be paid by the board by warrant drawn by the controller or auditors compensation

Section 84 Controller or Auditors may Compel Attendance of Witnesses The controller or auditors shall have power to issue subpoenas to obtain the attendance of the officers whose accounts they are required to adjust their executors and administrators and of any person whom he or they may wish to examine as witnesses and to compel their attendance by attachment in like manner and to the same extent as any court of common pleas of this State may or can do in cases pending before them also to compel in like manner the production of all books vouchers and papers relative to such accounts Such subpoena may be served by any person and such attachment shall be served and executed by the sheriff of the county

Section 85 Controller or Auditors May Administer Oaths Penalty The controller or auditors shall have power to administer oaths and affirmations to all persons brought or appearing before him or them whether accountants witnesses or otherwise and all persons guilty of swearing or affirming falsely on such examination shall be liable to the pains and penalties of perjury

Section 86 Persons Refusing to Testify to be Committed If any person appearing before such controller or auditors for examination shall refuse to take such oath or affirmation or after having been sworn or affirmed shall refuse to make answer to such questions as shall be put to him touching the accounts or the official conduct of such public officers or any of them such person so refusing may be committed by the controller or auditors to the county jail by warrant under his or their hand and seal directed to the sheriff or any constable of the county of the court setting forth particularly the cause of such commitment until he shall submit to be sworn or affirmed or to make answers to such questions or be otherwise legally discharged

Section 87 Pay of Witnesses Witnesses other than officers of the board attending before the controller or auditors and persons or officers serving subpoenas attachments or warrants shall be paid out of the board's treasury upon orders signed by the controller or auditors and drawn on the treasury the same fees as are payable for rendering similar services in civil proceeding before a justice of the peace

(f) Powers of Municipalities

Section 88 Powers of Municipalities Operating Facilities Every municipality managing and operating public utility facilities acquired or constructed under the provisions of this act shall have all the powers and perform all the duties vested in boards and officers thereof under the provisions of this act

Section 89 Operation of Public Utility Facilities Every municipality acquiring or constructing public utility facilities under the provisions of this act may operate and manage such facilities through a board of directors organized and created as provided in this act or may operate and manage such facilities either under a bureau or department of such municipality or in such other manner as the municipal authorities may provide

Any municipality shall have the right to change from one system to the other upon the approval of such change by a majority of the electors of such municipality voting on a question submitted to determine the will of the electors in the manner provided by the election laws of this Commonwealth Such question shall be submitted upon petition signed by electors equal in number to at least ten per centum of the highest vote cast for any office in the municipality at the last preceding municipal or

general election and filed with the municipal authorities at least ninety days before the municipal or general election at which such question is to be submitted The municipal authorities shall file such question with the county commissioners of the proper county at least sixty days before such election

Article IV

Miscellaneous Provisions

Section 91 Saving Clause Nothing in this act shall be construed to abridge impair or limit the powers of cities boroughs and towns under existing laws nor the powers or jurisdiction of the Pennsylvania Public Utility Commission under existing or future laws

Section 92 Constitutional Construction The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 93 Appeals Within thirty days after service of any determination of value by the Pennsylvania Public Utility Commission under this act unless an application for rehearing may be pending and then within thirty days after service of an order modifying rescinding amending or affirming such determination any party to the proceedings affected thereby may appeal therefrom to the Superior Court Such court is hereby clothed with exclusive jurisdiction throughout the Commonwealth for the purpose of hearing and determining all such appeals Provided That in case any party is entitled to demand a jury trial under section eight of articles sixteen of the Constitution of this Commonwealth the appeal shall be to the courts of the proper county thereof

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. Moran, Heatherington and Shaffer asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—56

- | | | | |
|---------------|----------------|------------|---------------|
| Baker, | Dolon, | Holland, | Polaski, |
| Balthaser, | Early, | Keenan, | Powers, |
| Baughner, | Elliott, | Leonard, | Rausch, |
| Bentley, | Flynn, | Lesko, | Reese, R. E., |
| Bentzel, | French, | Longo, | Sarra, |
| Boles, | Gallagher, | Lovett, | Scanlon, |
| Bradley, | Gerard, | McDermott, | Shaffer, |
| Brown, | Gillan, | McFall, | Stine, |
| Burns, | Goodwin, | McLanahan, | Tarr, |
| Chervenak, | Hamilton, | Mooney, | Verona, |
| Cohen, M. M., | Harkins, | Moran, | Vincent, |
| Cook, | Harmuth, | Moul, | Welsh, M. J., |
| Corrigan, | Harris, | Nagel, | Williams, |
| Croop, | Heatherington, | Owens, | Woodring, |
| | | | Yester, |

NAYS—90

- | | | | |
|-----------------|------------|--------------|------------------|
| Achterman, | Greenwood, | Lyons, | Royer, |
| Boorse, | Gross, | McClanaghan, | Serrill, |
| Bower, | Haines, | McClester, | Shepard, |
| Bretherick, | Hall, | McMillen, | Skale, |
| Brunner, C. H., | Hare, | McSurdy, | Snyder, |
| Brunner, P. A., | Helm, | Melchiorre, | Stambaugh, |
| Chudoff, | Hering, | Modell, | Tate, |
| Cochran, | Herman, | Monks, | Taylor, |
| Cohen, R. E., | Hersch, | Muir, | Thompson, E. F., |
| Cordier, | Hewitt, | Munley, | Trout, |
| Cullen, | Hirsch, | O'Brien, | Vogt, |
| Dalrymple, | Huntley, | O'Connor, | Voldow, |
| Dennison, | Imbrie, | O'Dare, | Wagner, |
| Eckels, | James, | O'Mullen, | Watkins, |
| Elder, | Jefferson, | Prosen, | Welsh, E. B., |
| Ely, | Kenehan, | Readinger, | Wolf, |
| Finestone, | Kline, | Reagan, | Wood, L. H., |

Fisher,	Kolankiewicz,	Reese, D. P.,	Wood, N.,
Fiss,	Komorofski,	Rhea,	Woodside,
Fletcher,	Lelsey,	Riley,	Yeakel,
Foor,	Levy,	Rooney,	Young,
Gates,	Leydic,	Rose, S.,	Kilroy, Speaker
Gillette,	Lichtenwalter,		

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

(During the verification of the roll and before the affirmative result was announced.)

Mr. MORAN. Mr. Speaker, may I ask that the affirmative roll be called again, please?

The SPEAKER. The re-reading of the affirmative roll may only be done by unanimous consent.

Mr. MORAN. I ask unanimous consent, Mr. Speaker, to have the affirmative roll called again.

The SPEAKER. The gentleman from Allegheny asks unanimous consent to have the affirmative roll called again. Is there objection? The Chair hears objection and consent is not granted.

Mr. MORAN. Mr. Speaker, may I request that the rule be suspended so that we may have the affirmative roll called again on verification. I did not get a chance to record the names on the first calling of the roll and that is the reason I ask that it be repeated. I do not want to take up the time of the House in having this roll call read the second time, but I did not have a chance to get the names down as they were called. Therefore, I ask that the affirmative roll call be repeated.

The SPEAKER. For the information of the gentleman from Allegheny, the clerk called the roll very clearly. The chair directed him to do so at the request of the gentleman from Allegheny.

Mr. TURNER. Mr. Speaker, I did not make the original objection. The objection came from across the House. I arose because I was not in the House at the time the roll was called and I wanted to find what my position was. While I think it is unusual, I do not recall its ever having been done, the roll being read the second time, but since the gentleman requests it, as far as I am concerned, if the gentleman from Allegheny did not get an opportunity to check the roll he should be given that opportunity. I would therefore ask that the objection be withdrawn.

The SPEAKER. The Chair is of the opinion that the time of the House would be saved by re-reading the affirmative roll. One hundred five votes are required to suspend the rules. If the objection is withdrawn the clerk will be directed to read the affirmative roll slowly the second time. The Chair hears no objection. The Clerk will proceed to read the affirmative roll slowly.

QUESTION OF INQUIRY

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

The SPEAKER. The gentleman from Delaware will state his question of inquiry.

Mr. TURNER. Mr. Speaker, do I understand that the clerk is now merely reading the affirmative roll?

The SPEAKER. Yes, for the second time.

Mr. TURNER. It has already been verified, has it not?

The Speaker. No, the roll has not been verified.

Mr. TURNER. Mr. Speaker, I would object to any re-verification of the roll, but if the gentleman merely wants information that would be all right

The SPEAKER. The roll has not been verified, the clerk will proceed.

QUESTION OF INFORMATION

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

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

Mr. YESTER. Mr. Speaker, can the clerk give a copy of the roll to the gentleman from Allegheny, Mr. Moran?

The SPEAKER. That cannot be done. If the gentleman wants to use his own tally, he may do so. The Clerk will read the affirmative roll.

(The affirmative roll was read the second time and verified. The negative roll was verified.)

SPEAKER'S PICNIC

The SPEAKER. For the information of the Members the Speaker's picnic has not been called off. There will be indoor sports. The Chair would also like to invite the Legislative engineers to attend the picnic.

Mr. McLANAHAN. Mr. Speaker, I think that is where House Bill No. 1070 might be accommodating.

PERMISSION TO ADDRESS THE HOUSE

Mr. CHARLES H. BRUNNER, asked and obtained unanimous consent to address the House.

Mr. Speaker, in view of the fact that we are having a picnic this afternoon and in view of the fact that we will be confined indoors for the duration, I would like to make a motion that the provisions of the penal code be suspended for the duration of the Speaker's picnic.

The SPEAKER. They are suspended. The gentleman from Beaver, Mr. McLanahan objects.

Mr. McLANAHAN. Mr. Speaker, that is the cause of my bill being defeated.

The SPEAKER. The gentleman from Delaware has just told me he is an indoor sport.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 909, as follows:

An Act to further amend section three hundred three of and to add section three hundred seven of the act approved the twenty-fifth 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 providing for the appointment of assistant managers in

Pennsylvania Liquor Stores and by establishing minimum salaries for certain employes of the Pennsylvania Liquor Control Board working in Pennsylvania Liquor Stores

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

Section 1 Section three hundred three 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" as last reenacted by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (P. L. 1762) is hereby further amended to read as follows

Section 303 Management of Pennsylvania Liquor Stores Every Pennsylvania Liquor Store shall be conducted by a person appointed in the manner provided in this article who shall be known as the "manager" and who shall under the directions of the board be responsible for carrying out the provisions of this act and the regulations adopted by the board under this act as far as they relate to the conduct of such stores If there is one or more than one employe subordinate to the manager in any Pennsylvania Liquor Store one of such subordinate employes shall be known as the "assistant manager" who shall be appointed in the manner provided in this article and who shall perform the functions of the manager in the absence of the latter

Section 2 Said act is hereby amended by adding thereto after section three hundred six a new section to read as follows

Section 307 Minimum Salaries of Certain Employes of Pennsylvania Liquor Stores The minimum salary for all "managers" shall be not less than eighteen hundred and sixty dollars per annum The minimum salary for all "assistant managers" shall be not less than sixteen hundred and twenty dollars per annum The minimum salary for all other employes handling stock or moneys shall be not less than thirteen hundred and eighty dollars per annum

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. FRENCH. Mr. Speaker, for the benefit—

Mr. SHEPARD. Mr. Speaker, I would like to know what time this picnic is to begin.

Mr. FRENCH. Mr. Speaker, we are not talking about picnics just now, we are considering House Bill 909. For the benefit of a lot of the Members, myself included, will you appoint some—

The SPEAKER. For the information of the gentleman from Mifflin, the gentleman from Philadelphia, Mr. Shepard thinks the picnic has started.

Mr. FRENCH. Mr. Speaker, will you please appoint some person here to explain just what this bill does and what it does not do so that we can intelligently vote on it?

