

HOUSE OF REPRESENTATIVES

MONDAY, June 9, 1941.

The House met at 8 p. m.
The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

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

Almighty God, the Creator of all things, we again pause at the beginning of this another session of this House of Representatives to invoke Thy blessing upon all who are gathered within its walls. Since last we met together we have had time to Worship Thee in beauty and in truth. May our experience from that worship make us more determined to do Thy will. May we be so rested in body and in mind as to desire to do the work that lies before us in this week as we meet together. Challenge each of us to a larger and fuller service to both God and man as opportunity presents itself.

Bless, we pray Thee every member of this House. In Christ's name we ask Thy favor. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, June 5, 1941.

The Clerk proceeded to read the Journal of Thursday, June 5, 1941, when, on motion of Mr. RILEY unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. BONEY. HOUSE BILL No. 1824.

An Act to reenact and amend the title and the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414) entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, co-partnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," as previously reenacted and amended, by excluding proceeds of life insurance policies from the provisions thereof and by continuing the State personal property tax at a reduced rate for a further limited period of time and the emergency rate of tax on scrip bonds, certificates and evidences of indebtedness assumed or on which interest is paid by corporations for a further limited period of time.

Referred to the Committee on Ways and Means.

By Mr. HAINES. HOUSE BILL No. 1825.

An Act establishing a certain section of public road as a State highway; and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. WALTER E. ROSE. HOUSE BILL No. 1826.

An Act to amend part of section two of the act, ap-

proved 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 eliminating of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purpose of this act," changing a certain route in the City of Johnstown.

Referred to the Committee on Highways.

By Mr. ROYER. HOUSE BILL No. 1827.

An Act making an appropriation out of the Motor License Fund to the Department of Highways to be used with the advice of the Pennsylvania Historical Commission for construction and improvement of roads within and approaches to The Ephrata Cloisters, and for the landscaping thereof.

Referred to the Committee on Appropriations.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

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

SENATE BILL No. 787. (HOUSE BILL No. 1828).

An Act to further amend the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carrier 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 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 defining the terms "common carrier by motor vehicle" and "contract carrier by motor vehicle"; further regulating the right to render service as a contract carrier by motor vehicle; prohibiting the imposition of costs upon the commission in appeals to the Superior Court; subjecting persons and corporations to certain civil penalties for violating the act; prohibiting motor carriers, common carriers by airplane and any operator or employe of such carriers, and brokers from exceeding the authority of the certificate of public convenience granted such carriers and brokers; and changing the penalty with respect thereto; and eliminating the requirement that certain attempts to evade or defeat regulation for carriers or brokers must be fraudulent in order to be punishable.

Referred to the Committee on Public Utilities.

SENATE BILL No. 171. (HOUSE BILL No. 1829).

An Act to further amend subsection (a) of section five hundred and three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all the public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" further regulating refunds.

Referred to the Committee on Ways and Means.

SENATE BILL No. 1041. (HOUSE BILL No. 1830).

An Act to amend the title and section one of the act, approved the twenty-first day of May, one thousand nine hundred and twenty-three (P. L. 295), entitled "An act authorizing and empowering counties of the second class in this Commonwealth to acquire by lease, purchase, or except counties of the eighth class.

condemnation proceedings any land within the county for the purpose of establishing and maintaining airdromes or aviation landing fields; providing for the procedure in case of condemnation, and the extent of title acquired; authorizing the lease by the county of portions of said land to individuals or corporations upon such terms as may be fixed, and the lease thereof to the Government of the United States upon nominal rental; authorizing and empowering the county to use land now owned by it for such purposes; and authorizing joint operation by said county and any city within the county of airdromes or aviation landing fields, where such city is authorized to establish and maintain the same," by extending the provisions of such act to all counties of this Commonwealth, except counties of the eighth class.

Referred to the Committee on Counties.

COMMUNICATIONS FROM THE GOVERNOR

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

APPROVAL OF HOUSE BILL No. 1510

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 9, 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. 1510, Printer's No. 548, entitled, "An act to further amend section two of the act approved the third day of June one thousand nine hundred and nineteen (P. L. 369), entitled 'An act providing for the appointment by the district attorney in counties having a population of over one million five hundred thousand inhabitants of a chief county detective an assistant chief county detective and special county detectives defining their duties defining their authority fixing their salaries and authorizing the payment of the same together with the necessary traveling expenses by the county' by increasing the compensation of the chief county detective."

ARTHUR H. JAMES.

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

APPROVAL OF HOUSE BILL No. 885

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 9, 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. 885, Printer's No. 276, entitled, "An act to further amend section five hundred and thirty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206), entitled 'An act concerning townships of the first class amending revising consolidating and changing the law relating thereto' providing for filling vacancies in the office of township commissioner."

ARTHUR H. JAMES.

BILLS SIGNED BY SPEAKER

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

SENATE BILL No. 270.

An Act to amend section seven hundred and two of the act, approved the first day of May, one thousand nine

hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," by authorizing such townships to regulate the use of certain park and recreational grounds; providing penalties for violation of rules prescribed therefor; and authorizing police officers to arrest violators thereof on view

SENATE BILL No. 448.

An Act to amend sections three hundred and eight and four hundred and one of the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566), entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder imposing duties on the Department of Labor and Industry the Workmen's Compensation Board Workmen's Compensation Referees and deans of medical schools creating a medical board to determine controverted medical issues establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases making an appropriation and prescribing penalties" by changing the method of handling the funds made available from time to time to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases clarifying the procedure for establishing such liability of the Commonwealth and providing for the transfer and lapsing of certain moneys into the General Fund

Whereupon,

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

SENATE MESSAGE

HOUSE BILL 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. 1126.

An Act to further amend part of section three hundred and two to amend section three hundred and seven and part of section fifteen hundred and one of the act approved twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof or all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Common-

wealth" establishing the Surplus Commodities Stamp Fund and authorizing the State Treasurer to disburse money from said fund upon requisition of the Secretary of Public Assistance

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

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. George E. Jones for Mr. FISHER for the week.

Mr. ELLWOOD B. WELSH for himself for tomorrow's session.

The SPEAKER for himself for a few hours tomorrow.

Mr. SHEPARD for himself for tomorrow's session.

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

SPEAKER PRO TEMPORE APOINTED

The SPEAKER. The Chair appoints the gentleman from Delaware, Mr. Turner, as Speaker pro tempore during the Speaker's absence tomorrow.

COMMITTEE APPOINTED TO INVESTIGATE CHARGES MADE IN SENATE

The SPEAKER. In accordance with resolutions adopted by the Senate and the House of Representatives Thursday, June 5, 1941, providing for a Committee to Investigate Charges of Criminal Conspiracy on the floor of the Senate by the Senator from Fayette, Mr. Cavalcante, the Speaker appointed on Thursday, June 5, 1941 the following: Messrs. WOODRING, NAGEL, OWENS, BREThERICK and HABBYSHAW.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 510

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 510, entitled:

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

And has appointed Messrs. LETZLER, CARR and Di-SILVESTRO a committee of conference to confer with a similar committee of the House of Representatives already appointed on the subject of the differences existing between the two houses in relation to said bill.

CONGRATULATORY RESOLUTION

Mr. LOVETT offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted:

In the House of Representatives, June 9, 1941.

Harrisburg, June 8, (AP)—Tony (Evening Bulletin) and Mrs. (Kane, Pennsylvania) Smith today became the parents of a baby girl named Gretchen, weight 8 pounds, height average, intelligence above normal. Mother, father and child are all doing well. Father claims the output of his work will in no way be affected. On being interviewed Tony Smith stated he always wanted to have a girl. "After all," he said, "anybody can have a boy."

Upon consideration of the foregoing news release the House of Representatives hereby felicitates Tony and Mrs. Smith upon the birth of their daughter, and further directs the Chief Clerk of the House of Representatives to mail a copy of this resolution to all the members of the Smith family.

SPECIAL ORDER

The SPEAKER. The hour of 8:15 p.m. having arrived the House will proceed with the special order of business fixed for this hour, an address by the Honorable Matthew J. Welsh, of Fayette County, on Flag Day.

ADDRESS BY THE HONORABLE MATTHEW J. WELSH

This is flag day week calling to the colors every true American in every walk of life to sacrifice ourselves in preparedness for defense, so that the fundamental principles upon which this Government was founded shall be preserved and that this nation shall endure.

Again we pay tribute to those, who, so willingly sacrificed themselves and shortened their lives that we might live. These exercises are held not only to commemorate our illustrious dad, but as an inspiration to the youth of our land to be emulated in days to come so that when our time shall come to have passed away, others will say as we say now, here lies a true and noble defender of his Country and his flag, here lies a good citizen.

Remember that this great Nation of ours was brought into existence through the blood and tears of countless thousands. Let us hope that neither have been shed in vain. After eight long weary years of suffering, after eight long weary years of bloodshed that brave band of Revolutionary heroes battled from Lexington to Yorktown, that we might be free. They crossed the Delaware River on that stormy night and afterwards left their bloody foot prints in the snows of Valley Forge. When hope was almost gone, there came to the aid of the Colonists the patriotic Polanders, Pulaski and Kosciuszko and 'tis truly said of them that freedom shrieked when they died. And there came another, the gallant young Lafayette of France came from what used to be our sister Republic across the seas. His memory shall ever be revered. If this Nation ever owed a debt of gratitude to France, it was more than paid and repaid from that memorable moment when our Doughboys and Pershing stood before his Tomb and Pershing said "Lafayette we are here." The revolution finally came to an end and Independence was assured.

Those half starved, ragged Continentals were finally victorious under the leadership of him whom we call our first beloved, George Washington, he whose deathless

valor and the splendor of his immortal genius is one of the brightest gems in Columbia's crown of glory. True, this Nation was not built in a day. Great differences existed between the north and south. The slavery question remained unsettled. But those differences were thrashed out on the fiery field of battle when brave men fought brave men squarely, and it was in the Civil War that was melted the crucible which, to a great extent welded this Nation into a whole. It was the Civil War that gave us Stonewall Jackson, the daring John Sherman, the gallant Phil Sheridan, the immortal Abe Lincoln and the great soldiers—Grant and Lee. And when they met at Appomattox Courthouse, no grander words ever fell from victorious warriors lips than those which were uttered by Grant when he backoned back the sword to Lee and said, "Let us have peace." There was still considerable bitterness between the north and south, but to a great extent that animosity was almost, if not entirely obliterated during the war with Spain when the sons of the blue and the sons of the gray mingled their blood together in the far off islands of the sea, forever cementing the ties that bind our beloved north to our sunny south, our eastern shores to our golden west.

All who went to war did not return. Sooner or later we shall all have passed away, so to those of you who lost loved ones in the war there is great consolation in knowing there is no grander, no nobler death than to have laid down ones life for ones Country.

While we hope this Country shall never again be involved in war, if there be those amongst you who answer to the bugles call forget not your mother. It takes a brave man to face the cannon's mouth, but the hissing bullets and screaming shells are but music to the soldier's ears compared to the sufferings of the gray haired mother left behind. She it is who silently weeps tears of intermingled joy and sorrow, tears of sorrow that she may never see her soldier boy again, tears of joy that she bore a son who was ready to fight for her and home and country and, if necessary spill his life's blood on the altar of freedom. Pen her a line and when you return she will be proud of you and if you never return she will cherish your letters as amongst her most priceless possessions.