The Speaker. The Chair recognizes the sponsor of the bill, the gentleman from Allegheny, Mr. Leonard.

Mr. LEONARD. Mr. Speaker, House Bill No. 909 provides for increasing and establishing definite minimums for employes of the Liquor Control Board employed in the stores.

I have a complete Survey on the subject matter consisting of three parts, which is self-explanatory in nature and the information contained in it gives the facts in the set-up in the System today.

In addition to the fact contained in the Survey I wish to further state that—

The three members of the Liquor Control Board receive \$10,000 each annually. It is their duty to oversee the entire administration of the industry in Pennsylvania through their various department heads.

The salary of the Secretary to the Board, has been increased from \$6,500 per year, received by his predecessor to \$7,500 per year or an increase of \$1000 per year. In addition he has an assistant who received \$6,000 annually which makes a total increase for this position of \$7,000 per year.

The salaries in these categories seem to compare with those received in other departments.

Personal policy. At a meeting between the Liquor Board and State, County & Municipal Workers of America in November, 1939, Mr. W. M. Cauffield, Director of Personnel, admitted that the Board had never had a classification of store personnel up to that time. No set policy had been adopted since that time. On the other hand, supervisors for the board whose duties cover the operation supervision of certain districted groupings of stores claim that there is a definite classification of employes and always had been one. They defend the Board's failure to fill existing vacancies on the ground that certain positions may be eliminated under a revised reclassification which has been pending since Mr. Frye was appointed Secretary more than eighteen months ago. As a result of this confused policy of personnel manipulation nobody knows just what to expect when vacancies exist.

All arguments that the State is unable to pay equitable salaries is based upon a fallacy, because the Legislature appropriates the Liquor Board's profits and not its receipts. At the present rate of sales, profits for the next biennium will exceed \$42,000,000, while the Governor has merely estimated \$36,000,000 in the budget submitted to the Legislature. In addition, I feel it unfair to ask one particular group of state employes to carry part of the relief load for the state by accepting less than their actual worth, while others in the department have received wage increases or at least have suffered no reductions.

I feel that the present House of Representatives does have an exceptional opportunity to correct the laxity and neglect which has been prevalent in the administration of Liquor Board Personnel policies by amending the Liquor Act so that basic salary minimums will be established for the operators in the stores, which includes the clerks, assistant managers, and managers. It is my opinion that the salaries of these employes, who have actively participated in making the Pennsylvania Liquor Control System the model for all systems, should be revised to allow these employes to at least receive a wage which approximates that required to maintain

an American standard of living. If salaries for the higher bracketed administrative employes can be adjusted upwards, why cannot the lowers ones be similarly adjusted?

I make none of these points or observations with the purpose of attacking any particular individual, but purely from the point that a deplorable lack of consideration does exist in the matter of personnel administration, thereby preventing the employes from justly participating in the benefits they so richly deserve.

I have in my possession copies of letters addressed to the Honorable Governor Arthur H. James and the Honorable Joseph O'Brien, Chairman of the Committee on Liquor Control completely outlining the desires of the employes in the Pennsylvania Liquor stores in addition to the Survey which appears in three parts.

In a check up of other states I find that none pay less than Pennsylvania, therefore I ask the Members of the House to vote for House Bill 909.

Mr. FRENCH. Mr. Speaker, the speech I am going to make is going to be a very short one, but I would like to call to your attention a comparison between this bill and the one which was acted on not very long ago. I refer to the teachers' salaries in the fourth class school districts. These two things do not correspond, Mr. Speaker, with each other. I am only too sorry I am not able to discuss this thing in the way it should be discussed, but I hope somebody will follow me and discuss this question in the light in which it should be discussed. I know in my own heart and in my own opinion that the comparison is too wide-spread. We are very reluctant to raise the teachers' salaries for the fourth class districts, the people in whose charge and in whose hands it is to lay the foundation for the moral uplifting of the generation coming on. Very little consideration was given to them as far as salaries go. Now, we come along with a bill to raise the salaries of people who dispense liquor throughout the Commonwealth. It is not quite right, I do not think, in my opinion, to make the comparison. These people are getting a fair living wage, I would say larger than a good living wage, while the teachers have been, I might say, ignored entirely. They have been given a little measly raise in their salaries, but not enough to compensate them for the time and the money they have expended in getting an education to prepare themselves for the very important work of their jobs, that we have entrusted to their care. I am not talking against this bill. I want to make a comparison so that you men can see the job we in this House have done, which I think is an unfair comparison.

Mr. LEONARD. Mr. Speaker, I desire to interrogate the gentleman from Mifflin, Mr. French.

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

Mr. FRENCH. I shall, Mr. Speaker.

Mr. LEONARD. Mr. Speaker, does the gentleman from Mifflin know what the liquor store clerk gets today?

Mr. FRENCH. Well, Mr. Speaker, I did know but I have practically forgotten. It is more in comparison with what they have to spend for equipping themselves for the job than what the teachers have to spend to equip themselves for their jobs, I know that. I think it is about \$21 a week.

Mr. LEONARD. Mr. Speaker, I thank the gentleman from Mifflin, Mr. French. There is no comparison between the employes of the liquor stores in the state of

Pennsylvania and the teachers. The teachers' salaries are paid out of the taxes of the people, while the liquor stores employes are paid out of profits made by the state on the sale of liquor by the state. I want to say for the benefit of the Members of the House that the average salary for the clerks is \$23 a week. Is that an American standard of living to be paid by the great Commonwealth of Pennsylvania? Personally, I do not think it is. Does anybody here have an idea what the duties of the clerks of these stores are? One minute they are sweeping the floor, in another minute they are unloading trucks or cleaning a window; in another minute they sweep the pavement, and in the next minute they are handling the cash, while other officers are out on some other duty. That is the responsibility of the clerks who get \$23 a week. If this were coming out of anything but the profits, there might be some argument against the bill. This has been a favorable bill from the time it was introduced in this House, this is the first objection, if you can call it that, that I have heard since the bill has been on the calendar. I, therefore, ask the Members of the House in the name of the state of Pennsylvania, to pay these employes a decent wage.

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—165

Achterman,	Fiss,	Lovett,	Rose, S.,
Allmond,	Fleming,	Lyons,	Royer,
Baker,	Flynn,	Malloy,	Rush,
Balthaser,	Gallagher,	Maxwell,	Sarge,
Baughner,	Gates,	McClanaghan,	Sarraf,
Bentlev,	Gerard,	McDermott,	Scanlon,
Bentzel,	Goodwin,	McDowell,	Schwab,
Boles,	Greenwood,	McFall,	Serrill,
Booney,	Gryskewicz,	McIntosh,	Shaffer,
Boorse,	Haines,	McLanahan,	Shaw,
Bower,	Hall,	McLane,	Shepard,
Bradley,	Hamilton,	McSurdy,	Simons,
Bretherick,	Hare,	Melchiorre,	Skale,
Brown,	Harkins,	Modell,	Stank,
Brunner, C. H.,	Harmuth,	Monks,	Stockham,
Brunner, P. A.,	Heatherington,	Mooney,	Tarr,
Burns,	Helm,	Moran,	Tate,
Cadwalader,	Hering,	Moul,	Taylor,
Chervenak,	Herman,	Muir,	Thompson, E. F.,
Chudoff,	Hersch,	Munley,	Trout,
Cochran,	Hirsch,	Nagel,	Turner,
Cohen, M. M.,	Holland,	Nunemacher,	Verona,
Cohen, R. E.,	Huntley,	O'Brien,	Vincent,
Cook,	Imbrie,	O'Connor,	Vogt,
Cooper,	James,	O'Dare,	Voldow,
Cordier,	Jefferson,	O'Mullen,	Watkins,
Corrigan,	Jones, P. N.,	O'Neill,	Weiss,
Croop,	Keenan,	Owens,	Welsh, E. B.,
Cullen,	Kenehan,	Petrosky,	Welsh, M. J.,
Dairymple,	Kline,	Pettit,	Wilkinson,
Dennison,	Knoble,	Polaski,	Williams,
DiGenova,	Kolankiewicz,	Polen,	Winner,
Dolon,	Komorowski,	Powers,	Wolf,
D'Ortona,	Krise,	Prosen,	Wood, L. H.,
Duffy,	Lee, T. H.,	Rausch,	Wood, N.,
Early,	Leonard,	Readinger,	Woodring,
Elder,	Lesko,	Reese, D. P.,	Woodside,
Elllott,	Levy,	Reese, E. E.,	Wright,
Ely,	Leydie,	Regan,	Yeakel,
Falkenstein,	Lichtenwalter,	Rhea,	Yester,
Finestone,	Longo,	Rooney,	Young,
Finnerty,			Kilroy, Speaker

NAYS—7

Burris,	Harris,	McClester,	Snyder,
French,	Hewitt,	McMillen,	

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. 1630, as follows:

An Act to further amend clause (b) of section two hundred and one of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts 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" further prescribing the powers of the Pennsylvania Liquor Control Board to fix maximum sales prices of liquors in the Commonwealth

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

Section 1 Clause (b) of section two hundred and one of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts 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" as last reenacted and amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (P. L. 1762) is hereby further amended to read as follows

Section 201 General Powers of Board Under this act the board shall have the power and its duty shall be

(b) To control the manufacture possession sale consumption importation use transportation and delivery of liquor alcohol and malt or brewed beverages in accordance with the provisions of this act and to fix the wholesale and retail prices at which liquors and alcohol shall be sold at Pennsylvania liquor stores Provided That in fixing sale prices the board shall not give any preference or make any discrimination as to classes brands or otherwise except where special sales are deemed necessary to move unsaleable merchandise And provided further That in fixing maximum sales prices the board shall set such prices in the following manner (1) the board

shall compute the cost of such liquor to the board less all Federal taxes imposed on such liquors after January first one thousand nine hundred and forty-one (2) the board shall then add no more than fifty-five percentum of such cost to such figure and (3) the board shall then add to the figures obtained in clause (1) and (2) of this paragraph all Federal taxes on such liquors imposed after January first one thousand nine hundred and forty-one and this final sum shall represent the maximum sales prices of such liquors which shall be fixed by the board The board shall require each Pennsylvania manufacturer and each nonresident manufacturer of liquors other than wine selling such liquors to the board which are not manufactured in this Commonwealth to make application for and be granted a permit by the board before such liquors not manufactured in this Commonwealth shall be purchased from such manufacturer Each such manufacturer shall pay for such permit a fee which in the case of a manufacturer of this Commonwealth shall be equal to that required to be paid if any by a manufacturer or wholesaler of the state territory or country of origin of the liquors for selling liquors manufactured in Pennsylvania and in the case of a nonresident manufacturer shall be equal to that required to be paid if any in such state territory or country by Pennsylvania manufacturers doing business in such state territory or country In the event that any such manufacturer shall in the opinion of the board sell or attempt to sell liquors to the board through another person for the purpose of evading this provision relating to permits the board shall require such person before purchasing liquors from him or it to take out a permit and pay the same fee as hereinbefore required to be paid by such manufacturer All permit fees so collected shall be paid into the State Stores Fund The board shall not purchase any liquor fermented distilled rectified compounded or bottled in any state territory or country the laws of which result in prohibiting the importation therein of liquors fermented distilled rectified compounded or bottled in Pennsylvania

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. O'BRIEN. Mr. Speaker, House Bill 1630, Printer's No. 806, you will notice has been amended since it first reached the calendar. There seem to be some objections on the part of certain Members of the House to the effect that it may disturb the budget. You will recall the bill subsequently was amended to start as of January, 1941. This bill is in keeping with the provisions of the added mark up on any anticipated Federal taxes. Quite a few of our state newspapers have carried stories to the effect that as a result of this tax upon a tax, we have been driving some of the citizens of this Commonwealth into other states for the purpose of purchasing liquor. This bill will not disturb in any way the budget, and all objections so far as that feature is concerned have been withdrawn.