Going forth in all these great conflicts were found not only Americans of native birth, but Americans who first saw the light of day in other lands, for remember, we are a nation of many nations and fighting side by side were found Americans of German extraction, going with the boys who hailed from the shady vales of France with those who came from sunny Italy, from the rugged hills of Poland, from along the banks of the blue Danube and the land of Killarney's lovely lakes, vying with one another as to who should go farthest in defense of old glory.

When our boys followed that flag they followed the grandest flag in all the world, the flag that has never known defeat and please God it never shall be defeated. To praise the stars and stripes were much like adding splendor to the sunrise or fragrance to the breath of morn. She needs no encomiums, star crowned she stands the glory of America and the administration of liberty loving mankind throughout the world. It is our duty to keep its stripes unsullied while its stars shine on with ever increasing lustre. When we contemplate our history, realize the grandeur of our country and know the bless-

ings of a people's government, it behooves us to banish petty animosities from this fair land of ours, be considerate of the rights of one another and live a more united nation. To preserve the priceless heritage handed us remember that "eternal vigilance is the price of liberty."

Mr. FINNERTY IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1048, entitled:

An Act relating to and regulating the practice of the healing profession of chiropractic, and the licensure and registration of practitioners therein; creating a Chiropractic Board of Examination and Licensure in the Department of Public Instruction; defining its powers and duties, and providing penalties.

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

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 674, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by making certain change in the name qualifications powers and duties of the State Board of Examiners for the Registration of Nurses and providing for the election of a Director of Nursing Education who shall also be Secretary and Executive Officer of the Board and an Assistant Director of Nursing Education who shall also be assistant Executive officer of the Board and other officers and employes thereof.

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. 1780, (Senate Bill No. 185), entitled:

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

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. 1818, (Senate Bill No. 486), entitled:

An Act relating to sheriffs' sales of personal property providing that when personal property is sold at sheriff's sale to the plaintiff in writ of execution, the sheriff shall accept in payment a receipt from such purchaser for the amount to which he is entitled under the writ subject to certain deductions for costs and priority claims

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. 1820, (Senate Bill No. 1017), entitled:

An Act to amend section one of the act approved the fifteenth day of May one thousand eight hundred and seventy-four (P. L. 186), entitled "An act declaring what offices are incompatible" by specifically exempting persons serving in the armed forces of the United States

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. 1786, (Senate Bill No. 209), entitled:

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

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. 1654, (Senate Bill No. 624), entitled:

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

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

The SPEAKER (Elmer Kilroy) IN THE CHAIR.

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

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 690, entitled:

An Act to further amend sections 402, 411, 703, 704, 705, 707 and 903 and to repeal section 706 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;" providing for the registration and fixing registration fees of commercial motor vehicles, truck tractors, trailers and semi-trailers according to gross weight; and certain motor buses and omnibuses with pneumatic tires according to equipment, fixing the maximum gross weight of such vehicles which may be used and operated on the highways; and eliminating existing provisions relating to the chassis of such vehicles.

MESSAGE AND BILL LAID ON TABLE

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

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1461, entitled:

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

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

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

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

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 495, entitled:

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

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

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

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

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1638, entitled:

An Act to repeal subdivision (d) of article six containing sections 651 652 653 654 and 655 of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" eliminating provisions relating to Workmen's Compensation Insurance.

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. 1640, entitled:

An Act to amend the act approved the second day of June one thousand nine hundred and fifteen (P. L. 762), entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto declaring false oaths by the subscribers to be misdemeanors and providing penalties for the violation thereof" providing for insurance in said fund of all employers liable to pay workmen's compensation eliminating provisions relating to insurance corporations or associations and workmen's compensation insurance covering officers and employes of the board.

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. 1639, entitled:

An Act to further amend the title and the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736), entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" by making the schedules of compensation compulsory upon all employers providing that the State Workmen's Insurance Funds shall be the sole agency in which the payment of compensation may be insured providing for the termination of existing workmen's compensation insurance contracts issued by other agencies eliminating provisions relating to self-insurance and repealing certain sections and subsections.

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. 1430, entitled:

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

The first section was read and agreed to.

The second section was read:

On the question,

Will the House agree to the section?

Messrs. HARKINS and BOIES. Mr. Speaker, we desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend sec. 2, page 9, by inserting between lines 14 and 15, the following:

Route 02236. Beginning at a point on Route 02070, thence northwesterly through Jefferson Township along Dales Lane to Route 02203, in Allegheny County, a distance of about 0.41 of a mile.

Route 02237. Beginning at a point on the Lewis Run Road; thence northerly through Jefferson Township to a point on Route 376, in Allegheny County, a distance of about 1.14 miles.

Route 02238. Beginning at a point on Route 330; thence northeasterly on Elliot Road through Jefferson Township to a point on the Lewis Run Road, in Allegheny County, a distance of about 0.46 of a mile.

Route 02239. Beginning at a road intersection at the Snowden-Jefferson Township line; thence in a general northeasterly direction along the Torrance Bruceton Road through Jefferson Township to a point on Route 330, in Allegheny County, a distance of about 1.52 miles.

Route 02240. Beginning at a point on the county road near the Snowden-Jefferson Township line; thence easterly through Jefferson Township on the Stillely Road to a point on a county road, in Allegheny County, a distance of about 0.5 of a mile.

Route 02241. Beginning at a point on Route 330; thence southwesterly and northwesterly along Beams Run Road through Jefferson Township to a point on a county road,

in Allegheny County, a distance of about 0.81 of a mile.

Route 02242. Beginning at the intersection of Routes 02082 and 02185; thence southwesterly on Elizabeth Street through Mifflin Township to a point on the Bull Run Road, in Allegheny County, a distance of about 1.0 mile.

Route 02243. Beginning at a point on Route 02185, near the Duquesne Light Company property; thence northerly and northeasterly through Mifflin Township, on Home Street, to the intersection of 9th Avenue, in Allegheny County, a distance of about 0.8 of a mile.

Route 02244. Beginning at a point on Route 02082, near its intersection with Route 02185; thence easterly along Shady Lane in Mifflin Township to a point on Route 837 at the Mifflin Township-Duquesne City line, in Allegheny County, a distance of about 0.86 of a mile.

Route 02245. Beginning at a point on Route 02101, near the Mifflin Township School Board property; thence northwesterly and southeasterly through Mifflin Township, along Cherry Lane, to the intersection of Curry Hollow Road, in Allegheny County, a distance of about 0.32 of a mile.

Route 02246. Beginning at a point on Route 02185, near its intersection with Route 02082; thence southeasterly on Cochran Road through Mifflin Township to a point on the Bull Run Road near the Carnegie Land Company property, in Allegheny County, a distance of about 1.06 miles.

Route 02247. Beginning at a point on Route 02078; thence northwesterly on Paule Lane through Mifflin Township to a point on Route 02084, in Allegheny County, a distance of about 0.5 of a mile.

The amendments were agreed to.

On the question recurring,

Will the House agree to the section as amended?

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

The amendment was read by the Clerk as follows:

Amend section 2, page 15, by inserting between lines 26 and 27, the following:

Route 08186. Beginning at a point on Route 08080, near Black; thence in a northwesterly direction through Shesh-equin Township for about 1.5 miles to a road intersection; thence in a general northerly direction to a point on Route 08079, about 0.5 of a mile west of Ghent, in Bradford County, a total distance of about 3.8 miles.

The amendment was agreed to.

On the question recurring,

Will the House agree to the section as amended?

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

The amendment was read by the Clerk as follows:

Amend section 2, page 65, by inserting between lines 25 and 26, the following:

Route 64256. Beginning at a point on Route 187, near Murraysville; thence in a general northeasterly direction through Franklin Township to a point on Route 64247, about 1.25 miles northwest of its intersection with Route 64035, in Westmoreland County, a distance of about 3.0 miles.

The amendment was agreed to.

On the question recurring

Will the House agree to the section as amended?

Mr. MOUL. Mr. Speaker I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 2, page 66, by inserting between lines 26 and 27 the following:

Paradise Township

Route 66209. Beginning at a point on Route 66005, near Swam; thence northeasterly through Paradise Township to the intersection of Routes 66008 and 66046 near Harbolts School, in York County, a distance of about 1.8 miles.

Warrington Township

Route 66210. Beginning at a point on Route 124 near the Carroll-Warrington Township line; thence easterly through Warrington Township to Route 66202, about 1.5 miles south of Elcocks school, in York County, a distance of about 3.15 miles.

Route 66211. Beginning at the Wellsville Borough-Warrington Township line; thence easterly and northeasterly through Warrington Township to a point on Route 124 about 0.1 of a mile northwest of Route 66037, in York County, a distance of about 2.15 miles.

North Codorus Township

Route 66212. Beginning at a point on Route 66132, about 0.6 of a mile east of Route 66007; thence northeasterly through North Codorus Township to a point on Route 492, about 0.5 of a mile south of Boyers School, in York County, a distance of about 2.5 miles.

Route 66213. Beginning at a point on Route 230, near Ambau; thence northeasterly through North Codorus Township to a point on State-aid Application 2003 near Berkheimers School, in York County, a distance of about 1.5 miles.

Manchester and East Manchester Townships

Route 66214. Beginning at a point on Route 66021, about 0.2 of a mile northwest of Route 66086; thence northeasterly and southeasterly through Manchester and East Manchester Townships to a point on Route 66020 near the Springettsbury Township line, in York County, a distance of about 1.4 miles.

Penn Township

Route 66215. Beginning at a point on Route 66080, about 0.5 of a mile north of its intersection with Routes 66081 and 66158; thence easterly through Penn Township to the intersection of Routes 190 and 66079, in York County, a distance of about 1.95 miles.

Dover Township

Route 66216. Beginning at a point on Route 66002, about 0.4 of a mile southwest of the village of Newport; thence southeasterly through Dover Township to a point on Route 66046 about 0.4 of a mile southwest of Julius School, in York County, a distance of about 1.8 miles.

Carroll and Monaghan Townships

Route 66217. Beginning at a point on Route 123, at the village of Rosegarden; thence northwesterly and southwesterly in Carroll Township for a distance of .65 of a mile; thence northwesterly through Carroll and Monaghan Townships for a distance of 0.6 of a mile to a point on Township Route 912 about 0.05 of a mile from the Cumberland County Line, a distance of about 1.25 miles.

The amendments were agreed to.

The section was agreed to as amended.

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

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

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

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill

be recommitted to the Committee on Judiciary Special for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

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

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. 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.

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. 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 regu-

lating 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 penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by allocating fees for inspection certificates for promotion of highway safety.

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. 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.

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. 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.

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

Ordered, To be transcribed for a third reading.

BILL RECOMMENDED

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

On the question,

Will the House agree to the motion?

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

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

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to inquire of the gentleman whether this motion is made because of an agreement that was made in Committee prior to its being reported out?

Mr. ACHTERMAN. This bill was reported out of Committee specifically for two readings only, with the understanding that it would be recommitted.

Mr. WOODSIDE. I thank the gentleman from Monroe, Mr. Speaker.

On the question recurring.

Will the House agree to the motion?

It was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of 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 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.

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. 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 employes retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" defining the rights and obligations of members of the School Employes' Retirement Association engaged in active military 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. 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.

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. 1798, entitled:

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

The first section was read.

On the question,

Will the House agree to the section?

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

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 1, line 7, by inserting after the word "advertise" the following: "in two newspapers of general circulation in such city a notice of."

Amend Sec. 1, page 1, line 9, by striking out the word "final."