Mr. TURNER. Mr. Speaker, I concur with the gentleman from Philadelphia, Mr. O'Brien. I have been worried for a considerable time. During the work of the Joint State Government Commission we had a number of meetings with the Liquor Control Board. When the Federal tax was put on the Liquor Control Board felt that because of the law in Pennsylvania they had to mark up by adding the Federal tax on the price, then making a fifty percent mark up on that price. I am convinced we are going to have a number of other taxes and with the increased price of liquor I feel that the state store returns are in danger of a diminishing return,

because when the price goes up the people won't buy because they will be driven to buy cheaper liquor or buy such things as gin or wine which are very much cheaper, and the profits thereon will not be in the Liquor Stores.

The gentleman from Monroe, Mr. Achterman, has told us he counts on a four million dollar increase in the next biennium in profits from the State Liquor Stores. If you are going to continue every time the Federal Government adds a tax because of certain conditions in the world today, to increase the price of liquor and mark up on top of that, you are going to drive the price to a point where you are going to encourage the bootlegger. In the second place you drive people into other states and bootleg into Pennsylvania for their own consumption. In the third place you are going to drive down the market. We in Pennsylvania have a very distinct stake, to the amount of about thirty million dollars that we get from the sale of liquor in State Liquor Stores which constitutes a very substantial part of our budget. Therefore, it seems to me that if the Board feels that under our law they are compelled to add that to the price and then make their mark up on top of that, the bill before us is a timely bill and I think should be passed. There may be some question regarding the practical application but that can be easily worked out during the passage of this bill through the Legislature.

Mr. ACHTERMAN. Mr. Speaker, I wish to confirm the remarks of the gentleman from Philadelphia, Mr. O'Brien. The amendments to House Bill 1630 were inserted in the bill at my request and for the purpose of not disturbing the budget estimates which were submitted and which I presume were also arrived at by the administration in their figures.

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—180

Achterman,	Flynn,	McDowell,	Sarge,
Baker,	Foor,	McFall,	Sarrar,
Balthaser,	Gallagher,	McGrath,	Scanlon,
Baughner,	Gerard,	McIntosh,	Schwab,
Bentley,	Gillan,	McLanahan,	Shaffer,
Bentzel,	Gillette,	McLane,	Shaw,
Boles,	Goodwin,	McMillen,	Shepard,
Boney,	Greenwood,	McSurdy,	Simons,
Boorse,	Gross,	Melchiorre,	Skale,
Bower,	Gryskewicz,	Modell,	Sollenberger,
Bradley,	Haberlen,	Monks,	Sorg,
Bretherick,	Hamilton,	Mooney,	Stambaugh,
Brown,	Hare,	Moran,	Stank,
Brunner, C. H.,	Harkins,	Moul,	Stine,
Brunner, P. A.,	Harmuth,	Muir,	Stockham,
Burns,	Harris,	Munley,	Tarr,
Burriss,	Heatherington,	Nagel,	Tate,
Cadwalader,	Helm,	Nunemacher,	Taylor,
Chervenak,	Hering,	O'Brien,	Thompson, E. F.,
Chudoff,	Hirsch,	O'Connor,	Thompson, R. L.,
Cochran,	Holland,	O'Dare,	Turner,
Cohen, M. M.,	Jefferson,	O'Mullen,	Van Allsburg,
Cohen, R. E.,	Jones, P. N.,	O'Neill,	Verona,
Cook,	Keenan,	Owens,	Vincent,
Cooper,	Kenehan,	Petrosky,	Vogt,
Cordier,	Kilne,	Pettit,	Voidow,
Corrigan,	Kolankiewicz,	Polaski,	Voorhees,
Croop,	Komorowski,	Polen,	Wagner,
Cullen,	Krise,	Powers,	Watkins,
Dalrymple,	Lee, E. A.,	Prosen,	Weingartner,
DiGenova,	Lee, T. H.,	Rank,	Weiss,
Dolon,	Lelsey,	Rausch,	Weish, E. B.,
D'Ortona,	Leonard,	Readinger,	Weish, M. J.,
Duffy,	Lesko,	Reagan,	Williams,
	Levy,	Reese, D. P.,	Winner.

Early,	Leydic,	Reese, R. E.,	Wolf,
Elder,	Lichtenwalter,	Regan,	Wood, L. H.,
Elliott,	Longo,	Reynolds,	Woodring,
Ely,	Lovett,	Rhea,	Woodside,
Falkenstein,	Lyons,	Riley,	Wright,
Finestone,	Malloy,	Rooney,	Yeakel,
Finnerty,	Maxwell,	Rose, W. E.,	Yester,
Fisher,	McClanaghan,	Rosenfeld,	Young,
Fleming,	McClester,	Royer,	Kilroy, Speaker
Fletcher,	McDermott,	Rush,	

NAYS—14

Dennison,	Habbyshaw,	Huntley,	Snyder,
Fis.,	Hall,	Imbrie,	Trout,
French,	Hersch,	Serrill,	Wood, N.,
Gates,	Hewitt,		

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

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

BILL PASSED OVER

There being no objection House Bill No. 1195, Printer's No. 688, was passed over at the request of Mr. McFALL.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No 1197, as follows:

An Act to amend sections 201 202 204 205 211 and 805 of the act approved the fourth day of May one thousand nine hundred twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" changing certain provisions relating to the incorporation of new boroughs and providing for the incorporation of boroughs from townships of the first class having a population of eight thousand or more and for the organization of the government therein

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

Section 1 Sections 201 202 204 205 211 and 805 of the act approved the fourth day of May one thousand, nine hundred twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" are hereby amended to read as follows

Section 201 Towns [and] Villages and Certain Townships of the First Class May Be Incorporated The courts of quarter sessions may incorporate any town or village or any township of the first class having a population of eight thousand or more within their jurisdiction into a borough Every town or village and every such township of the first class so incorporated shall be a body corporate and politic by the name which shall be given by the court

Section 202 Applications for Incorporation The application for incorporation shall be in writing and shall be signed within three months immediately preceding its presentation to the court by a majority of the freeholders residing within the limits of the proposed borough either by a petition signed by a majority of the freeholders residing within the limits of the proposed borough which signatures must be secured within three months immediately preceding the presentation thereof to the court or by petition presented by the township commissioners of a township of the first class having a population of eight thousand or more in pursuance of a resolution duly adopted thereby a certified copy of which shall be presented to the court and filed with said petition

Section 204 Filing of Application Notice Decree Costs Upon presentation to the court the application shall be filed with the clerk and notice thereof shall be given in one newspaper in the county for a period of not less

than thirty days immediately before the next regular term following the filing thereof during which time exceptions may be filed to the application by any person interested. The court at said term if it shall find that the conditions prescribed by this article have been complied with may grant the prayer of the petitioners and make a decree accordingly but if the court shall deem further investigation necessary it may make such order thereon as to right and justice shall appertain. The application and decree shall be recorded in the recorder's office of the county at the expense of the applicants who shall also pay all other expenses and costs in connections therewith except in cases where the township commissioners of any township of the first class having a population of eight thousand or more shall have instituted such proceedings of their own motion all the costs and expenses of such proceedings or pertaining thereto shall be paid out of the general funds of the township.

Section 205 When Borough Government Becomes Effective When the application and decree have been recorded such part of a township or townships shall become an incorporated borough and shall be entitled to the several rights privileges and immunities conferred by this act subject however to the provisions of section two hundred eleven of this act as hereinafter amended.

Section 211 (First Election of Officers The courts of quarter sessions shall fix the time and place of holding the first election in the borough designate a person to give notice of the election and the manner thereof and appoint from among the electors of the borough a judge and inspectors to hold the first election. The officers elected at such special election shall hold their office and their successors shall be elected and qualify as provided for in article eight of this act.) Existing Government Preserved Temporarily Organization of Borough The charters of the said town village or township of the first class or whatever powers of government apply thereto shall continue in full force and operation and all officers under the same shall hold their respective offices until the first Monday of January following the municipal election next succeeding the issuance of the final decree establishing such new borough at which time the officers of said borough chosen at the preceding municipal election shall enter upon their respective terms of service and the borough government shall be duly organized under this act.

Whenever in the organization of the borough government of any newly established borough any person is elected by council to any office for which this act provides a definite term and fixes a definite time for the election of persons thereto the persons so elected shall serve only for such time as intervenes between his election and the next ensuing day fixed by this act for the election of such officer.

Section 805 Elections Where Boroughs Created Whenever (in boroughs hereafter incorporated from a township or) in boroughs hereafter formed by the division of a borough or in boroughs hereafter created by the detachment of territory a special election is ordered by the court for the election of borough officers the officers so elected shall hold their office until the first Monday of January next succeeding the municipal election at which such officers are elected as provided in sections eight hundred and ten to eight hundred and fifty inclusive of this article and whenever a borough is incorporated from a township the borough officers shall be elected at the municipal election next succeeding the final decree incorporating such borough and shall enter upon their respective terms of service on the first Monday of January following such election. In each of the aforesaid cases the officers elected at the first municipal election following the creation of such borough and thereafter (such officers) shall be so elected that the time of their election and in the case of councilmen and auditors the number to be elected, at any municipal election shall coincide with the time and number elected at such municipal elections by boroughs incorporated prior to the passage of this act.

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—194

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

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. 1424, as follows:

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

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

Section 1 Whenever the driver of any vehicle approaches the crossing of a highway and a railroad or railway at grade such driver shall exercise the degree of care that an

ordinary prudent man would exercise under like circumstances

The failure of the driver of any vehicle to stop before entering upon the crossing shall not in itself constitute negligence or contributory negligence but the issue of negligence or contributory negligence in such case shall be a question of fact to be determined by the jury after weighing all the circumstances

Section 2 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. JAMES. Mr. Speaker, my attention was drawn to this bill by its brevity. As I see it, this bill either packs a lot of dynamite or it is no good

I would like to ask the sponsor, Mr. Presley N. Jones, to give the House a brief idea what the bill would do.

Mr. PRESLEY N. JONES. Mr. Speaker, in answer to the interrogation of the gentleman from Delaware, Mr. James, the bill is quite brief. Section one of the bill states as follows:

"Whenever the driver of any vehicle approaches the crossing of a highway and a railroad or railway at grade, such driver shall exercise a degree of care that an ordinary prudent man would exercise under like circumstances."

In other words, gentlemen, it deletes from what is known as the old Pennsylvania rule the word "stop." It has been shown by the very astute Justice Cordoza as being an utterly ridiculous law, in support of which I will refer you to U. S. Supreme Court 292, Page 98, Section 103, in which the Justice cites that fact.

It is idiotic to assume that a man would approach a crossing, disengage his gears, set his brakes, walk up to the tracks, look both ways, listen and turn his back on the track. We all know quite well should there be the slightest bend in that road, a quarter mile beyond the man's vision that a train traveling at the rate of thirty miles an hour would within the space of thirty seconds in the distance of a quarter of a mile be at that crossing. It is physically impossible for a man to turn his back on the track, return to his car, open the door, reseat himself, release his clutch, release his emergency brake and descend upon the crossing within thirty seconds. It is a very excellent bill, it is a fair bill, it is very brief and all that it does is to make it a matter for the jury to arrive at the decision. If I may continue, Mr. Speaker, after this bill is passed if a man does not stop at the crossing he is non-suited.

Mr. JAMES. Mr. Speaker, within the last five years a law was repealed about as brief as this one. It said that whenever two trains shall meet at any intersection or crossing of tracks neither train shall proceed until the other train has passed.

Mr. HEWITT. Mr. Speaker, Abe Martin said he could never figure out how a fellow could arrange his schedule to be there when a train came.

Mr. WOODRING. Mr. Speaker, I feel this is a very meritorious bill and should be given consideration by all the Members. I recommend it to their favorable consideration. I think it is streamlining the "Stop, Look and Listen Law" which has long ceased to be practical in this day and age of fast traveling on modern highways. I think it

will bring the law up to 1941. I think it is a good law and ought to be passed.

Mr. BENTLEY. Mr. Speaker, I ask leave to interrogate the sponsor of this bill, the gentleman from Lawrence, Mr. Jones.

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

Mr. PRESLEY N. JONES. I shall, Mr. Speaker.

Mr. BENTLEY. Mr. Speaker, as I understand the present law it is mandatory for all buses to stop at railroad crossings before proceeding across. Will this bill, if enacted into law, have the effect of repealing that provision?

Mr. PRESLEY N. JONES. No, it would not, Mr. Speaker.

Mr. BENTLEY. Mr. Speaker, if it is a valid safety measure for a bus to stop before proceeding across a railroad crossing, is it not also equally valid as a safety measure for vehicles driven by persons other than bus drivers to also stop before proceeding across?

Mr. PRESLEY N. JONES. Mr. Speaker, I think the rule or regulation for buses to stop at grade crossings happens to be a regulation promulgated by the Public Utility Commission. As to the gentleman's question as to being valid, I think you will find that throughout the State our courts, the majority of them, adopt the rule that the traveler must look and listen, and the duty to stop depends upon the circumstances and hence, generally, even if not invariably, it is left to the judgement of the jury.

MR. TURNER IN THE CHAIR.

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:

Messrs. TATE, CHUDOFF and VOLDOW asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—105

Achterman,	Finestone,	Lovett,	Readinger.
Allmond,	Finnerty,	Malloy,	Reese, R. E.,
Baker,	Flynn,	McClanaghan,	Regan,
Balthaser,	French,	McDermott,	Rooney,
Baughner,	Gallagher,	McFall,	Rose, S.,
Bentley,	Goodwin,	McIntosh,	Rose, W. E.,
Bentzel,	Gryskewicz,	McLanahan,	Rush,
Boney,	Haberlen,	McLane,	Schwab,
Bradley,	Harkins,	Melchiorre,	Shaffer,
Brown,	Harmuth,	Modell,	Shaw,
Brunner, P. A.,	Harris,	Monks,	Shepard,
Burns,	Heatherington,	Mooney,	Snyder,
Chervenak,	Herman,	Moran,	Sorg,
Chudoff,	Hersch,	Moul,	Stank,
Cohen, M. M.,	Hirsch,	Munley,	Stine,
Corrigan,	Holland,	Nunemacher,	Tarr,
Croop,	Jefferson,	O'Brien,	Tate,
Cullen,	Jones, P. N.,	O'Connor,	Thompson, E. F.,
Dalrymple,	Keenan,	O'Mullen,	Voldow,
DiGenova,	Kenehan,	O'Neill,	Voorhees,
Dolon,	Kolankiewicz,	Owens,	Weiss,
D'Ortona,	Komorowski,	Petrosky,	Williams,
Duffy,	Leonard,	Polaski,	Wolf,
Early,	Lesko,	Powers,	Woodring,
Eckels,	Levy,	Prosen,	Wright,
Elliot,	Longo,	Rausch,	Young,
Falkenstein,			

NAYS—58

Boies,	Haines,	Lichtenwalter,	Simons,
Boorse,	Hall,	McClester,	Stambaugh,
Bretherick,	Hamilton,	McDowell,	Stockham,
Brunner, C. H.,	Hare,	McSurdy,	Taylor,
Cadwalader,	Helm,	Muir,	Trout,
Cochran,	Hering,	Pettit,	Turner,
Cook,	Hewitt,	Pollen,	Van Allsburg,
Cordier,	Huntley,	Rank,	Wagner,

Elder,	Imbrie,	Reese, D. P.,	Watkins,
Fliss,	James,	Rhea,	Wilkinson,
Fleming,	Kline,	Riley,	Winner,
Gates,	Knoble,	Royer,	Wood, N.,
Gerard,	Krise,	Sarge,	Woodside,
Greenwood,	Lelsey,	Serrill,	Yeakel,
Habbyslaw,	Leydic,		

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.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

PERMISSION GRANTED COMMITTEE TO MEET
DURING SESSION

Mr. REUBEN E. COHEN asked and obtained permission for the Committee on Judiciary Special to meet during the session of the House.

PERMISSION TO ADDRESS HOUSE

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

Mr. Speaker, because of other matters that required my absence from the House at the opening this morning, I was not present when House Bill 771 was passed finally. I had intended to make some remarks on that bill. The members on this side of the House voted in favor of the bill merely because they felt the thing to do was to let it go to the other side, it would have to come back through a Conference Committee, if it is to be passed finally, and in order not to hold up the proceedings, they let it slide along. I feel, however I ought to make some statement on this bill and I am going to ask the indulgence of the House for a few moments while I do so.

The Unemployment Compensation Law of Pennsylvania requires civil service for employes in the Bureau of Employment and Unemployment Compensation.

The administrative costs are paid out of a fund provided by Congress and allocated by the Social Security Board. The fund is known as Pennsylvania Administration Fund.

The benefits paid to employes come from the Unemployment Compensation Fund created by taxes on employers in Pennsylvania.

All the costs of administration, that is, payment of salaries to employes and general expenses of the Bureau, are paid from the administrative fund by the Department, that is, the Secretary of Labor and Industry.

The Social Security Act as finally amended requires that civil service be provided for in order that the states may receive their share of the administration expenses; these monies go into the Administration Fund. Therefore, Pennsylvania with a civil service system, is safe in getting this money.

The Pennsylvania law provides for a system of requisitioning and accounting of the expenditure records in the Bureau of Employment and Unemployment Compensation as approved by the Department of Labor and Industry, the Treasurer and the Governor. In the prior administration, under Governor Earle, the appointment of such employes who were paid out of this Administration Fund by the Secretary of Labor and Industry, were permitted to be made by the State Treasurer and for some reason or other it was approved by the Secretary of Labor

and Industry, Mr. Bashore and Governor Earle. These appointments were made without civil service, although they are paid out of this administration fund by the Secretary of Labor and Industry, and it is approved and countenanced by the Social Security Board.

The Attorney General of Pennsylvania has ruled this is not proper because the act requires that all the employes of the Bureau of Employment and Unemployment Compensation paid out of this fund shall be under civil service. The Social Security Board is winking at that but they don't wink at the Health Department when only a small part of the money to pay Health Department employes comes from the Social Security Board.

You know, Mr. Speaker, in this administration the Secretary of Health is asking that certain employes of the Department be placed under civil service because the Social Security Board is demanding that those employes who are paid partly by general funds shall be under civil service, but in this instance in the Treasury, the employes under Unemployment Compensation, the board says nothing about it.

When House Bill 868 was introduced, which was supposed to be a bill in the interests of labor to give them benefit increases, the Democrats, when the bill was reported out of committee, ignored the fact that it was a labor bill and insert amendments to Sections 602 and 603 to freeze out of civil service over one hundred employes.

The Democrats are still worried about their political appointments, so when House Bill 771, came up for second reading in the House on Tuesday, May 27th, it was amended and the provisions which have been added to House Bill 868 and S. 80 (H. 1208) are now added to House Bill 771.

House Bill 771 is supposed to provide increases in salaries for the employes of the Bureau of Employment and Unemployment Compensation. The Democrats in the guise of slipping through this salary increase for "labor" puts in, for the third time, the provision for keeping this or a hundred or more political jobs. Where are the labor leaders—the leader of the C. I. O. and the A. F. L. State Employes Union, who bring drives here for extension of civil service and its protection. Are they politically minded or labor minded? Do they approve of what the Democrats do when labor is affected?

The Democrats are still a little worried that possibly the Social Security Board may finally be forced to take a consistent point of view and the Democrats are worried about these political jobs for their Democratic workers. They are also afraid that possibly this administration will insist that something be done immediately. The administration has been insisting, but it cannot get cooperation from the Social Security Board that those employes, even though they were permitted to be employed by the Treasurer, should be under civil service. They then take the clause which requires that the system of accounting, and so forth be approved by the Governor, the State Treasurer and the Secretary of Labor and Industry and place it under the control of the State Treasurer with the approval of the Social Security Board.

This is purely a camouflage because the Social Security Board has been winking at this arrangement and does not require that they be under civil service. One amendment would also make them State Treasurer employes and not employes of the Bureau of Employment and Unemployment Compensation who must be under civil service.

In other words, they are going to cut out the Governor

and the Secretary of Labor and Industry and put part of it in the Social Security Board down in Washington.

It seems to me this is a most unusual proceeding and it is merely a camouflage to hide a situation that is keeping one hundred employes out of civil service, who in all fairness and according to all the rules and regulations of the Social Security Board, as they have been insisting upon in all the departments,—they are winking at it, and I ask you therefore whether there is any honesty in that situation.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 687, as follows:

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

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

Section 1 That the title of the act approved the third day of May one thousand nine hundred and nine (P. L. 424) entitled "An act providing that in all counties having more than five hundred thousand inhabitants advertisements and notices required by law or rules of the court to be published in newspapers of general circulation unless dispensed with by special order of court shall be published in the legal newspapers issued at least weekly of the proper county designated by rules of court for the publication of court or other legal notices" and section one of the said act as amended are hereby further amended to read as follows

An Act providing that in all counties [having more than five hundred thousand inhabitants] of the first second third fourth fifth and sixth class advertisements and notices required by law or rules of court to be published in newspapers of general circulation unless dispensed with by special order of court shall be published in the legal newspaper issued at least weekly of the proper county designated by rules of court for the publication of court or other legal notices

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 hereafter in all counties of the first second third fourth fifth and sixth class of the Commonwealth every notice or advertisement required by law or rules of court to be published in one or more newspapers of general circulation unless dispensed with by special order of court shall also be published in the legal newspaper issued at least weekly in said county designated by rules of court for the publication of court or other legal notices if such newspaper exists Publication in such legal newspaper shall be made as often as required to be made in such newspapers in general circulation and shall be subject to the same stipulations and regulations as those imposed for the like services upon all newspaper Provided That nothing herein contained shall be construed to require the publication in such legal newspapers of municipal ordinances mercantile appraisers' notice advertising for bids for contracts for public work or lists of delinquent taxpayers

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

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. 1328, as follows:

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

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

Section 1 The title and section one of the act approved the twenty-ninth day of April one thousand nine hundred thirty-seven (P. L. 526) entitled "An act providing for and regulating joint purchases by counties (other than

counties of the first and second classes) cities of the third class boroughs towns townships school districts and poor districts" are hereby amended to read as follows

An Act providing for and regulating joint purchases by counties (other than counties of the first [and second classes] class cities of the second and third class boroughs towns townships school districts institution districts and poor districts

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 any county (other than a county of the first [or second] class) city of the second and third class borough town township school district institution district and poor district may jointly with other political subdivisions make purchases of materials supplies or equipment which such political subdivision may legally purchase and may enter into such agreements as may be deemed necessary to accomplish such purpose

Section 2 Sections two and three of said act are hereby reenacted to read as follows

Section 2 All such purchases involving the expenditure of over five hundred dollars (\$500) shall be in writing and shall be made only after notice by one of the political subdivisions joining therein once a week for two weeks in one or more newspapers of general circulation published in the political subdivision advertising the same All plans and specifications shall be placed on file by each of the political subdivisions joining in such purchase at least fifteen days in advance of opening bids

Section 3 It shall be the duty of the political subdivisions joining in such purchase to award the contract of purchase on competitive bids to the lowest responsible bidder Any published notice for bids shall contain full plans and specifications or refer to the places where copies thereof can be obtained and give the time and place of meeting of the representatives from the corporate authorities of the political subdivisions joining in such purchase for the purpose of opening bids At least one representative from each of the political subdivisions joining in such purchase shall be present at such meeting and such meeting may be adjourned from time to time on six days' notice of the same kind until the proper representation can be present

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

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

On the question,

Shall the bill pass finally?