Amend Sec. 1, page 1, line 9, by inserting after the word "advertisement" the following: "Copies of such proposed budget shall be available for public inspection in the office of the city clerk of such city."

Amend Sec. 1, page 1, line 10, by striking out the following: "which" and inserting in lieu thereof: "which."

The amendments were agreed to.

The section was agreed to as amended.

The title was read and agreed to.

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 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 payments of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests

therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act;" empowering the General State Authority through the exercise of its powers under existing law to construct, equip, furnish, maintain and operate an official residence in the City of Harrisburg for the use of the Governor of the Commonwealth.

And said bill having been read at length the 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. 1794, (Senate Bill No. 998), entitled:

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

And said bill having been read at length the 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. 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.

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. 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.

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

Ordered, To be transcribed for a third reading.

BILL RECOMMENDED

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

On the question,

Will the House agree to the motion?

Mr. WOODSIDE. Mr. Speaker, I am not personally acquainted with all the details of this particular piece of legislation, but according to the information I have received this is very vital not only from the standpoint of

the oil industry of the state of Pennsylvania, but it is in line with the movement which is being carried on by the federal government in all the other states in cooperation in trying to work out the present rather serious oil situation. It is also a matter which is extremely important in connection with the present emergency and defense activities. It seems to me if there is anything wrong with this bill, we have been in a habit of permitting unanimous consent to amend on third reading, and it ought to be read for the second time tonight and moved for third reading, where, if it is important that an amendment be made, it can be made at that time. It seems to me it would be unwise to send this particular piece of legislation back to the committee at this time.

Mr. ACHTERMAN. Mr. Speaker, we are not endeavoring to deny that this legislation is very important. However, there is no objection to having it pass second reading and then recommitting it to the Committee where the objections which have been indicated to us may be studied. The legislation has actually passed the Senate and is in no danger of being lost, but it is being placed in committee where it can receive the study that reasonable objection would warrant it to receive. Placing it on the third reading calendar would in no way facilitate the study but perhaps in a moment of neglect the legislation might be passed, when as a matter of fact it may need amendment. It may be reported out again by the committee without amendment after the study is over. I assure the gentleman that it is not being recommitted solely for the purpose of killing the bill.

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

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

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. TURNER. Mr. Speaker, is not this a compact between the states.

Mr. ACHTERMAN. Mr. Speaker, this is not a compact. It is legislation in relation to a compact; growing out of a compact.

Mr. TURNER. Mr. Speaker, my understanding is that this is a compact between the states, therefore if you are going to make a compact between the states you cannot amend it in one state.

Mr. ACHTERMAN. Mr. Speaker, in which event the state would certainly have the right to decide whether it will or will not enter the compact, depending upon its best interests.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of 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 bittersweet growing in the wild; and providing a penalty.

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

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

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

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

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

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. 1641, entitled:

An Act providing that city taxes in all cities of the third class accepting the provisions of this act 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 such cities of the third class and transferring certain property to county taxing authorities

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. 1286, entitled:

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

The first section was read:

On the question,

Will the House agree to the section?

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

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 1, line 7, by striking out the words "as hostess"

Amend Sec. 1, page 2, line 6, by striking out the words "or daughter"

The amendments were agreed to.

The section was agreed to as amended.

The second section was read and agreed to.

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

The amendments were read by the Clerk as follows:

Amend bill, page 2, by inserting at the end thereof the following new sections:

Section 3. The act, approved the ninth day of June, one thousand nine hundred and thirty-nine (P. L. 307), entitled "An act prohibiting in any city of the first, second, and

second A class, the employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic, malt, or vinous beverages are sold; and providing penalties," is hereby repealed.

All other acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

Section 4. This act shall become effective immediately upon final enactment.

The amendments were agreed to.

The sections were agreed to.

The title was 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 FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 891, as follows:

An Act to amend the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by requiring the Department of Revenue to establish a system for the permanent registration of hunters revising the provisions of said act relating to the issuance of licenses

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

Section 1 Sections three hundred and two and three hundred and three of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" are hereby amended to read as follows

Section 302 Resident License Fee Each such resident as provided in the preceding section upon presentation of a properly signed hunter's registration card as hereafter provided and the payment of two dollars (\$2.00) or upon application made in writing to [any agent authorized to issue such licenses with the Commonwealth] any county treasurer or any of his agents appointed by him to issue such licenses or to the Department of Revenue the presentation of proof that he is a citizen of the United States and a bona fide resident of this Commonwealth under the requirements of this article and the establishment of his identity to the satisfaction of the authority issuing the license or to the satisfaction of the justice of the peace magistrate or notary public or any agent designated to receive applications for licenses when taking such applications as hereinafter authorized by producing a bank book letters lodge cards police cards a motor vehicle driver's license or some other positive means of identification and in the case of naturalized foreign-born applicants the production of such applicant's naturalization papers unless any such person has been disqualified for a license or fails to pass an examination in the manner hereinafter specified and the payment to [said agent or] the county treasurer or his agent or the Department of Revenue of two dollars (\$2.00) shall be entitled to a resident hunter's license and a tag with the number of the license thereon which shall entitle the holder to hunt or trap for all wild birds and wild animals which may legally be hunted or trapped in this Commonwealth except as otherwise provided.

Section 303 Nonresident and Alien Nonresident License Fees Every nonresident of this Commonwealth upon presentation of a properly signed nonresident hunter's registration card as hereinafter provided and the payment of fifteen dollars (\$15.00) or upon application made in writing [to any agent authorized to issue such license or] to any county treasurer or any of his agents appointed by him to issue licenses or to the Department of Revenue and

the presentation of proof that he is a citizen of the United States unless any such person has been disqualified for a license or fails to pass an examination in the manner hereinafter specified and upon payment [to said agent or commission] of fifteen dollars (\$15.00) shall be entitled to the license herein designated as a Nonresident Hunter's License and a tag with the number of the license thereon which shall entitle the holder to hunt or trap for all wild birds and wild animals which may legally be hunted or trapped in this Commonwealth except as otherwise provided

Every alien nonresident of this Commonwealth who is also a nonresident of the United States upon written application made to any county treasurer or any of his agents appointed by him to issue such licenses or to the Department of Revenue setting forth satisfactory evidence of his mental and physical fitness to carry and use firearms unless any such person has been disqualified for a license or fails to pass an examination in the manner hereinafter specified and upon the payment [to the Department of Revenue] of the fees above designated for non-residents shall be entitled to a nonresident hunters' license and the proper tag issued therewith but [the Department of Revenue shall indicate] on the face of the license it shall be indicated that the holder is an alien nonresident

Section 2 Article III of said act is hereby amended by adding thereto after section three hundred and three a new section to read as follows

Section 303.1 Examinations for License Exceptions Any person except as herein otherwise provided applying for a resident or a nonresident hunter's license shall be required to secure an application from the county treasurer or his authorized agents or the Department of Revenue prior to October first of any year in order to undergo an examination conducted by field officers of the commission provided by it for such purposes at the offices of the Department of Revenue the commission or any other place in the Commonwealth designated by the commission for such purposes The issuance of a license shall be determined by the results of such examination showing the applicant's knowledge of hunting safety rules and regulations the game laws and the handling and use of firearms Provided however That in lieu of this examination an applicant for a nonresident hunting license may submit on a form provided by the Department of Revenue for that purpose a sworn affidavit from his own state's conservation department or game commission or their authorized agents certifying to his knowledge of hunting safety rules and regulations the game laws and the handling and use of firearms Any person holding a resident or nonresident hunter's license expiring the thirty-first day of August one thousand nine hundred and forty-two or thereafter shall not be required to undergo the examination provided for by this section in order to secure a renewal of such license unless such person shall fail to renew such license for a period covering two consecutive license years

Section 3 Section three hundred and five of said act is hereby amended to read as follows

Section 305 License Issuance Supervision The issuance of all hunting licenses shall be under the direct supervision of the Department of Revenue [which shall designate the several county treasurers and such other issuing agents throughout the Commonwealth or otherwise as it may find essential to control the lawful issuance thereof] Each county treasurer shall be an issuing agent of the said department and is hereby authorized to issue hunting licenses as provided by this act and each such treasurer shall appoint his own agents in the various parts of the county for the purpose of facilitating the issuance of such licenses throughout the county Each county treasurer shall appoint not more than one agent for each one thousand hunting licenses and not less than one agent for every two thousand hunting licenses issued in such county for the preceding license year All such agents of the county treasurer shall be authorized by the treasurer to issue resident and nonresident hunting licenses and they shall receive all licenses tags and necessary supplies forms and material from the treasurer and shall make all returns reports and remittances to him The treasurer shall be

responsible for their acts in relation to such duties. The Department of Revenue may recall the appointment of any county treasurer or other agent at any time with or without cause and shall recall the appointment of or remove any county treasurer [or other agent] as issuing agent either upon receipt of evidence that such county treasurer [or other agent] has not complied with the requirements of this act or upon receipt of a recommendation from the commission that such county treasurer [or other agent] be recalled because of carelessness or negligence in the issuance of licenses. In case of such removal the said department shall appoint another issuing agent in and for such county with the same powers rights and obligations of the issuing agent so removed.

It is unlawful for any issuing agent or any of his agents, employes or representative or the Department of Revenue or its employes to issue any license to any applicant or for any justice of the peace magistrate notary public or other agent authorized to receive applications to accept an application for such a license from any applicant who has not established satisfactory identification as hereinbefore required or to any person physically or mentally unfitted to carry or use firearms or to any person who has failed to pass an examination when required or who has been denied the right to secure a license in any manner hereinafter specified by revocation.

Section 4 Article III of said act is hereby amended by adding thereto after section three hundred and five four new sections to read as follows:

Section 305.1 Permanent Registration of Hunters Established. The Department of Revenue shall establish a system for the permanent registration of persons who desire to hunt or trap in the Commonwealth. Said system shall be set-up in such a manner that all persons holding a resident or nonresident hunting license which expires on August thirty-first one thousand nine hundred forty-two and who forward to the department their game kill report for such license year and all persons who shall receive a resident or nonresident hunting license for any license year thereafter shall be registered thereunder and their names addresses brevited descriptions and other information deemed necessary by the department entered in the files and records provided for such systems in the manner deemed most suitable by the department for carrying out the provisions of this amendment.

Section 305.2 Loss of Registration. The names of all persons registered under such permanent registration system shall remain in the records and files thereof permanently or until such person shall fail for two consecutive license years to forward his game kill report to the department. If any registered person shall fail for such period to forward said game kill report whether or not through neglect or because of failure to take out a hunting license for one or both of such years his name shall be removed from the permanent registration records and files.

Section 305.3 Registration Cards. The Department of Revenue shall forward to each person registered under the permanent registration system before August first of each year so long as such person's name remains in the registration files a certificate of registration in the form of a registration card which card when signed by the person to whom issued and presented together with the proper fee to any person authorized to issue hunting licenses shall entitle such person to the hunting license for which he is qualified without his personal appearance and without any other action or signature on his part.

Section 305.4 Powers of Department of Revenue. The Department of Revenue shall prepare install and furnish to issuing agents all such files forms blanks and equipment and shall make such rules and regulations not in conflict with the provisions of this or any other act of assembly which it deems necessary to carry out and enforce the provisions of this amendment.

Section 5 Section three hundred and nine of said act is hereby repealed.

Section 6 Section three hundred and ten three hundred and eleven three hundred and twelve and three hundred and thirteen of said act are hereby amended to read as follows:

Section 310 Issuing Agents to Keep Record and Make

Report. Each issuing [agency of this Commonwealth] agent shall keep a correct and complete record of all resident and nonresident hunters' licenses issued by him. Each issuing agent shall at the close of each week forward a weekly report to the Department of Revenue on blanks furnished to him a complete list of licenses granted during the previous week in correct numerical sequence with names and addresses of licensees and such other information and data as the Department of Revenue may require. A duplicate copy of said report shall be forwarded to the director and a triplicate copy of the report shall be retained in the office of the issuing agent and such other copies of forms and other parts of the records of said agent as the Department of Revenue shall designate shall be forwarded to the director and the said department and retained in the office of the issuing agent which shall be open at any reasonable hour to the inspection of any officer of the Commonwealth whose duty it is by law to protect the game of the Commonwealth or to any landowner or his representative to any representative of the Department of Revenue or to any representative of the Department of the Auditor General.

Section 311 Agents to Collect and Remit License Fees. Reports Compensation. The agents designated by the Department of Revenue issuing agents provided by this act for the collection of said license fees for their services rendered in collecting and paying over the same shall as long as they continue to be issuing agents of the Department of Revenue [be allowed to retain not to exceed] shall retain the sum of ten cents from the amount paid for each resident hunter's license and [not to exceed] twenty-five cents from the amount paid for each nonresident hunter's license which amount shall be full compensation for services rendered by them and their personally appointed agents under the provisions of this act such compensation to be disposed of by the respective issuing agents as may now or hereafter be provided by law. Each issuing agent shall remit all balances arising from this source at the end of each week to the State Treasurer through the Department of Revenue upon a form to be supplied by the Department of Revenue which weekly remittance shall be accompanied by a copy of the list of licenses issued during the previous week. All such moneys shall be placed in the Game Fund by the State Treasurer.

[Every agent designated to issue hunter's licenses unless already under bond to cover the handling of public funds shall give bond to the Commonwealth in the sum of one thousand dollars (\$1,000.00) before the annual supply of licenses is delivered to him.]

Any issuing agent who shall fail to comply with any of the provisions of this act relating to hunter's licenses shall not be entitled to retain the sum hereinbefore fixed for his services but such sum shall be paid to the State Treasurer and if not so paid may be recovered by the Commonwealth by suit in the same manner as like amounts are now by law recoverable.

Section 312 Replacement of Registration Cards Lost Licenses and Tags. Any holder of a hunter's license or of a hunter's registration card who shall lose either the license or the tag issued therewith or both the license and tag or the registration card upon application to the Department of Revenue or other agent who issued the same accompanied by a sworn statement setting forth the pertinent facts relative thereto and in the case of a license or tag the remaining portion if any of the original and the payment of one dollar shall be entitled to a new license and tag of the same kind and value as the original and in the case of a registration card the payment of fifty cents shall be entitled to a duplicate registration card.

The issuing agent [Department of Revenue or agent who issues such license shall indicate on the face of the license so issued also on the stub or carbon copy thereof that it is a replacement with the number of the original license. The affidavit so filed and any remaining portion of the original license also shall be fastened to the stub or carbon copy of the replacement license for the information of the auditors.]

For such services the [Department of Revenue may authorize any] issuing agent [to retain not to exceed] may retain the sum of ten cents from the said one dollar fee and five cents from the said fifty cent fee and re-

mit the balance of the replacement license fee or duplicate registration card fee as hereinbefore provided

Section 313 Power to Administer Oaths Each [agent] issuing agent and each of his agents authorized or designated by him to issue hunting licenses and each employe who may be authorized or designated by the Department of Revenue to issue hunting licenses [and each [agent] employe who may be authorized or designated by the Department of Revenue to receive applications for such licenses] in accordance with the provisions of this act is hereby empowered to administer any oath that may be required in connection with the issuance of such licenses or receiving applications therefor.

On the question,
Shall the bill pass finally?

Mr. BRETH. Mr. Speaker, House Bill No. 891 was introduced by me early in the session and was aimed at two things, to control the issuance of hunting licenses and to protect the lives and limbs of hunters in the woods. I would not be speaking on this bill tonight, because I think every Member in this House is familiar with it, except for a newspaper article which appeared last week, and I just wish to clear up a few matters that appear therein. I quote from a newspaper article by the United Press, under the headline, "Outdoor Sportsmen's Clubs Attack 'Examination' Bill." The article goes on as follows:

**"OUTDOOR SPORTSMEN'S CLUBS ATTACK
'EXAMINATION' BILL**

HARRISBURG, June 5—The Northwestern Division, Pennsylvania Federation of Sportsmen's Clubs here today vigorously opposed as a "nightmare" the Breth Bill, to compel examination of hunters as a requisite for a license.

"The proposal, authorized by Rep. Harris G. Breth (D., Clearfield), is on the House final passage calendar. It was defeated by a 94-87 vote May 13, revived six days later, and given third reading, with amendments, last week.

"Rep. Wilbert D. Imbrie (R., Butler), a Federation member, and former chairman of the House Game Committee, disclosed a letter from Seth E. Myers, Sharon, Northwestern Division secretary, condemning Breth's activity in behalf of the bill.

"It has come to us," Myers said "that Breth has let it be known in the House that he was the chosen man of all the sportsmen to go to bat for us. You will do sportsmen a great service if you will let it be known that he is not, by any manner of means, acting in the interest of anyone but himself."

"Myers said a meeting of the State Federation's Board of Directors and Game Commission members revealed that all present agreed that Breth's bill, or 'other wildcat' measures, should not be approved.

"Considerable resentment was in evidence concerning Breth's attempt to set himself up as a dictator of conservation, or some sort of modern Moses," Myers said.

"Myers asked Imbrie to apprise the House Game Committee of the 'truth of what the sportsmen of the state think of this nightmare known as House Bill No. 891."

"From ideas contained in several of these proposed bills, introduced evidently by persons who have little or no knowledge of the state conservation program, it would seem that we actually have a 'fifth column' in our conservation ranks," the Myer's letter said."

Mr. Speaker, I have not been here very long, approximately six months, but the one thing that has been impressed upon me is the ethical plane upon which most matters coming before the House are discussed and acted upon. I consider the Legislature a deliberative body and

that all bills should be considered on their merits. There is nothing in this newspaper article which discusses the merits of the hunter's examination bill, but I want to say that the sportsmen throughout the State have been discussing the merits of the bill, and I wish to present some extracts, first, from the Legislative Bulletin No. 2 of the Pennsylvania Federation of Sportsmen's Clubs which represents twelve hundred sportsmen's clubs in the State.

The resolution reads as follows:

"House Bill 891 introduced by Harris Breth. This bill which provides that the County Treasurer's Office is the agency for the issuance of hunting licenses with the power to appoint sub-agents was defeated in the House, Tuesday, May 13, when called up from the postponed calendar, but may be reconsidered later on. It provides for permanent hunting registration. This would simplify the matter of securing a license. It provides for an examination conducted by a representative of the Game Commission to secure a hunting license for any one who never had a license or who has not taken out one for two years. Such an examination would make hunters safety-conscious. If it will save one life it will certainly be worthy. The principles of this bill are good and they appear to be workable. If it is enacted into law it will not be effective until 1942."

That bulletin was signed by Mr. Charles K. Fox, Chairman Legislative Committee, Pennsylvania Federation of Sportsmen's Clubs.

Mr. Speaker, I also have a letter in my possession from the Hon. Grover C. Ladner, who was president for a good many years of the Pennsylvania Federation of Sportsmen's Clubs and who helped build it into the organization it is today, comprising twelve hundred individual organizations.

Judge Ladner says in his letter:

"If it is not too late, I shall be glad to do what I can to help you put through House Bill No. 891, which I think, as amended, deserves the support of all organized sportsmen."

Now, Mr. Speaker, let us jump from the sportsman to a man who ought to know something about hunting accidents. This is a letter from F. E. Sass, Coroner of Somerset County. It is not addressed to me and I doubt if he knows that I exist or that I have made any attempt to set myself up as the modern Moses in this House. This letter is addressed to Hon. Chas. H. Ealy, Pres. pro tempore of the Pennsylvania State Senate, Harrisburg, Pa., and reads as follows:

"I noticed in the paper yesterday that you will have before you a bill requiring examination for new applicants for a hunting license.

"I think such a law is in order, and strict regulations should be enforced in this line. However one important phase seems to have been overlooked, and that is, the use of a borrowed gun.

"My experience as a physician, and somewhat of a hunter and during the past 4 years as Coroner of Somerset County, has conclusively proved that about 75% of the accidents including the hunting fatalities are caused by the party using a borrowed gun. This is easily explained. It would still be better if the law included some provision, denying an applicant a license who has not used or become accustomed to his gun for a period, say 6 months prior to the issuing of his license. An applicant who does not own a gun, with which he proposes to hunt with should by all means be denied a license.

"I have seen heartbreaking accidents happen, be-

cause of the fact that the hunter did not understand his gun. It was either a lately acquired gun or a loaned gun. Often the latter.

"I am sure that a law of the kind stated, and including a provision forbidding the use of a borrowed gun, or one with which the hunter has had little or no experience in using would reduce the hunting fatalities to 50% or better.

"I am quoting the above from my own knowledge and experience in investigating hunting fatalities,"

Respectfully,
R. E. Sass, M.D.,
Coroner of Somerset Co.

I want to inform the Members of this House that Lawrence County is a part of the northwestern division from which Mr. Meyers wrote his astonishing letter and unwarranted attack upon me personally. I quote from a letter to Presley N. Jones from the Lawrence County Sportsmen's Association as follows:

"Because of the definite control obtained by issuing and giving the County Treasurer control and power to appoint additional agents, and because of the limitations set up as to the number to be issued by each agent, and

"Because of the permanent registration required of each hunter and trapper, the examination of all new hunters makes it possible to weed out and prevent many undesirable non-resident hunters who come over the state line and obtain a resident hunting license under a false resident address,

Be it resolved: "That we, the members of Lawrence County Sportsman Association urge our representative in Harrisburg to support the passage and give this bill, known as No. 891, his full support, as amended."

I have a wire before me from the Beaver County organization which says,

"The bill for the examination of new hunters is heartily approved by our organization. Your efforts are appreciated." This telegram is signed by "I. S. Sahli."

The Southern division is composed of nine counties in this state, York, Lancaster, Dauphin, Juniata, Perry, Mifflin, Cumberland, Adams, and Lebanon. Several weeks ago without any influence or pressure on my part and without knowledge on my part, they endorsed House Bill 891 as an excellent hunting bill.

Mr. Speaker, Allegheny County as long as fifteen months ago passed a resolution favoring the examination of all new hunters. Armstrong County is on record favoring the bill. Westmoreland County, Carbon County. I cannot see how Mr. Meyers had the information to state that I consider myself the modern sportsman's Moses of this House.

I want to give you a few figures, Mr. Speaker, which I think will astound you. These are the figures of the Pennsylvania Game Commission. In the last three years, for which the figures are complete, that is the years 1937, 1938 and 1939, there was an average of forty-six men killed and three hundred and seventy-five injured in the woods every year. Prior to that there were only thirty-five killed and two hundred and twenty-two injured. That means there has been an increase of thirty per cent in the men killed in the past three years over the prior three years and an increase of over sixty per cent of those injured in the woods.