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

YEAS—194

- | | | | |
|-----------------|----------------|--------------|------------------|
| Achterman, | Gallagher, | Maxwell, | Sarge, |
| Baker, | Gates, | McClanaghan, | Sarraf, |
| Balthaser, | Gerard, | McClester, | Scanlon, |
| Baugher, | Gillan, | McDermott, | Schwab, |
| Bentley, | Gillette, | McDowell, | Serrill, |
| Bentzel, | Goodwin, | McFall, | Shaffer, |
| Boles, | Greenwood, | McGrath, | Shaw, |
| Boney, | Gross, | McIntosh, | Shepard, |
| Boorse, | Gryskewicz, | McLanahan, | Simons, |
| Bower, | Habbyslaw, | McLane, | Skale, |
| Bradley, | Haberlen, | McMillen, | Snyder, |
| Bretherick, | Hall, | McSurdy, | Sollenberger, |
| Brown, | Hamilton, | Melchiorre, | Sorg, |
| Brunner, C. H., | Hare, | Modell, | Stambaugh, |
| Brunner, P. A., | Harkins, | Monks, | Stank, |
| Burns, | Harmuth, | Mooney, | Stine, |
| Burriss, | Harris, | Moran, | Stockham, |
| Cadwalader, | Heatherington, | Muir, | Tarr, |
| Chervenak, | Helm, | Munley, | Tate, |
| Chudoff, | Hering, | Nagel, | Taylor, |
| Cochran, | Herman, | Nunemacher, | Thompson, E. F., |
| Cohen, M. M., | Hersch, | O'Brien, | Thompson, R. L., |
| Cohen, R. E., | Hewitt, | O'Connor, | Trout, |
| Cook, | Hirsch, | O'Dare, | Turner, |

- | | | | |
|--------------|----------------|---------------|---------------|
| Cooper, | Holland, | O'Mullen, | VanAllsburg, |
| Corder, | Huntley, | O'Neill, | Verona, |
| Corrigan, | Imbrie, | Owens, | Vincent, |
| Croop, | J. mes, | Petrosky, | Vogt, |
| Cullen, | Jefferson, | Pettit, | Voldow, |
| Dalrymple, | Jones, G. E., | Polaski, | Voorhees, |
| Dennison, | Jones, P. N., | Polen, | Wagner, |
| DiGenova, | Keenan, | Powers, | Watkins, |
| Dolon, | Kenehan, | Frosen, | Weingartner, |
| D'Ortona, | Kline, | Rank, | Weiss, |
| Duffy, | Kolankiewicz, | Rausch, | Welsh, E. B., |
| Early, | Komorowski, | Readinger, | Welsh, M. J., |
| Elder, | Krise, | Reagan, | Williams, |
| Elliott, | Lee, T. H., | Reese, D. P., | Winnner, |
| Ely, | Lee, A., | Reese, R. E., | Wolf, |
| Falkenstein, | Leisey, | Regan, | Wood, L. H., |
| Finestone, | Leonard, | Reynolds, | Wood, N., |
| Finnerty, | Lesko, | Rhea, | Woodring, |
| Fisher, | Levy, | Riley, | Woodside, |
| Fiss, | Leydic, | Rooney, | Wright, |
| Fleming, | Lichtenwalter, | Rose, W. E., | Yeakel, |
| Fletcher, | Longo, | Rosenfeld, | Yester, |
| Flynn, | Lovett, | Royer, | Young, |
| Foor, | Lyons, | Rush, | Kilroy, |
| French, | Malloy, | | 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. 1248, as follows:

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

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

Section 1 In addition to the remedies and procedure now provided by law in non-support and desertion cases any court of record having jurisdiction in such cases may proceed therein upon the petition of any person or persons concerned or of anyone in their behalf presented to the court and setting forth the facts of said desertion or failure to support and shall render judgment and afford relief in such cases with the same force and effect as though the proceeding had been by information and warrant as heretofore provided by law

Section 2 Upon presentation of such petition to said court the judge thereof shall fix the time for hearing the complaint and shall make an order to procure the attendance in court at the time so fixed of the person or persons against whom said petition has been filed and to that end may direct that notice by personal service of the time and nature of the hearing be given to said person or persons or may forthwith issue a warrant of arrest for the apprehension and detention of said person or persons and require said person or persons to enter into a recognizance with surety in an amount fixed by said judge conditioned for the appearance of said person or persons at the hearing in court upon said complaint

Section 3 If at the time of hearing the person or persons against whom the petition was made do not appear whether there be due proof of the service notice of the time and nature of the hearing upon him or them or not the court may issue a warrant of arrest or other appropriate process to procure the presence of said person or persons at an adjourned session of said court to which the hearing of the complaint may be continued

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. STOCKHAM. Mr. Speaker, this bill is a brief one. It is a new procedure possibly in the courts. It is designed to help save the expense particularly of some poor or helpless mother or other person in desertion, save the expense and time under the present procedure and allow action directly in the courts. I understand there is some opposition to this bill on the part of the justices of the peace. I think that it is without real foundation in fact because their opposition could not be sustained even in their own minds because this bill presumes to extend a helping hand to those that need help. The saving to persons proceeding under this act directly in court is not any great loss to the justices of the peace in any remuneration coming to them, but rather is helpful to the one who needs the help.

I would ask, Mr. Speaker, if I may yield the floor for any further discussion of the details, the legal details of this bill, to the gentleman from Allegheny, Mr. Homer Brown.

Mr. BROWN. Mr. Speaker, I don't know whether it is an honor to take the floor on a bill of this kind or not. However, I do appreciate the remarks of the gentleman from Bucks, Mr. Stockham. Because of the opposition to this bill I want to say to the Members of the House that this is a real attempt to save costs and to eliminate a procedure which is long outmoded in our state. We are following this procedure in Allegheny county and I think rather successfully. The old procedure, of course, in the beginning of a desertion or non-support case is to make an information, have a warrant issued for the arrest of the defendant, have a trial in a court of summary jurisdiction and then refer the case to a court of proper jurisdiction. In many cases of non-support there is absolutely no necessity for such procedure. In Allegheny County, in the County Court, which is the court that has jurisdiction over desertion and non-support cases, a notice is sent upon complaint made by the wife or by the party who is not being supported, as the case might be, and the defendant is asked to come in. That, it seems to me, is a very fair thing to do. There is no reason to commit a man to jail by information, holding him for court, and putting him to the expense of getting a bond, when the thing demanded is support. The procedure contradicts the remedy sought, because the man has to pay for his bond and wait until the case comes to trial before some minor judiciary or before a court of proper jurisdiction, and a lot of time is wasted and a lot of money is wasted. It does seem to me that this bill ought to be passed and sent to the Senate. I think the bill has merit and it is a real attempt to straighten out some of our criminal procedure, which, as every Member of this House knows, is long past due.

Mr. Speaker, I therefore highly recommend this bill to every Member of this House.

Mr. McLANAHAN. Mr. Speaker, this bill for non-support is a cruel bill which they are trying to introduce here. It drags the poor person from the far end of the county into court. They are attempting to tell the people that it is a saving of costs, which is not true. I hear dozens of these cases and they do not go to court. We do not put them under bond because they are not capable of giving a bond. We allow them to go to court on their own recognizance. This is nothing but a lawyer's bill, that is all it is, and it attempts to drive a lot of people into court. I say to the gentlemen of this House that

this is a nonsensical bill and I ask the Members of the House to vote against it for the benefit of the poor devil who cannot find money to go to the court house.

Mr. SHEPARD. Mr. Speaker, of course it is very desirable to give help to those in non-support cases and in desertion cases, in which the husband walks out on his family or something of that sort. It seems to me that the magistrates' courts and the justices of the peace are closer to the people and in many cases they can settle these family differences and disturbances without having to send a person to court where he will have a record made against him, and all that sort of thing. The magistrates' courts very often settle this kind of family difference. While most of us try to be good husbands, we do not facilitate or make it any easier for wives to come into court every time there is a family difference. That is what happens in many cases. I might say that we husbands have enough hammers over our heads now. In addition to that we do not want them to put the whole court house on top of us. Any time a husband and wife have a dispute at the breakfast table, by the time dinner is served we may be in court, but if this case is allowed to go to the magistrate's court, very often he can straighten out these differences without all of that court procedure.

Mr. Speaker, I am opposed to this bill and I ask the members of the House, in the interest of tranquility and peace in family life to prevent unnecessary cluttering up of the courts with domestic difficulties to vote down this bill and allow the differences to be settled by the magistrates and justices of the peace. Those people are much closer to the family unit and can serve a very definite purpose in that respect.

Mr. BROWN. Mr. Speaker, I do not like to engage in any controversy with my colleague of many years, the minister from Philadelphia, Rev. Shepard. However, if the Reverend will confine himself to the pulpit and not to the law, I think he would be more accurate. When a minister attempts to tell us how to keep people out of jail he necessarily gets into trouble. The gentleman from Philadelphia speaks of the hammer over his head. That is just what we are doing in this particular bill, we are relieving him from having a hammer over his head. If he is personally concerned, and I imagine he is, as he seems to be very strong in his denunciation of this bill—I don't know much about his private life in that connection, but if the gentleman is interested I want to assure him this bill will take the hammer from off his head.

In answer to the gentleman from Beaver, Mr. McLanahan, my very good friend, I want to assure him that this bill will take nothing away from the magistrates or justices of the peace. They have no jurisdiction now in desertion and non-support cases. The cases must go to court. They cannot enter judgment in cases of desertion or non-support, they can only act as committing magistrates and that is a thing that we want to obviate. The only thing a justice of the peace or magistrate can do is to receive the information, issue a warrant for the man's arrest and release him on bail. The gentleman from Beaver said he does not do it and, therefore, if he does not do it he should not be against this bill because it does not hurt him.

Mr. Speaker, I say to my friend, the minister from Philadelphia, that this bill will help to administer justice

in a way that justice should be administered, and I do earnestly ask the Members of this House to vote for the bill.

As a lawyer I want to assure you that the lawyers are not interested in this bill. Very few, if any of them, practice in desertion and non-support court. I do not believe that anyone will be hurt, and that the procedure of the law will be made more easy and justice will be obtained by the passage of this bill.

Mr. REUBEN E. COHEN. Mr. Speaker, may I say for purpose of the record that the procedure in Allegheny county is quite similar to the procedure now followed in Philadelphia. Desertion and non-support cases in Philadelphia are taken to the Municipal Courts where a conference is arranged between the parties. If the parties cannot agree upon a proper amount, the matter is taken up by the judge, and a determination is made of the ability of the husband to pay. There is no question of any politics in the bill. I think the procedure outlined here, if extended throughout the Commonwealth of Pennsylvania, would be a helpful thing instead of a hurtful thing.

Mr. O'BRIEN. Mr. Speaker, I am wondering if it would be in order to have Squire McLane from Luzerne County, who is a Justice of the Peace, explain this bill.

Mr. McLANE. Mr. Speaker, the gentleman is out of order.