I am not going to take up very much more of your time, but I want to bring out just a couple points. Of

all the departments of industry, corporations and other things under regulation of this particular legislature, hunting is the only one that has no special safeguard to protect the hunter. I was very much amused some weeks ago to listen to the debate on the floor of this House on the Casey Jones Bill, which authorized an electric lantern to be carried by the brakemen instead of the old oil lamp. The general trend of the argument at that time was the fact that a brakeman might sometime in a storm have his light blown out and before he could relight it an engine might come down the track, hit him and injure or kill him, and practically without a dissenting vote the bill passed in this House.

Some weeks ago I heard the gentleman from Delaware Mr. Turner get up on the floor of the House and plead with the Members of this House not to take milk away from growing babies. Why? Milk builds strong and healthy bodies.

POINT OF ORDER

Mr. GEORGE E. JONES. Mr. Speaker, I arise to a point of order.

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

Mr. GEORGE E. JONES. Mr. Speaker, cannot the gentleman from Clearfield confine his remarks to this bill? We are not passing milk bills or railroad lantern bills now.

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

Mr. BRETH. A few weeks ago the gentleman from Blair, Mr. Jones, when this bill was up for discussion, stated that this was a bad measure. It was introduced for one reason only. I expect to be out in the woods a great deal longer than some other Members of this House in the next hunting season. I have been shot at and I have been missed. I have had friends who were shot at and not missed. Last year one of my best friends had six inches of bone taken out of his right arm because of being hit by a bullet from a high powered rifle.

Mr. Speaker, this bill has never been discussed on its merits. It has been discussed in every other way, but not upon its merits. We believe that this bill will provide a safeguard for human life, and I as a hunter demand protection. It is not there and it cannot be given to me unless some kind of legislation is passed which restricts the issuing of hunting licenses. As I said before, regardless of their previous records, any man can walk up to an issuing agent and get a license to hunt right alongside me in the woods, or behind me in the woods. There is nothing to prevent a novice from shooting me in the back, as the Coroner of Somerset County has stated.

Mr. Speaker, I ask the Members of this House to adopt this bill on its merits and not on its political implications. I ask the support of this House for this particular measure.

Mr. GEORGE E. JONES. Mr. Speaker, I would like to interrogate the gentleman from Clearfield, Mr. Breth.

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

Mr. BRETH. I will, Mr. Speaker.

Mr. GEORGE E. JONES. Mr. Speaker, I would like to ask the gentleman how many of the six hundred thousand hunters in Pennsylvania does the Federation of Sportsmen's Clubs represent?

Mr. BRETH. The last report from last year, Mr. Speaker, showed a trifle over eighty thousand.

Mr. GEORGE E. JONES. That is all, I thank the gentleman.

Mr. Speaker, this is one bill that I think should not have any partisan alignment. As I said two years ago in speaking on the bill, when a man goes out to get his hunting license, they don't ask him whether he is a Democrat or Republican. When he gets out into the woods, the game isn't Democrat or Republican, either. If this bill did as Mr. Breth says. I would not oppose it at all, but I want to call your attention at first to the fact that he says eighty thousand out of six hundred thousand. I feel myself that the purpose of this bill is to eliminate a lot of these fellows that do not belong to the Federation of Sportsmen Clubs. I have belonged to clubs and do belong to the Federation, and all of the clubs of my county are opposed to this bill, and I really think it is a bad bill.

Another point I wish to bring out is that Mr. Breth said he is quite frequently in the woods, and maybe he is, but I was in the woods a long time before Mr. Breth was big enough to be able to be in the woods. Somebody suggested he isn't big enough yet.

If I were to be called up for examination to see whether I can handle a gun or not, I believe I could compose myself and be just as composed as anybody. I believe I could pass the examination, but if I were one of the fellows that did the shooting or killing of a bear or deer, who go out of their head, and I have seen them in action, those are the guys that do the killing, and this bill positively will not have any effect upon them. I really feel it is a bad bill. I know the hunters don't want it. A few of them may, but I am closely affiliated with many of them, and I wouldn't want to say on the floor of the House what Mr. Breth said about me, I won't do that; it wouldn't be right. I want to say this, that this bill has created a big controversy, just like it did when it went through the other day and was defeated. It was defeated while I wasn't here. Of these 600,000 sportsmen, if you want to get say 520,000 of them on your back, I say go ahead and pass this bill.

Mr. BRETH. Mr. Speaker, I would like to interrogate the gentleman from Blair, Mr. Jones.

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

Mr. GEORGE E. JONES. I will, Mr. Speaker.

Mr. BRETH. Mr. Speaker, the point raised in the gentleman's argument is that eighty thousand sportsmen were trying to argue against six hundred thousand is, that correct?

Mr. GEORGE E. JONES. Possibly, yes, Mr. Speaker.

Mr. BRETH. And how many people in the gentleman's district? What is the population of his district?

Mr. GEORGE E. JONES. About one hundred and forty thousand, Mr. Speaker.

Mr. BRETH. all right, Mr. Speaker, the gentleman represents one in one hundred forty thousand. This is a deliberative body. This body studies the bills before them, and I know they have studied the hunter's bill.

Mr. GEORGE E. JONES. I have studied this bill, Mr. Speaker.

Mr. BRETH. Certainly, Mr. Speaker, the gentleman is one in one hundred forty thousand. That is all, and I thank the gentleman, Mr. Speaker.

They may think this is a pet measure of mine, but I have seen what can happen. In the past fifteen years in this state seven hundred sixty-one men have been killed in the woods, four thousand two hundred seventy-three have been injured. That is over five thousand people killed or injured in the woods, and not one safeguard has been provided. That means that not five thousand homes have been affected, but ten thousand because I have seen the effect not only on the home of the bereaved family, but the effect on the family responsible for the accident. I know one case where a man shot another man in the woods and he had a retail business, but in a few years he was on W. P. A. I plead for safety in the woods. What are we doing from the standpoint of the man in the woods? Today a man nearly upset me on the highway because he passed the stop sign. There is no examination on the highways that would make a man stop at a stop sign. He does that of his own free will, but I say to you, Members of the House, how many of you heed the stop sign on the highway, how many of you go more than fifty miles an hour, and yet none of you can say that that would reduce accidents.

Mr. GEORGE E. JONES. Mr. Speaker, I would like to interrogate the gentleman from Clearfield, Mr. Breth.

The SEAKER. Will the gentleman from Clearfield permit himself to be interrogated?

Mr. BRETH. I will, Mr. Speaker.

Mr. GEORGE E. JONES. The gentleman has just said there was no law to examine a fellow to stop at a stop sign? What is the difference in the examination provided under that law and the examination under the hunter's law?

Mr. BRETH. Mr. Speaker, in this hunter's examination bill it would be exactly parallel with the car examination bill. There would be a pamphlet issue for one who applies for a new license just like it is on the highway. There are only two or three questions asked of a driver when he demonstrates before the State Police.

Mr. GEORGE E. JONES. Does the gentleman stop at a stop sign, Mr. Speaker.

Mr. BRETH. Mr. Speaker, you are told in the pamphlet to stop at a stop sign, and you would be told in the pamphlet regarding the hunter's bill to not shoot at anything in the wods until you see and know it is game and not a man.

Mr. GEORGE E. JONES. The gentleman said, Mr. Speaker, that he thought I had not studied the bill. I want to read on page four of this bill a part of section three, at the top of page four:

"Every alien and nonresident of the Commonwealth who is also a nonresident of the United States upon written application made to any County Treasurer or any of his agents appointed by him to issue such licenses or to the Department of Revenue setting forth satisfactory evidence of his mental and physical fitness to carry and use firearms, unless any such person has been disqualified for a license or fails to pass an examination in the manner hereinafter specified and upon the payment of the fees above designated for nonresidents will be entitled to a nonresident hunter's license and the proper tag issued therewith, but on the face of the license it shall be indicated that the holder is an alien nonresident."

Right now in the United States, an alien nonresident cannot have a gun or a dog. What are you going to hunt with? I think right there every true American citizen

should vote against this bill just for this one reason, because I don't think it is fair. I think it would be plenty fair if we could bring Hitler over here,—I would like to go out hunting with him. I think for that reason we should oppose this bill, because it is bad legislation.

Mr. BRETH. Mr. Speaker, the gentleman from Blair certainly has read the bill, but he has not read the game law. That particular passage, Mr. Speaker, is in the game law now; it has been in there ever since the game law of 1915 was passed. How can an alien be permitted to hunt? In 1939 there were two issued and last year there was one issued. A couple weeks ago one was issued to Lord Halifax for hunting in Virginia, and he was forced under the laws to buy an alien nonresident hunting license of Virginia. It is in the law now, and if this bill does not pass, that particular part of the law would remain.

The gentleman from Blair spoke of Canada. If Canada would put through a law to prevent aliens from hunting up there, what would our hunters think of that? It is really reciprocity. There is nothing bad about the bill. I didn't put that into the law, and the passage that was put in there was the passage that was amended. Mr. Jones may have read the law, but he has not read the present game law.

Mr. GEORGE E. JONES. Mr. Speaker, if this were to specify Canadians and that we are allowed to go to Canada to hunt, that would be all right, but this bill says that an alien nonresident cannot go hunting, an alien nonresident cannot have a dog or a gun. I would like to know the answer to that. I still think it is a bad bill all the way through. I tell you fellows about hunters not calling themselves sportsmen. I want to tell you a little bit about some of these sportsmen, so called, in my county. They go out on the last day of the deer season and hire an aeroplane to hunt deer. Those are the fellows that call themselves sportsmen. I say to you the hunters don't want this bill.

Mr. STAMBAUGH. Mr. Speaker, I desire to interrogate the gentleman from Clearfield, Mr. Breth.

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

Mr. BRETH. I shall, Mr. Speaker.

Mr. STAMBAUGH. Mr. Speaker, in the course of the gentleman's discussion he mentioned the southern district composed of several counties among which he mentioned, Perry county as having gone on record as being in favor of this bill. I wonder if the gentleman would be so kind as to tell the House what association in Perry county did approve this bill.

Mr. BRETH. Mr. Speaker, I have a letter here from Joseph W. Kistler president of the Affiliated Sportsmens' Clubs of Perry County.

Mr. STAMBAUGH. And Mr. Kistler approves of this bill, does he, Mr. Speaker?

Mr. BRETH. Mr. Speaker, Mr. Kistler in his letter said,

"I am writing to you in regards to your bill for the examination of first year hunters. This bill should become a law beyond all doubts, if not this one a compromise and make one for two years on the questionnaire sort which I do believe will pass without any doubt. I find some hunters are finding fault with your present bill, (as it is now written).

"I am the President of the Affiliated Sportsmens' Clubs of Perry County, Pennsylvania and in a recent talk of this Bill find some opposition but a great majority in favor of some legislation of its kind. Our

representative Mr. Stambaugh, is also in favor of some legislation of this kind and I think you will find him ready to go with you 100% on something similar, but I doubt the original very much at this time.

"If you should contact Mr. Stambaugh, tell him that I wrote you in regards to this Bill and see what he has to offer and tell him the Aff. of Perry Co. are satisfied with his decision in this matter.

"If you care to you may ask Mr. Gordon as to my activities in the field of sports.

Joseph W. Kistler
2838 Walnut St.,
Harrisburg, Penna."

Is the gentleman from Perry satisfied, Mr. Speaker?

Mr. STAMBAUGH. Mr. Speaker, I thank the gentleman. That was not presented at a meeting at Huntsdale was it, Mr. Speaker? Will the gentleman give us the date of that meeting?

Mr. BRETH. Mr. Speaker, I think the gentleman quizzed me before and I told him I didn't even know my bill was coming up at the Huntsdale meeting.

Mr. STAMBAUGH. Mr. Speaker, this bill is one of far reaching consequences to all of us; it is of vital interest to all of us who like to go in to the woods and the hills and fields and spend some time in recreation and hunting there. I spend most of the time I take off in the way of vacation in the woods, the mountains, fields, with my neighbors. I go and talk with the farmers and with those who are accustomed to living in the countryside, and I know their feelings, their personal feelings, very well. I keep in close touch with those who actually furnish us, who do not live in the country, the opportunity to go out and tramp over their hills and fields, and those are the men that have not really been mentioned in this debate tonight. There has not been one single word said concerning the feelings of the man who owns the land over which we trespass; there has not been one single word said as to the feelings of the farmer or the man who owns a private woodland. It is those for whom I want to speak rather than for the several associations of sportsmen which have been ably and well represented. It is my opinion if we put on record this system of examinations for hunters we will be going backward in the hearty system of cooperation that is existing at the present time between the sportsmen of the cities and the land-owners and farmers. We will be putting ourselves back at least ten years and we will have that whole work to do over again.

The farmers the full length and breadth of my county have contacted me, Mr. Speaker, and they have told me they did not know what it was all about; they believed that their boys nineteen or twenty years old, or they themselves, if they must have a hunting license and shouldn't want one this year but would want one next year, knowing how to handle a gun, they think it would be an imposition to be required to say on the first day of October, "I want to go hunting on the first day of December." There isn't any provision made in this bill whereby someone out in the country could have an examination and be allowed to hunt just the following day or any closely succeeding day. In that very point alone we are certainly stamping on the feet of the very people who furnish us with the opportunity to hunt. It is my opinion and my conviction, since going over my county, that in Perry County, which is one of the best small game counties in the central part of the state, posters will be placed on

practically fifty per cent of the farms and we will not have that freedom to hunt that we have had in the past.

Mr. Speaker, I say to the members of this House we are doing an injustice to ourselves, to the sportsmen's organizations, to the farmers and to everyone concerned, if we pass this bill at this time.

Certainly I would not say or do one single thing that would jeopardize the life of anyone. We have too many accidents, fatal and non-fatal, but I cannot see anything in this bill that is going to help that situation one iota. I do not see anything that will clear up that situation. As the gentleman said, the man who takes an examination drives by the stop sign, and surely the man who takes an examination and becomes excited in the woods will shoot promiscuously just the same.

There are other features in the bill, Mr. Speaker, that are not so good. I have not dwelt on the examination end of it, but that examination end alone is going to cost considerable money and it is going to deplete the funds that we should have for the stocking of game.

I do not think it is fair to the county treasurers of the state to set up a system whereby they are declared to be issuing agents, and must appoint sub-agents to handle the licensing of hunters, with the county treasurers responsible for the collecting of moneys and getting the moneys in. They have nothing to say about how many shall be appointed; that is fixed by statute. There is nothing, however, said to state how much the sub-agent shall receive for issuing the licenses. The county treasurer as issuing agent receives a fee of ten cents, and I think it is eminently unfair to put a burden on those counties, especially those counties of the first, second, third, fourth, fifth and sixth class, where the county treasurers receive a salary, and the other taxpayers would be compelled to pay for the clerical work of handling the licenses and yet not receive anything for it.

I feel the bill is poorly drawn. It would be difficult to handle and I feel we are doing ourselves an injustice and the sportsman an injustice if we pass this bill at this time. The examination feature is really the bad feature. As that letter to which the gentleman referred was written, I think it should be corrected. I said I believed that a permanent system of registration would be very excellent and would help materially to save trouble for those people who want to get a license, but I would never agree to go along with the examination as set up. I cannot go along with it at this time, much as I am concerned about the welfare of the hunter as well as the farmer.

Mr. PETROSKY. Mr. Speaker, I must rise at this time to support this bill, in view of the fact we are so far removed from the hunting season. We are deliberating on different measures before this body and now we have the one safety measure for the hunters before us. We fail to realize that not long ago we saw the blazing headlines concerning hunters that were killed and maimed in the woods while endeavoring to pursue the sport which they all love so well.

Being an ardent sportsman myself, and realizing the piece of legislation before us is a single item that will give us more protection than we have now in the way of a safeguard for the hunters in the woods, I rise at this time to bring to the attention of the Members of the House the different conditions that exist insofar as the safety of hunters is concerned, not only in my community but in other communities in which I have hunted. I say to you

I have seen boys and young men go in the field in an endeavor to take game, and call themselves sportsmen in this sport that we all like so well as a hobby. I say to you, I see those boys going into the fields and mishandling instead of perfectly handling firearms, which has the effect of jeopardizing the lives of their fellowmen. I say to you that during the past hunting season back home in my own small community alone, which comprises a population of no more than fifteen hundred, we had three deaths resulting from the mishandling of firearms in the hands of those who were green in the use of them. I do say to you that this is one safety measure we have before us that should not die on the floor of the House. We should give this additional safeguard to the sportsmen. This plea is being made in behalf of the honest sportsmen who go into the fields seeking game for the love of the sport, and I wish the Members on both sides of the House would vote favorably on this bill.

Mr. McMILLEN. Mr. Speaker, just a few thoughts which come to my mind on this bill as we go along. I think we are overlooking one question in this bill, the question of big game hunting which ought to have serious thought and consideration.

Mr. Speaker, I desire to interrogate the gentleman from Clearfield, Mr. Breth.

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

Mr. BRETH. I shall, Mr. Speaker.

Mr. McMILLEN. Mr. Speaker, the gentleman from Clearfield spoke about two of his friends being wounded and one killed, in the last hunting season. I wonder if the gentleman who had six inches taken out of his arm heard the shot that hit him.

Mr. BRETH. Mr. Speaker, does the gentleman desire to hear the story?

Mr. McMILLEN. Mr. Speaker, I just asked the gentleman from Clearfield whether he heard the shot or not.

Mr. BRETH. Mr. Speaker, he saw the man two hundred feet away.

Mr. McMILLEN. That is all right, but as to the man who was killed, is there any circumstance to substantiate the fact that it was known where the shot came from?

Mr. BRETH. No, Mr. Speaker, not that I know of.

Mr. McMILLEN. That is all. Mr. Speaker, that brings out, I think, a point that ought to have some consideration in this hunting proposition. Personally, I have hunted since I was sixteen years old with high-powered rifles. I use a 30.06 Winchester, and you gentlemen who hunt big game know what a 30.06 rifle will do. Many a man is killed in the woods or wounded by a man who is several miles away. We use these high-powered rifles that will shoot several miles, and oftentimes the shot that wounds or kills a man comes from over another hill.

Mr. Speaker, I think we should consider this hunting proposition from a different angle. Personally I have seen the bark fly from trees over my head and I never even heard the shot; the bullet came from over another hill. I think there is something here that we are overlooking. We are trying to get at the base of a very hazardous situation by an examination and not limit the type of gun that is to be used in hunting bear or deer—what we call big game hunting.

I would like to recount an instance that I personally saw. A gentleman was hunting big game in Potter County

three years ago this last winter. He parked his car. He had nothing to throw over the radiator so he used a deer skin that had been tanned. The temperature at that time was ranging near zero. So he threw the deer hide that had been tanned from the previous year, over the radiator and went into the woods to hunt. He hunted all day and saw nothing. On the way back to his car meandering through the woods casting about, he noticed what he thought was a live deer in the woods beyond him. He leaned up against the tree, took deliberate aim and fired, but the deer did not move. He shot a second time and still that deer remained that he thought he was shooting. Upon investigation he discovered that he had fired two shots from a .300 Savage through the radiator into the motor of a brand new Plymouth automobile which belonged to him. I saw that instance; I saw the machine. Now, what are you going to do about it? That man was forty years of age and I presume he hunted plenty, but there he was shooting into his own automobile. You cannot cure this situation entirely with this examination.

I want to corroborate what Mr. Stambaugh said about the relation between the hunter and the farmer and between the sportsman and the man who furnishes the cover and the feed for this wild life. We do not want to go backwards by setting up a barrier between the two of us. Let us think a long time before we pass this particular bill. Personally, I am opposed to it. I come from a county where we do a lot of hunting and furnish plenty of game.

Mr. ELDER. Mr. Speaker, I desire to interrogate the gentleman from Clearfield, Mr. Breth.

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

Mr. BRETH. I shall, Mr. Speaker.

Mr. ELDER. Mr. Speaker, I would like to have the gentleman state his reasons for Section 303.1 on page 4, line 19.

Mr. BRETH. What does it say, Mr. Speaker?

Mr. ELDER. Mr. Speaker, Section 303.1 of the bill states as follows:

"Examinations for License Exceptions Any person except as herein otherwise provided applying for a resident or a nonresident hunter's license shall be required to secure an application from the county treasurer or his authorized agents or the Department of Revenue prior to October first of any year in order to undergo an examination conducted by field officers of the commission provided by it for such purposes."

That is as far as I am interested at this time.

Mr. BRETH. Mr. Speaker, that means just what it says.

Mr. ELDER. Mr. Speaker, does the gentleman feel it is fair to the sportsmen of Pennsylvania, the nonresident sportsmen of Pennsylvania, coming in to hunt, to put them on record sixty days before the opening of the big game season?

Mr. BRETH. Mr. Speaker, well, I did not have to take a driver's examination to drive my car. I walked into the squire and I laid down \$1.50 and got a license to drive a car. I went to my employer. A brand new Buick car was setting in his garage. I started the motor and adjusted the gears, the clutch, and so forth and started out backwards from his garage. It cost me over a couple hundred dollars to fix it up.

Mr. ELDER. Mr. Speaker, the gentleman is off the point.

Mr. BRETH. Mr. Speaker, I am not off the point at

all. Let me say this, I read the letter from the Coroner of Somerset County pointing out that seventy-five per cent of the hunting accidents in his county were caused by the use of a borrowed gun or a new gun. This is the point. The bill says that no hunter shall be required to take an examination unless he has lapsed for two years. It also says that any new hunter who wants to hunt with a big game rifle that will shoot a mile and kill at a mile, can think of the fact that he wants to do that thirty days ahead of the small game season.

Mr. ELDER. Mr. Speaker, I am talking about the big game season.

Mr. BRETH. Mr. Speaker, the big game season would give you that much more to think about. As Mr. McMillen said, the fellow that would shoot a deer-hide on the hood of his car should certainly study for six months before he shoots his gun.

Mr. ELDER. Mr. Speaker, if I understood Mr. McMillen correctly, he said the gentleman who shot at the deer-hide over the hood of the radiator was forty years old and had been a hunter for some years.

Mr. BRETH. That is all right, Mr. Speaker. There is a fifty-mile speed limit on the highways, too—

Mr. McMILLEN. Highways do not enter into this at all, Mr. Speaker.

Mr. BRETH. Mr. Speaker, Mr. McMillen was talking about laws regulating the power of the gun used. How many of you observe the fifty-mile speed limit?

Mr. ELDER. Mr. Speaker, my question in the first place was whether the gentleman thought it was fair to our sportsmen in Pennsylvania to put them on record sixty days prior to the opening of the big game season. I still do not have a satisfactory answer.