Mr. McLANAHAN. Mr. Speaker, these cases do not have to go to court. The cases are usually settled in the offices of the Justice of the Peace. We in our district continue these cases indefinitely until we have an adjustment. There is only about one in a hundred cases that we do send to court. We are successful along that line and we save many dollars, where otherwise by going into court there are many dollars lost and there is a loss of time and loss of wages by running into court with this type of case. I don't see any sense in going into court where people have to go from a long distance, and maybe have to lay around the court for a day or two before they can be heard. It is not a matter here of saving the client's money; that is all bosh. It is a matter of somebody getting a fee for representing that client. I say this is a cruel bill to the underpaid people of this country and I hope that the gentlemen of this House will defeat this bill. I thank you.

Mr. SHEPARD. I desire to interrogate the sponsor of this bill the gentleman from Bucks, Mr. Stockham.

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

Mr. STOCKHAM. I shall, Mr. Speaker.

Mr. SHEPARD. Mr. Speaker, I would like to ask the gentleman from Bucks, Mr. Stockham, since it has been admitted here on the floor of the House that this procedure is already followed in Allegheny and Philadelphia Counties, and since the Squire said they settled these differences in their offices in the rural districts, why do we need this bill? It will force the people in the country districts to journey to the county seats when they can settle their differences in a Justice of the Peace court and save a lot of money and time. I would like to know why this bill is necessary since the procedure is already followed in the principal counties.

Mr. STOCKHAM. Mr. Speaker, the remedies that are had and the statements that have been made on the floor today are perfectly plain. Mr. McLanahan from

Beaver has admitted his position. He has attacked the question of fees. May I direct your attention, Mr. Speaker, to the fact that Justices of the Peace collect fees for his work. And may I furthermore set forth that this is an additional remedy. I would commend what the gentleman from Beaver does and the method which he pursues in his court in adjusting cases. I would direct your attention to what Mr. Brown has pointed out to you, the relationship of the law—it is an additional remedy. It does not take away from the Justice of the Peace those rights that he has, as I understand it. I would say further, being interested as I have been for years in social service, that this thought came from no less a jurist than Judge Shaeffer of Berks County, who stands out as an authority on proceedings as relating to the welfare of the people of the Commonwealth.

Mr. BRETHERICK. Mr. Speaker, in answer to the Squire from Beaver County and the Minister from Philadelphia County, they both seem to have lost sight of the fact that as a matter of fact this bill provides an additional remedy to the procedure now provided by law. This is not restricted in any sense; they still can go to the Magistrate or to a Justice of the Peace. This is just an additional remedy which is afforded to a person illy able to afford the expense involved in proceedings before a Justice of the Peace. I think the J. P.'s in this House have had no better friend so far as legislation is concerned than I. But I think this is a good piece of legislation and the Members of the House ought to vote for it, in view of the fact that it provides an addition to the remedy and procedure now provided by law.

Mr. ECKLES. Mr. Speaker, I have no desire to prolong this debate but I think perhaps I can clarify it a little bit by citing an instance in which this act will be beneficial.

We have noticed in the past few years a great many cases wherein aged parents have brought prosecution against their children for non-support. That has come about by reason of the fact that the relief authorities in certain instances hold or believe that the children of certain relief recipients are able to contribute to the support of their parents. The old person on relief is faced with the choice of either bringing a criminal prosecution against his son, his child, or foregoing his relief. A great many of those cases are pitiable because the parent does not want to have his child arrested or thrown into jail. Yet, there has got to be an adjudication in court as to whether or not the child is able to support and should support his parents. I think this is a very fine thing and instead of bringing a prosecution of that kind, a petition could be presented to the court and the court could make an adjudication. If the court decides that the parent is not responsible the relief authorities can grant him relief, and if the court decides he is responsible they can make an order.

Mr. McFALL. Mr. Speaker, I rise in opposition to this bill and in support of the forgotten man of the law, the Justice of the Peace. I have a letter here which I received from one of them. The letter speaks of the bill and the thoughts that are in the minds of the Justices of the Peace all over the state of Pennsylvania. He addresses me as "My dear Senator." He is a couple of years out of the way, I guess, there. The letter reads as follows:

"Beg to call your attention to House Bill 1453,

showing that the lawyers are working again. I trust you will fight this bill with both feet.

"I would suggest you introduce a bill preventing any more lawyers from being admitted to the Bar, so that those who now are members of the Bar can make a living without trying to take away from us what little is left.

"I know you will do your part."

Mr. Speaker, I do not know whether this man intended me to kick the lawyers in the shins or whether to jump on them with both feet. I have passed the days for that kind of warfare. I wish to say on behalf of the Justices of the Peace, that I have talked with many of them in my county about the cases that come before them and many of those cases are settled without going to court. Various couples come into the office of the Justice of the Peace mad at one another, with fire in their eyes, and after talking things over a while they come down the steps arm in arm, and when nobody is looking at them they kiss each other and they go home and start all over. You are not going to do that if these cases are allowed to go to court, because after they get rid of court procedure down there both of them will have to walk home. So, Mr. Speaker and Members of the House, I think we should give some thought to this forgotten man of the law, the Justice of the Peace, and give him a square deal and vote this bill down.

Mr. REAGAN. Mr. Speaker, I have listened to the discussion so far and I do not know which is right, the lawyers or the Justices of Peace, but it was brought home forcibly to us the other day that a Member who is interested in any bill before the House should retire. In that case I suggest that the lawyers and the justices of the peace—and also the ministers—although I don't know how they are mixed up in it, but they seem to be, retire and let the laity decide this question.

The SPEAKER. We cannot decide any question without a quorum.

Mr. WOODSIDE. Mr. Speaker, I was going to suggest that perhaps all the married men would likely be interested, and perhaps they had better retire too.

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 32

Achterman,	Gross,	McIntosh,	Skale,
Bentzel,	Habbyhaw,	Modell,	Sorg,
Bretherick,	Hall,	Monks,	Stine,
Brown,	Harkins,	Muir,	Stockham,
Brunner, C. H.,	Harris,	O'Connor,	Sydney,
Dennison,	Hering,	Reese, D. P.,	Voorhees,
Duffy,	Herman,	Rose, S.,	Welsh, E. B.,
Fletcher,	Imbrie,	Rose, W. E.,	Kilroy,
		Serrill,	Speaker.

NAYS 98

Allmond,	Gallagher,	Malloy,	Readinger,
Baker,	Gates,	Maxwell,	Reese, R. E.,
Balthaser,	Goodwin,	McClester,	Regan,
Bentley,	Haines,	McDermott,	Royer,
Boles,	Hamilton,	McFall,	Sarra,
Boorse,	Hare,	McLanahan,	Scanlon,
Bower,	Harmuth,	McLane,	Shaffer,
Bradley,	Heatherington,	McMillen,	Shepard,
Brunner, P. A.,	Hersch,	McSurdy,	Snyder,
Burns,	Hewitt,	Melchiorre,	Stank,
Burris,	Hirsch,	Mooney,	Tarr,
Chervenak,	Holland,	Moran,	Taylor,
Cochran,	Jefferson,	Moul,	Trout,
Cohen, M. M.,	Jones, P. N.,	Nunemacher,	Van Alisburg,

Cordier,	Keenan,	O'Brien,	Vincent,
Corrigan,	Kilne,	O'Mullen,	Vogt,
Cullen,	Kolankiewicz,	Owens,	Wagner,
Dalrymple,	Komorowski,	Petrosky,	Watkins,
DiGenova,	Krise,	Pettit,	Weiss,
D'Ortona,	Lesko,	Polaski,	Welsh, M. J.,
Early,	Levy,	Polen,	Wolf,
Finestone,	Lichtenwalter,	Powers,	Wright,
Finnerty,	Longo,	Prosen,	Yester,
Fiss,	Lovett,	Rausch,	Young,
Flynn,	Lyons,		

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 COMMITTEES TO MEET DURING SESSION

Mr. BENTLEY asked and obtained permission for the Committee on Cities-Second Class to meet during the session of the House.

Mr. O'BRIEN asked and obtained permission for the Committee on Liquor Control to meet during the session of the House.

SENATE MESSAGES

AMENDED 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. 270.

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

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 2, line 10, by striking out after the word "grounds" the words "conducted by any public or charitable organization" and inserting in lieu thereof the following: "owned and operated by charitable organizations for the use of the public without charge"; also in line 13, by striking out after the word "therewith" the following: "and upon violation of any such rules when prominently posted at conspicuous places in such parks or recreational grounds to collect from any person violating the same a penalty of not less than two or more than ten dollars for each such violation by summary proceedings before any justice of the peace alderman or magistrate of the county in which said park or recreational grounds is situated" and inserting in lieu thereof the following: "and to make any violation of such rules when posted at conspicuous places in such parks or recreational grounds punishable in a summary proceedings before any justice of the peace alderman or magistrate of the county by the payment of costs of prosecution and a fine of not less than two dollars (\$2.00) or more than ten dollars (\$10.00) and in default of the payment thereof imprisonment in the jail of the county for a period not exceeding five (5) days."

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—194

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

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. 218.

An Act to further amend section three and to amend section eight of the act approved the seventeenth day of May one thousand nine hundred and seventeen (P. L. 224) entitled "An act preventing the manufacture sale or transportation within the Commonwealth of adulterated or misbranded Paris greens lead arsenates lime-sulphur compounds and other insecticides and fungicides and regulating traffic therein providing for inspection of such materials and imposing penalties" by imposing additional duties on the Secretary of Agriculture and further regu-

lating the sale manufacture and transportation of insecticides and fungicides

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 11, by inserting after the word "sale" the words "possession for sale and"; also line 12, by striking out the words "and transportation".

Amend Section 2, page 2, lines 25 to 28 inclusive, by striking out after the letter "(b)" the following:

"That it shall be unlawful to sell or offer for sale manufacture or transport within the Commonwealth any insecticide or fungicide so colored that the said fungicide can be confused with or resemble closely"; also on page 3, by striking out all of lines 1 and 2 as follows: "flour baking soda salt pepper or any other common kitchen and household condiment" and inserting in lieu thereof the following:

"That it shall be unlawful to manufacture sell offer to sell or possess for sale within the Commonwealth any white powdered insecticide or fungicide highly toxic to man unless insecticide or fungicide is distinctly colored

"Section 3 This act shall become effective on the first day of January one thousand nine hundred forty-two."

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—194

Achterman,	French,	Malloy,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarra,
Baughner,	Gerard,	McClester,	Scanlon,
Bentley,	Gillan,	McDermott,	Schwab,
Bentzel,	Gillette,	McDowell,	Serrill,
Boles,	Goodwin,	McFall,	Shaffer,
Boney,	Greenwood,	McGrath,	Shaw,
Boorse,	Gross,	McIntosh,	Shepard,
Bower,	Gryskewicz,	McLanahan,	Simons,
Bradley,	Habbyshaw,	McLane,	Skale,
Bretherick,	Haberlen,	McMillen,	Snyder,
Brown,	Hall,	McSurdy,	Soilenberger,
Brunner, C. H.,	Hamilton,	Melchiorre,	Sorg,
Brunner, P. A.,	Hare,	Modell,	Stambaugh,
Burns,	Harkins,	Monks,	Stank,
Burris,	Harmuth,	Mooney,	Stine,
Cadwalader,	Harris,	Moran,	Stockham,
Chervenak,	Heatherington,	Muir,	Tarr,
Chudoff,	Helm,	Munley,	Tate,
Cochran,	Hering,	Nagel,	Taylor,
Cohen, M. M.,	Herman,	Nunemacher,	Thompson, E. F.,
Cohen, R. E.,	Hersch,	O'Brien,	Thompson, R. L.,
Cook,	Hewitt,	O'Connor,	Trout,
Cooper,	Hirsch,	O'Dare,	Turner,
Cordier,	Holland,	O'Mullen,	Van Allsburg,
Corrigan,	Huntley,	O'Neill,	Verona,
Croop,	Imbrie,	Owens,	Vincent,
Cullen,	James,	Petrosky,	Vogt,
Dalrymple,	Jefferson,	Pettit,	Voldow,
Dennison,	Jones, G. E.,	Polaski,	Voorhees,
DiGenova,	Jones, P. N.,	Polen,	Wagner,
Dolon,	Keenan,	Powers,	Watkins,
D'Ortona,	Kenehan,	Prosen,	Weingartner,
Duffy,	Kline,	Rank,	Weiss,
Early,	Kolankiewicz,	Rausch,	Welsh, E. B.,
Elder,	Komorofski,	Readinger,	Welsh, M. J.,
Elliott,	Krise,	Reagan,	Williams,
Ely,	Lee, E. A.,	Reese, D. P.,	Winner,
Falkenstein,	Lee, T. H.,	Reese, R. E.,	Wolf,
Finestone,	Lelsey,	Regan,	Wood, L. H.,
Finnerty,	Leonard,	Reynolds,	Wood, N.,
Fisher,	Lesko,	Rhea,	Woodring,
Fiss,	Levy,	Riley,	Woodside,
Fleming,	Leydic,	Rooney,	Wright,
Fletcher,	Lichtenwalter,	Rose, W. E.,	Yeakel,
Flynn,	Longo,	Rosenfeld,	Yester,
Foor,	Lovett,	Royer,	Young,
	Lyons,		Kilroy, 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. 404.