Mr. BRETH. Mr. Speaker, I will answer the gentleman in this way: in the state of Pennsylvania there were 675,000 licensed hunters. There has been an increase of 140,000 since 1936, and those 140,000 certainly would need something to educate them in the use of a gun because the killings have increased 30 per cent and the accidents have increased sixty per cent.

Mr. O'BRIEN. Mr. Speaker, I move the previous question.

The SPEAKER. Will the gentleman please yield until the interrogation is over between the two gentlemen? Will the gentleman from Philadelphia withdraw his motion?

Mr. O'BRIEN. I shall, Mr. Speaker.

The SPEAKER. For the information of the gentleman, the Chair interrupted the Members during the interrogation. The Chair thanks the gentleman from Philadelphia. The gentleman will proceed.

Mr. ELDER. Mr. Speaker, does the gentleman from Clearfield have any statistics as to the number of accidents, fatal or non-fatal, that were caused by new applicants for license last year?

Mr. BRETH. No, I have not, Mr. Speaker. I do not think such records were kept.

Mr. ELDER. Then, Mr. Speaker, why subject the new licensee to an examination that none of us has had to take?

Mr. BRETH. Mr. Speaker, times have changed. The present law providing for a driver's license for an automobile was only passed in 1923.

Mr. O'BRIEN. Mr. Speaker, at this time I move the previous question.

The motion was seconded by Messrs. O'Brien, Elliott, Mooney, Paul A. Brunner, Wolf, Balthaser, McIntosh,

Chervenak, Yester, Gerard, Finnerty, Marks, Tarr, Monks, Wright, McDermott, O'Mullen, Finestone, Kolankiewicz, Hersch, D'Ortona and others.

On the question.

Shall the main question be now put?

It was agreed to.

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—88

Achterman,	Elliott,	Malloy,	Rooney,
Allmond,	Falkenstein,	Maxwell,	Rose, S.,
Baker,	Finestone,	McClanaghan,	Rush,
Baughner,	Finnerty,	McFall,	Sarraf,
Bentley,	Flynn,	McIntosh,	Scanlon,
Boles,	Gerard,	Melchiorre,	Schwab,
Boney,	Coodwin,	Modell,	Shaffer,
Bradley,	Haberlen,	Monks,	Shepard,
Breth,	Hare,	Mooney,	Skale,
Brown,	Harkins,	Moran,	Tarr,
Burns,	Heatherington,	Moul,	Tate,
Chervenak,	Hersch,	O'Brien,	Verona,
Chudoft,	Holland,	O'Connor,	Vincent,
Cochran,	Jefferson,	O'Mullen,	Weiss,
Corigan,	Jones, P. N.,	Owens,	Welsh, E. B.,
Croop,	Keenan,	Petrosky,	Welsh, M. J.,
Cullen,	Kenehan,	Pettit,	Wilkinson,
DiGenova,	Kolankiewicz,	Polaski,	Williams,
Dolon,	Leonard,	Polen,	Woodring,
D'Ortona,	Lesko,	Powers,	Yester,
Duffy,	Longo,	Regan,	Young,
Early,	Lovett,	Reynolds,	Kilroy, Speaker.

NAYS—96

Auker,	Gillan,	Lichtenwalter,	Serrill,
Balthaser,	Gillette,	Lyons,	Simons,
Bentzel,	Gross,	Marks,	Snyder,
Boorse,	Gryskewicz,	McClester,	Sollenberger,
Bower,	Gyger,	McDermott,	Sorg,
Brunner, C. H.,	Habbyshaw,	McGrath,	Stambaugh,
Brunner, P. A.,	Haines,	McKinney,	Stank,
Burris,	Hall,	McLanahan,	Stockham,
Cadwalader,	Hamilton,	McLane,	Taylor,
Cook,	Harmuth,	McMillen,	Thompson, R. L.,
Cooper,	Harris,	McSurdy,	Trout,
Cordier,	Helm,	Muir,	Turner,
Dalrymple,	Hewitt,	Munley,	Van Allsburg,
Dennison,	Hirsch,	Nunemacher,	Vogt,
Dix,	Huntley,	O'Dare,	Voorhees,
Eckels,	Imbrie,	Rank,	Wagner,
Elder,	James,	Rausch,	Watkins,
Ely,	Jones, G. E.,	Readinger,	Weingartner,
Fiss,	Kline,	Reese, D. P.,	Winner,
Fleming,	Komorofski,	Rhea,	Wolf,
Fletcher,	Krise,	Riley,	Wood, L. H.,
French,	Lee, T. H.,	Rose, W. E.,	Woodside,
Gallagher,	Lelsey,	Royer,	Wright,
Gates,	Levy,	Sarge,	Yeakel,

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

FORMER MEMBER WELCOMED

The SPEAKER. The Chair welcomes to the House this evening a former member from Clarion County, Mr. Alexander Robertson.

INTERIM REPORT OF JOINT COMMITTEE OF SENATE AND HOUSE

Mr. WOODRING asked and obtained unanimous consent on behalf of the Joint Committee of the Senate and House appointed to investigate certain charges made on the floor of the Senate, which committee was appointed pursuant to resolutions of the Senate and House on June 5, 1941 the following report.

The report was read by the Clerk:

INTERIM REPORT OF THE JOINT COMMITTEE OF THE SENATE AND HOUSE DULY CONVENED IN EXECUTIVE SESSION JUNE 9 AT 8:30 P. M. ADOPTED THE FOLLOWING RESOLUTION:

Inasmuch as the gentleman from Fayette, Mr. Cavalante, the originator of the charges that a criminal conspiracy to unlawfully affect legislation exists in the General Assembly now in regular session, has failed, neglected, and refused to attend the several meetings of the Joint Committee, which meetings were duly publicized and to the latter of which the said Senator was lawfully subpoenaed; and

Inasmuch as the said Senator has publicly stated on the floor of the Senate in legal session, to wit: June 9, 1941, that he will substantiate the said charges upon the floor of the Senate, but has failed to manifest any cooperation with the Joint Committee, the said Joint Committee now reports to the Senate and to the House of Representatives that it will await further instructions and advice of the said respective bodies.

(Signed) GEORGE B. STEVENSON,
Chairman

(Signed) CARLTON T. WOODRING,
Co-Chairman

RECONSIDERATION OF HOUSE BILL No. 1166

Mr. LEVY. Mr. Speaker, I move that the vote by which House Bill No. 1166, Printer's No. 736, entitled:

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

was defeated on final passage on Monday, June 2nd, be reconsidered.

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

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

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

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

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

On the question,

Will the House agree to the motion?

The SPEAKER declared the nays appeared to have it, Whereupon, a division was called for, ninety members having voted in the affirmative and sixty in the negative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. SAMUEL ROSE. Mr. Speaker, I really cannot understand why there should be any opposition to this particular measure. It is an amendment to the present act

and is designed to enable the State Board of Pharmacy to refuse to grant licenses in those instances where associations or organizations may have as officers individuals who are not reputable and of the highest standing.

This bill was introduced at the instance of the State Board of Pharmacy and at the instance of the Associated Druggists of Pennsylvania, who felt that there was a definite need to have power to regulate those individuals who in order to evade the present act form an association so as to obtain a license. In one particular instance a certain person had been convicted of selling narcotics. The State Board refused to grant a license to him. He then formed an association and made application for a license, and contended under the present law the association should be granted that license.

Mr. Speaker, I call upon the Members of the House to vote for this bill for better protection.

BILL POSTPONED

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

The motion was agreed to.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1406, (Senate Bill No. 588), as follows:

An Act to protect the debtors obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby and others indirectly liable for the payment thereof prescribing the method of fixing the fair market value of such property and limiting the amount collectible thereafter on such judgments

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

Whenever any real property has heretofore been or is hereafter sold directly or indirectly to the plaintiff in execution proceedings and the price for which such property has been sold was or is not sufficient to satisfy the amount of the judgment interest and costs and the plaintiff seeks to collect the balance due on said judgment interest and costs the plaintiff or plaintiffs shall petition the court having jurisdiction to fix the fair market value of the real property sold as aforesaid. Said petition shall be signed and sworn to by the plaintiff or plaintiffs

Section 2 The petition (a) shall set forth the location and description of the real property sold and the name or names of all persons known to petitioner or ascertainable upon reasonable inquiry to be or who may be directly or indirectly liable to petitioner or any other person for the payment of the debt for which the judgment was entered

(b) Shall contain a statement of the fair market value of said property and

(c) Shall name as respondents the debtors obligors and guarantors and any other persons directly or indirectly liable to petitioner for the payment of said debt and the owners of the property affected thereby together with the addresses of such persons to the extent that such addresses are known to petitioner or may have been ascertainable upon reasonable inquiry and an affidavit that he does not know and after reasonable inquiry has been unable to ascertain the residence or business addresses of the others

Section 3 The court shall thereupon fix a date for hearing on said petition not less than fifteen days after the filing thereof and said petition shall be served upon

each of the persons named therein as respondents at least ten days prior to the date fixed for hearing. At any time prior to the hearing any respondent or other person in interest may appear and answer setting up in his answer in writing the nature and extent of his interest in the proceedings and answering the averments of the petition. A copy of such answer shall be served upon the petitioner within a reasonable time prior to the hearing.

Section 4 Said petition may be served by the sheriff of the County or by the sheriff of any other county specially deputized for that purpose upon the respondents named therein

(a) By handing an exact copy thereof to each of them personally or

(b) By leaving an exact copy thereof at the residence of each of them with an adult member of his family or

(c) If service cannot be had in either of the above methods the court may direct service by publishing once a week for two successive weeks both in the legal newspaper of the county and one newspaper of general circulation in the county the last such publication to appear at least fifteen days prior to the day fixed for the hearing of such petition a notice to the said respondent or respondents of the filing of said petition and the date fixed for hearing thereon. If there is no legal newspaper in the county then publication in one newspaper of general circulation in said county shall be sufficient

Any debtor obligor guarantor mortgagor and any other person directly or indirectly liable to the petitioner for the payment of the debt and any owner or owners of the property affected thereby who is not named in said petition nor served with a copy thereof or notice of the filing thereof as provided in this section shall be deemed to be discharged from all personal liability to the petitioner on the debt interest and costs but any such failure to name such person in said petition or to serve the petition or notice of the filing thereof shall not prevent proceedings against respondent or respondents named and served

Section 5 Return of the service of any petition shall set forth particularly the time place and manner of service and shall be filed before the time fixed for hearing. No hearing shall be had until the court shall be satisfied that service has been made upon all the respondents in any of the methods herein provided

Section 6 At such hearings the only issue before the court shall be the fair market value of the property sold at the time of said sale and any party in interest may introduce into evidence testimony of such fair market value

If no answer is filed within the time provided for in this act or if an answer is filed which does not controvert the allegation of the fair market value of the property as averred in the petition the court shall determine and fix as the fair market value of the property sold the amount thereof alleged in the petition to be the fair market value

If an answer is filed controverting the averment in the petition as to the fair market value of the property but no testimony is produced at the hearing supporting such denial of the fair market value the court shall determine and fix as the fair market value of the property the amount thereof alleged in the petition to be the fair market value thereupon enter a decree directing the petitioner to file release of the debtors obligors guarantors or any other persons directly or indirectly liable for the debts to the extent of the fair value so fixed whereupon execution may be issued for the balance of the debt

If answer is filed alleging as the fair market value an amount in excess of the fair market value of the property as averred in the petition the plaintiff or plaintiffs may agree to accept as the fair market value of the property the value set up in the answer and in such case may file a stipulation releasing the debtors obligors and guarantors and any other persons liable directly or indirectly for the debt and the owners of the property affected thereby from personal liability to the plaintiff

to the extent of the fair market value as averred in the answer less the amount of any prior liens costs taxes and municipal claims not discharged by the sale and also less the amount of any such items paid as distribution on the sale. If an answer shall be filed and testimony produced setting forth that the fair market value of the property is more than the value stated in the petition the court shall determine and fix the fair market value of the property which shall in no event exceed the amount of the debt interest costs taxes and municipal claims.