An Act relating to marriage and amending revising consolidating and changing the law relating thereto

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 4, page 3, line 27, by striking out the words "notary public."

Amend Section 6, page 7, line 12, by striking out the words "notary public"; also same page, line 29, by striking out the words "notary public"; also page 8, line 12, by striking out the words "notary public"; also same page, lines 23 and 24, by striking out the words "notaries public."

Amend Section 13, page 14, line 14, by striking out the heavy-faced bracket before the word "Marriages"; also same page, line 15, by striking out the heavy-faced bracket after the letter "(a)"; also same page, line 19, by striking out the heavy-faced bracket before the letter "(b)"; also same page, at the end of line 29, by striking out the heavy-faced bracket after the word "or"; also page 15, at the beginning of line 1, by striking out the heavy-faced bracket before the word "either"; also same page, at the beginning of line 3, by inserting a heavy-faced bracket before the numeral "(2)".

Amend Section 16, page 16, at the end of line 15, by striking out "Eighteen" and inserting in lieu thereof the word "eighteen".

On the question,

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

Mr. READINGER. Mr. Speaker, I move that the House nonconcur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CON-
CURRENCE

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

HOUSE BILL No. 124.

An Act to amend the title and the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417) entitled "An act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction up-

on courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" by adding the term "handlers" as a synonym for the term "milk dealer" defining the terms "handle" and "handler" extending the provisions of the act to those who handle milk by bailment brokerage consignment or purchase by giving certain additional rights to producers' and farmers' unions or organizations producing milk setting up a price fixing procedure restricting powers of the Governor and providing for the payment of funds in the hands of the commission owing to producers and handlers.

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 3, line 1, by inserting after the word "purchase" the following: "authorizing special agents or examiners to conduct hearings on behalf of the commission enabling certain officers employes and agents to administer oath providing the method and effect of service of certain orders and the posting of rules regulations and certain orders enabling employes of the commission to photograph photostat mark or stamp for identification books and papers that they have inspected providing for action with milk control agencies of other states and of the United States in holding hearing and promulgating and enforcing orders requiring milk dealers or handlers to be licensed stating grounds for refusal suspension revocation of licenses or the right to apply for a license or for refusal to transfer licenses stating the effect of service by registered mail when the addressee refuses to accept or receive such mail enlarging requirements of milk dealers or handlers to file bonds to secure payment to producers and certain milk dealers or handlers prescribing the effective date and term of such bonds and providing for their release providing for the increase or decrease of the findings of fact of the commission relating to licenses in suits on bonds providing for payment to those entitled thereto of moneys in the hands of the commission owing to milk dealers or handlers or producers increasing the scope of regulation of subdealers making certain information available to cooperatives and producers' group clarifying the requisites of orders fixing prices for milk providing for the competency of certain statistical testimony and data providing that all provisions of price-fixing orders shall be presumed valid and placing the burden of proving invalidity or partial invalidity of any order defining violations of orders of the commission fixing prices making milk dealers or handlers responsible for acts of directors officers agents or other persons acting for or on behalf

of them"; also in line 2, by inserting after the word "to" the words "cooperatives and"; also in line 3, by striking out after the syllable "tions" the word "producing" and inserting in lieu thereof "of producers"; also in same line by inserting after the word "milk" the words "further regulating and imposing duties on milk dealers or handlers"; also in line 4, by inserting after the word "governor" the following "prescribing procedure on appeal from orders of the commission further defining and prescribing penalties defenses rights and remedies."

Amend Section 1, Page 5, line 4, by inserting after the word "hearings" the words "by the commission or special agents or examiners"; also in line 9, by inserting after the word "adopt" the words "publish and serve"; also in same line, by inserting after the word "orders" the words "and prescribing the effect thereof"; also in line 10, by inserting after the word "compacts" the words "providing for the competency of certain statistical testimony and data"; also in line 17, by inserting after the word "handlers" the words "and to photograph photostat mark or stamp for identification books and papers examined"; also on page 6, line 18, by inserting after the word "Consumer" light faced brackets before and after the word "mean" and inserting the word "means"; also in same line by inserting after the word "person" the words "natural corporate or governmental"; also in line 19, by striking out after the word "for" the words "his own"; also in same line by inserting after the word "use the words "by himself or others "Cooperative" means a cooperative agricultural association or corporation of producers organized under the laws of this Commonwealth or of any other state and engaged in making collective sales or in the marketing of milk for producers under contract with it A cooperative shall not be deemed a milk dealer or handler but shall be deemed a producer except as otherwise provided herein"; also on page 6, by striking out beginning with line 26 the following:

"Milk Dealer" or "Handler" means any person including any store or subdealer or subhandler as hereinafter defined who on his own behalf or on behalf of others purchases or receives within the Commonwealth milk from producers association of producers or other handlers who handles milk within the Commonwealth for sale shipment marketing storage processing manufacture consignment or brokerage whether as owner consignee consignor bailee bailor buyer seller broker or factor A producer who delivers milk to a milk dealer or handler only shall not be deemed a milk dealer or handler A cooperative agricultural association or corporation of producers of milk organized under the laws of this Commonwealth or of any other state and engaged in making collective sales of milk for producers under contract with it shall not be deemed a milk dealer or handler but shall be deemed a producer Provided however That if such association or corporation distributes milk within this Commonwealth to stores as defined in this act or to consumers as defined in this act it shall be deemed to be a milk dealer or handler as to that part of its business and shall be governed by the provisions of this act applicable thereto And provided further That such cooperative agricultural association or corporation shall be governed by the applicable provisions of this act as to the prices at which it sells markets or bargains to sell milk within this Commonwealth to milk dealers or handlers and others"; also on page 8, by inserting after the word "dealer" the words "or handlers"; also in line 7, by inserting after the word "subdealer" the words "or subhandlers"; also by inserting after the word "purchases" the words "or receives"; also in line 8, by inserting after the word "handles" the word "on consignment or otherwise"; also in line 10, by inserting after the word "Commonwealth" the words "whether on behalf of himself or others or both"; also in line 11, by inserting after the word "dealer" the words "or handler"; also by inserting after the word "dealer" the following: "or handler ["; also in line 18, by inserting after the syllable "poration" the following: "] If a cooperative"; also in same line by inserting after the word "distributes" the words "or makes available on consignment or otherwise"; also in

line 20, by inserting after the word "dealer" the words "or handler"; also in line 22, by inserting a light faced bracket before the word "And"; also in line 23, by inserting a light faced bracket after the word "That"; also in same line by inserting a light faced bracket before the word "agricultural"; also in line 24, by inserting a light faced bracket after the syllable "poration"; also in line 26, by inserting after the word "sell" the words "or make available on consignment or otherwise"; also in line 27, by inserting after the word "dealers" the word "handlers"; also on page 9, line 15, by striking out after the word "he" the word "acquired" and inserting in lieu thereof the words "purchased or acquired"; also in line 21, by striking out after the word "article" the word "of" and inserting in lieu thereof the word "or"; also on page 10, line 29, by striking out after the word "manufacture" the words "of food products made from or with milk"; also on page 13, line 4, by striking out after the word "rules" the word "and"; also on page 15, line 6, by inserting after the word "inspect" the words "photograph photostat"; also on page 17, line 8, by inserting after the syllable "chased" the words "or acquired"; also in line 13, by inserting after the word "milk" the following: "not exceeding two gallons to any one consumer in any one day"; also on page 19, line 2, by inserting after the word "applicant" the following: "or may suspend or revoke the right of a license or former licensee to apply for a license for a new license period"; also in line 17, by inserting after the word "week" the words "two weeks"; also in line 18, by striking out after the word "than" the following: "[two weeks] three months," and inserting in lieu thereof the following: [two] four weeks"; also on page 22, by striking out the following: "(12) Has previously been refused a license or has previously held a license that the commission revoked or that the commission suspended and the event upon which the suspension of the license would terminate under the order has not occurred (13)"; and inserting at the beginning of line 11, the figure "(12)"; also by inserting after the word "rejected" in line 20, the following: "(13) Has refused without reasonable cause to receive milk from a producer because it was not hauled to the milk dealer or handler by a hauler of the dealer's or handler's choosing or because it was hauled to the dealer or handler by a producer or a hauler of a producer's or cooperative's choosing providing that such producer or hauler has adequate facilities and equipment for hauling and is delivering or is ready able and willing to deliver milk to the plant of such dealer or handler in proper condition and at the times necessary to coincide with the current schedule of plant operations of the dealer or handler"; also on page 24, line 12, by inserting after the word "butter" the words "to be marketed or ultimately sold as such"; also in line 14, by inserting after the word "of" the words "butterfat of"; also on page 26, line 13, by inserting after the word "dealer" the words "or handler" also in same line by striking out after the word "or" the words "handler purchasing"; also on page 32, by inserting after the word "milk" in line 19, the following:

"A milk dealer or handler shall upon the request of a producers' or farmers' union having written authority from producers or of a cooperative supply it with the information required to be kept under Subsection (1) of Section 701 of this article insofar as such information pertains to the milk produced by the stockholders members or patrons of such producers' or farmers' union or cooperative selling or supplying milk to such milk dealer or handler"; also on page 33, by inserting after the word "producer" the following: "and a reasonable return to the"; also in same line, by inserting after the word "handler" the words "In ascertaining such returns the commission shall utilize a cross-section representative of the average of normally efficient producers and dealers or handlers in the area"; also on page 24, line 22, by striking out after the word "herein" the words "the commission may receive as evidence on any subject material relevant to fixing any price or prices under this article";

and inserting in lieu thereof the following: "the testimony of an expert statistician present at the hearing"; also in line 27, by striking out after the word "extent" the following: "that the treatise report of the statistical data is approved and read aloud or the contents thereof made known by an expert witness at the hearing" and inserting in lieu thereof the following: "it is endorsed as reliable by an expert witness present at the hearing shall be competent evidence on any subject material to fixing any price under this article"; also on page 35, by inserting after the word "producers" in line 13, the following:

"Whenever an order of the commission fixing prices is remitted to the commission with directions to reform the findings or order in accordance with the opinion of the court and no further appeal is taken by the commission the commission shall make such reformation within thirty days from the entry of the order of the court remitting the price fixing order to the commission."

On the question,

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

Mr. READINGER. Mr. Speaker, I move that the bill together with the message from the Senate be laid on the table.

The motion was agreed to.

CONGRATULATORY RESOLUTION

Mr. HABBYSKAW offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, June 4th, 1941.

The lives of great men all remind us
We should make our lives sublime
And in parting leave behind us
Foot-prints on the sands of time

Thirty-seven years ago in the village of Millersburg in the County of Dauphin, there was born one who early in life made the great truth contained in the above lines, his guiding star.

He studied the lives of our Nation's great and so modeled his life as to guarantee a good name to his posterity.

He learned the value of loyalty and has steadily been loyal to friends, to his party, and to his community.

He learned the needs of his constituents and of the people of the Commonwealth and has devoted his time at great personal sacrifice to the advancement of their interests and the preservation of their rights and liberties.

He learned the real meaning of a smile and has dispensed sunshine, he discovered the value of personal friendships and has made and cherished them, and the keeping inviolate of any promise made has held first place in his personal code of conduct.

He first came to this House as a member in 1932 and has continued that membership uninterrupted by the vagaries and uncertainties of political trends.

His conduct here has commanded the admiration and held the respect of his constituency and of the members of his party so that in victory and in defeat he has been their leader on the floor of this House; therefore be it

Resolved, That the members of this House extend to the Honorable Robert E. Woodside, Jr. on this, another anniversary of his natal day, its most sincere congratulations and best wishes for many similar anniversaries, with the hope that each succeeding one may find him further on the road to the goal he has set, and his footprints more indelibly outlined in the sands of time for the guidance of those who come hereafter; and be it further

Resolved, That this resolution shall be printed in the Legislative Journal and a copy thereof shall be transmitted by the Chief Clerk to the Honorable Robert E. Woodside, Jr.

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Woodside.

Mr. Woodside. Mr. Speaker, I want to thank you and the members of the House for this very kind resolution. As a matter of fact it reminds me a good bit of that old famous story about the widow who heard so many good things about the person who was lying in the casket, and she went up to look at it to make sure it was her husband.

Mr. Speaker, as I was listening to the reading of this resolution I could not imagine that they were talking about me because of the very kind and flattering words in it. I want to thank you, Mr. Speaker, and members of the House, for your kindness.

Mr. REUBEN E. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

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

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. REUBEN E. COHEN. Mr. Speaker, since the gentleman yesterday recounted the very famous event that occurred on June 4, 1904—hearsay evidence only—I have been wondering what the score of that game was. Will the gentleman tell me?

Mr. WOODSIDE. Mr. Speaker, may I say to the gentleman first, as a lawyer, I will remind him that that is one of the eleven exceptions to the hearsay rule, to talk about what happens on your birthday. As a matter of fact I don't recall just what the score was. My recollection of that day is not very clear and my recollection of the law is not very clear. I do not think that comes within the eleven exceptions to the hearsay rule, and so I would not be qualified to give the gentleman that information.

Mr. REUBEN E. COHEN. Does anybody know what the score is?

Mr. WOODSIDE. Mr. Speaker, I am inclined to believe the gentleman is right, nobody does.

Mr. TURNER. Mr. Speaker, I don't know what the score was on that day, but I can say this, that I have read in the family record of the Woodside family that when Robert E. Woodside, Jr. appeared he didn't have any clothes on, he didn't have any teeth, he didn't have any hair and he could hardly see. He has made a lot of improvement since that time. Yesterday he looked like one of the bearded wonders. He got scraped today on his birthday, I guess. He has accumulated a lot of hair and if he sticks around with Bill Habbyskawk he is going to accumulate a lot of bad ideas.

REPORTS FROM COMMITTEES

Mr. BROWN, from the Committee on State Government, reported as committed, House Bill No. 1766, entitled:

A Supplement to the act, approved the eighteenth day of July, one thousand nine hundred seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employees; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," defining the rights and obligations of members of the School Employees' Retirement Association engaged in active military service.

Mr. BRADLEY, from the Committee on Printing, reported as committed, House Bill No. 1795, entitled:

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

Mr. KEENAN, from the Committee on Cities-Second Class, reported as committed, House Bill No. 1798, entitled:

An act setting up a procedure for the adoption of annual budget ordinances in cities of the second class A.

Mr. RUSSELL E. REESE, from the Committee on Liquor Control, reported as committed, House Bill No. 1286, entitled:

An Act relative to employment of females in hotels, taverns, saloons and eating houses for the mixing or sale of alcoholic drinks, and the penalty for violation thereof.

Mr. PROSEN, from the Committee on State Government, reported as committed, House Bill No. 1793 (Senate Bill No. 996) entitled:

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

Mr. PROSEN, from the Committee on State Government, reported as committed, House Bill No. 1794 (Senate Bill 998), entitled:

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

Mr. SKALE, from the Committee on State Government,

reported as committed, House Bill No. 1751 (Senate Bill No. 213) entitled:

An Act authorizing the Department of Property and Supplies acting for the Commonwealth of Pennsylvania, to acquire by gift from the owner thereof, Pottsgrove Mansion with tract of land situate in the ninth ward of the Borough of Pottstown, Montgomery County, Pennsylvania; providing for the control, management, supervision, improvement and maintenance thereof by the Pennsylvania Historical Commission; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation, maintenance and visitation thereof; and creating an advisory board to assist in such functions

Mr. CULLEN, from the Committee on State Government, reported as committed, House Bill No. 1752, (Senate Bill No. 1016), entitled:

An Act providing that the Commonwealth of Pennsylvania enter into the interstate compact to conserve oil and gas with other States of the United States of America, which are signatories thereto.

Mr. FLYNN, from the Committee on Forestry, reported as committed, House Bill No. 1387, (Senate Bill No. 310), entitled:

An Act to amend article six, of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by making it unlawful to take for the purpose of sale, sell or expose for sale any bitter-sweet growing in the wild and providing a penalty.

Mr. BRETHERICK, from the Committee on State Government, reported as committed, House Bill No. 1695, (Senate Bill No. 303), entitled:

An Act authorizing the Department of Highways to cooperate with agencies of the Federal Government in designing and installing modern illuminating systems on State highways

Mr. McFALL, from the Committee on Counties, reported as amended, House Bill No. 1641, entitled:

An Act providing that city taxes in cities of the third class, shall be assessed, levied and collected upon the basis of the county assessments; imposing duties upon county assessing and county taxing authorities; abolishing the office of city assessor in cities of the third class and transferring certain property to county taxing authorities.

RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which House Bill No. 664, Printer's No. 748, entitled:

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

was ordered to be transcribed for third reading be reconsidered.

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

The SPEAKER. How did the gentleman from Berks, Mr. Readinger, vote on ordering the bill to be transcribed for third reading?

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

The SPEAKER. How did the gentleman from Armstrong, Mr. Gates, vote?

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

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. READINGER. Mr. Speaker, I move that the vote by which the House agreed to the bill on second reading be reconsidered.

The motion was agreed to.

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

The motion was agreed to.

The first section was read.

On the question,

Will the House agree to the section?

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

The amendments were read by the Clerk as follows:

Amend section 1, (section 76), page 2, lines 14 to 24, both inclusive, by underscoring all of words in said lines.

Amend section 1, (section 76), page 2, line 17, by inserting after the word "defendant", the following: "if judgment is entered in a county other than that in which the obligation was given, and".

The amendments were agreed to.

The section was agreed to as amended.

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

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

Ordered, To be transcribed for a third reading.

BILL ON FIRST READING

The SPEAKER. The Chair returns to page 7 of today's calendar, bills on first reading, House Bill No. 1365, Printer's No. 867. This bill is now on file.

Agreeably to order,

The House proceeded to the first reading and consideration of 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 over-size and over-weight vehicles, use of school buses, registration plates and cards, maximum size of vehicles, and medical examination 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 manner 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.

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

PERMISSION TO ADDRESS THE HOUSE

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

Mr. Speaker, I expect to take only a couple of minutes and I hope there will be no interruptions. Having served as a Member of the House for three sessions, it has been my ambition to have some kind of a bill passed, but I have been very unfortunate in that respect. I realize that as a Member of the House, it is a very important thing and an honor to have your name attached to any bill. Mr. Speaker, I might say I would feel highly honored if I had a bill of some kind under my sponsorship. However, I realize that this House has not accomplished very much in the past five months, in fact, it has not accomplished anything. However, the gentleman from Delaware a short time ago introduced a bill in this House which is known as House Bill No. 1275½, Printer's No. 463½, introduced in the session of 1941 of the General Assembly of Pennsylvania by the Honorable Benjamin James. Mr. James in a footnote made this statement, "This act shall become effective soon as a co-sponsor can be found who can contribute a tune and fifty cents to cover expenses." Mr. Speaker, as a co-sponsor, I have furnished a tune and I am about to furnish the fifty cents to Mr. James. You gentlemen have lying on your desks a copy of that tune and I now present to Mr. James the contribution which he demands as a result of having the bill passed in my favor. I would like to have a page boy deliver this letter to him and also the fifty cents. Inasmuch as the Democrats would not let me pass a bill, I want to thank him for letting me be a co-sponsor to House Bill 1275½ with my reply in House Bill 23 skidoo. Thank you.

PERMISSION TO ADDRESS THE HOUSE

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

Mr. Speaker, I understand it would be a violation of my oath as a Member of this Body if I accepted or re-

ceived or gave money in exchange for the passage of any kind of legislation. I therefore in full view of this body clear my name of any such thing by returning forthwith to Mr. Dix his fifty cents.

The SPEAKER. Will the gentleman send the fifty cents to the desk?

Mr. DIX. Mr. Speaker, I was about to request that inasmuch as the Member would not comply with the provisions of this bill, he send the money to the desk with the permission to the Chair to distribute it as he saw fit.

The SPEAKER. It will go to a good charity.

QUESTION OF INFORMATION

Mr. TARR. Mr. Speaker I rise to a question of information.

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

Mr. TARR. Mr. Speaker, since the gentleman from Wayne, Mr. Dix has now offered a bribe in the presence of witnesses in the House, I wonder if it might be in order to ask leave of the House to go to the Legislative Reference Bureau and request it to draw up a resolution asking for his expulsion from this House.

Mr. DIX. Mr. Speaker, if it produces the same results as the very recent attempt to expel a Member, I will be very grateful.

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. 192

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 4, 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. 192, Printer's No. 484, entitled, "An act to amend section 4408 of the act approved

the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932) entitled 'An act relating to cities of the third class and amending revising and consolidating the law relating thereto' providing for appeals by policemen who are fined suspended or discharged after hearing."

ARTHUR H. JAMES.

COMMITTEE MEETINGS

Judiciary General, Thursday, June 5 at 9:30 a. m. in Room 246.

Professional Licensure, Wednesday, June 4 immediately after the session in Room 246.

State Government, Thursday, June 5 at 9:30 a. m. in Room 325.

MEETING OF COMMITTEE CHAIRMEN

A meeting of all Committee Chairmen will be held in the Old House Caucus Room Wednesday, June 4, immediately after adjournment.

WOODSIDE TESTIMONIAL DINNER

Just a Reminder—Reservations for the Woodside Testimonial Dinner to be given next Tuesday evening at the Harrisburg Country Club will close Thursday, June 5th. Contact either Franklin H. Lichtenwalter, David P. Reese, Jr., David H. Sarge, L. D. Stambaugh, Ray E. Taylor or the Chief Clerk's Office in order that a place may be reserved for you.

Directions to the Harrisburg Country Club are as follows: Drive North along River to Route 443, where you make a turn to the right

ADJOURNMENT

Mr. PAUL A. BRUNNER. Mr. Speaker, I move that this House adjourn until Thursday, June 5, 1941, at 10 a. m.

The motion was agreed to and (at 2:25 p. m.) the House adjourned.