After the hearing and the determination by the court of the fair market value of the property the debtor obligor guarantor and any other person liable directly or indirectly to the plaintiff or plaintiffs for the payment of the debt shall be released and discharged of such liability to the plaintiff to the extent of the fair market value of said property as previously agreed to by the plaintiff or plaintiffs or determined by the court less the amount of all prior liens costs taxes and municipal claims not discharged by the sale and also less the amount of any such items paid at the distribution on the sale and shall also be released and discharged of such liability to the extent of any amount by which the sale price less such prior liens costs taxes and municipal claims exceeds the fair market value as agreed to by the plaintiff or plaintiffs or fixed and determined by the court as aforesaid and thereupon petitioner may proceed by appropriate proceedings to collect the balance of the debt.

Section 7 The plaintiff or plaintiffs shall file all petitions in accordance with section one and section two of this act not later than six months after the sale of any real property provided however that if the sale occurred prior to the effective date of this act the plaintiff shall file such petition within six months after the effective date of this act. In the event no petition is filed within such period the debtor obligor guarantor and any other person liable directly or indirectly to the plaintiff or plaintiffs for the payment of the debt shall be released and discharged of such liability to the plaintiff or plaintiffs.

Section 8 Nothing in this act shall be construed to affect present procedure for the public sale of real estate or the private sale thereof under order of court except to the extent herein expressly provided or necessary for the purpose of giving proper effect to the provisions hereof.

Section 9 Nothing in this act shall be construed to affect the right of any person liable directly or indirectly for the payment of the debt to the benefit of any amount realized on any execution sale in excess of the fair market value fixed or agreed to in accordance with the provisions of this act and nothing in this act shall be construed to effect a release or discharge of any person otherwise than nor to any greater extent than as herein expressly provided.

Section 10 It shall be incompetent for any debtor obligor or guarantor at any time either before or after or at the time of incurring any obligation to waive the benefits of this act or to release any obligee from compliance with the provisions thereof. Any such waiver or release shall be absolutely void unenforceable and of no effect.

Section 11 The provisions of this act shall be severable and if any section provision or clause thereof shall be held to be unconstitutional the decision so holding shall not be construed to affect or impair any other section provision or clause of this act. It is hereby declared as the legislative intent that this act would have been enacted had such unconstitutional section provision or clause not been included therein. In the event the provisions of this act as applied to the sales of real property held prior to the effective date of this act are held to be unconstitutional it is the intention of the Legislature that this act then apply only to all sales of real property held after the effective date of this act. In the event the provisions of this act as applied to obligations created prior to the effective date of this act are held to be unconstitutional it is the intention of the legislature that

this act do then apply only to obligations created after the effective date of this act.

Section 12 The provisions of this act shall become effective immediately upon its final enactment.

On the question,

Shall the bill pass finally?

Mr. SKALE. Mr. Speaker, this bill is commonly known as the deficiency judgment bill.

For several years past, successive legislatures have endeavored to pass a bill which would meet the constitutional requirements, without success; however, in other States, particularly North Carolina and New York, such legislation was recently declared constitutional.

It might be well to develop the history of deficiency judgments in Pennsylvania, very briefly. I might add at this point, that much time and attention was given to S. B. 588, now before this House for consideration, by several outstanding members of the Bar, and Judges of our Courts. More particularly, the Honorable Grover C. Ladner, Judge of the Orphan's Court of Philadelphia County, with whom I, as chairman of the sub-committee on Judiciary General, studying this bill, consulted many times. In addition, Judge Ladner was kind enough to allow me to use his notes, on a book on conveyancing, which he has written and which is going to press at the present time, and was very valuable to me.

As we all know, the aim of a foreclosure is obviously, to enable a creditor to recover his loan. The debt of course, may arise in various ways. The hardships which created a desire and a necessity for this type of legislation occurs, for the most part, on mortgage foreclosures. When real estate is sold at a sheriff's sale for more than the debt, together with interest, costs and so forth, the over-plus property belongs to the owner of the property. Conversely, if the real estate sells for less than the debt, the creditor is naturally entitled to recover the uncollected balance out of other property of the debtor. This right to demand the uncollected balance is commonly called a deficiency judgment.

Particularly in mortgage foreclosures in Pennsylvania, an inequitable rule was developed by our Courts, that the price at which the mortgaged property is sold by the Sheriff, even when purchased by the mortgagee for a nominal bid of fifty dollars is conclusive as to the value of the mortgaged property. The effect of this rule enables a mortgagee to keep the penny and the cake. He gets the property and retains the full amount of his judgment.

The hardship of this rule is clearly illustrated by the case of *Lomison vs. Faust*, 145 Pa. 8 (1892), where the plaintiff mortgagee had previously sold a farm to the defendant mortgagor for one thousand dollars in cash, and a mortgage of sixty-five hundred dollars. Subsequently the plaintiff foreclosed on the farm and purchased the farm at Sheriff's sale for the nominal sum of one hundred dollars. Thereafter, he proceeded to effect execution upon another farm of the defendant mortgagor. The Supreme Court said that it would be glad to relieve the mortgagor from this hardship, but that the Court would have to be consistent with the prior decisions. The Court further criticized the plaintiff in making an unconscionable use of his power. He had his farm back with one thousand dollars purchase money in his pocket and permanent improvements, far more valuable than

the return would have amounted to over the period of time that the mortgagor was in possession. He also sold the mortgagor's personal property for four hundred and seventy-five dollars. In addition, he had his judgment in full force and unsatisfied for nearly its whole amount, and now the mortgagee was proceeding to sell upon this judgment, another farm belonging to the mortgagor, after which he still holds a mortgage upon his life and earnings for all time to come. Nevertheless, the Court, realizing the injustice, was unable to give relief to the mortgagor because of the principal of law that the price realized at the foreclosure was conclusive as to the value of the mortgaged premises.

The depression period of 1929 to 1939 intensified public dissatisfaction with this harsh rule because the mortgagors not only lost their property, but remained indebted for the full amount of the mortgage and bond as well. Some it worried to death, others it drove into bankruptcy. Relief was demanded of the legislature and the result was a series of deficiency judgment acts.

The legislature convened in the special session of 1934, passed an act (P. L. 243) in an attempt to remedy the situation. Unfortunately, this was declared unconstitutional in the case of Beaver County B. & L. Ass'n. vs. Winowich, 323 P. A. 483. Mr. Justice Stern, who wrote the majority opinion, held the act unconstitutional because it infringed Art. I, Sec. 10 of the United States Constitution, providing "no state shall pass any law impairing the obligations of contract" as well as a similar provision under our state Constitution, Art. I, Sec. 17.

Briefly, the reasoning of the Court was that the laws in force at the time and place of the making of a contract entered into the obligation with the same force and effect as if expressly incorporated in the terms, and that the legislature could not remedy the situation as to existing mortgages; and that the bid at the Sheriff's sale was conclusive between the parties as to the amount to be credited on the judgment, hence the mortgagee could not be denied the right to collect the whole deficiency so fixed.

The Court further stated that the act violated Art. III, Sec. 7, of our Constitution which prohibits the passing of special laws, authorizing the impairing of liens or providing or changing methods for the collection of debts or the enforcing of judgments or prescribing the effect of judicial sales of real estate.

In a careful study of Justice Stern's decision on the act of 1934 and the bill now before the House for consideration, it will be noted that the 1934 act applies only to mortgage debts and was therefore declared unconstitutional as special legislation. However, S. B. 588 applies to all debtors including mortgage debts. This objection is now overcome because by its terms, it applies to all debts and does not impair the contract rights of a mortgagee or other lien creditors.

The opinion of Justice Stern goes on to say that the majority Court was of the view that three contract rights of the mortgagee were impaired: (1) the mortgagee's right to receive payment in full of the mortgage debt. (2) the mortgagee's right to receive payment in money. (3) the mortgagee's right to buy in the property at Sheriff's sale for a nominal amount and retain a claim against the mortgagor for a full amount of the debt.

It is generally agreed that the first two of these rights

were impaired by the act of 1934. But it is also believed that the third right does not exist. Therefore, if the first two objections can be overcome, it will appear that a constitutional Bill could be enacted.

Regarding the first objection, the Court said that the mortgagee's right to receive payment in full was impaired because the act required the mortgagee to give the mortgagor a credit for the fair value of the property, prior to foreclosure, even though the mortgagee may not purchase the property at the sale. However, S. B. 588 provides that the fair market value of the property sold shall be ascertained after the foreclosure, only if the creditor buys the property.

It is my opinion therefore, that the first objection is overcome in this way.

The second objection raised by the Court was that the mortgagee's right to payment in money was impaired. This objection is overcome, because if the creditor is the purchaser of the real estate, he buys it voluntarily. In such case the creditor is not compelled to accept real estate in lieu of money, as the medium for the payment of the mortgage debt without the creditor's or mortgagee's consent. If the mortgagee is unwilling to accept the real estate in payment of the debt, he could refrain from purchasing the property and permit it to be sold to someone else, and thus retain his claim for payment in money of the full amount due, less only the amount actually realized by the sale. Therefore, I think that the two rights of the mortgagee which were impaired by the 1934 act would not be violated by providing that the debtor is entitled to credit for the fair value of the property, only if it is purchased by the creditor.

The weakness of Justice Stern's third reason is clearly demonstrated by the dissenting opinion of the late Mr. Justice Barnes, who pointed out that so far as the method of procedure by which the fair value of the mortgaged premises was accomplished was concerned, no person has a vested right, in any course of procedure, and that a State possesses control of its remedial processes and may make changes in the methods of procedure without violating the contract clause of the Federal Constitution. In *Home B. & L. Ass'n. vs. Blaisdell*, 290 U. S. 398 the Court said, on page 433 "in modes of proceeding and forms to enforce the contract, the legislature has the control and may enlarge, limit or alter them, provided it does not deny a remedy or so embarrass it with conditions or restrictions as to seriously impair the value thereof."

Justice Kephart in a concurring opinion said that a mortgagee does not have the absolute right to buy in the mortgagor's property for an inadequate price. The Court in the exercise of its equitable jurisdiction can prevent the mortgagee from doing so by setting aside the sale. It used to be the rule that a Sheriff's sale could not be set aside merely because of inadequacy of price unless other circumstances were present such as fraud or irregularities in the proceeding which would have to be shown before the sale could be set aside. Recently, however, the Supreme Court has held that a Sheriff's sale may be set aside for inadequacy of price alone, as where the price is so grossly inadequate as to in effect constitute a fraud on the debtor's right. In view of this and the trend of the recent decisions, I think it is apparent that a mortgagee does not have an absolute right to bid

in the mortgagors property for less than a fair price without allowing a full credit for the value of the property

Subsequently, there came before the Supreme Court of the U. S. the case of Richmond Corporation vs. Wachovia Bank, 300 U. S. 124, practically the same question decided in the Winowich case. This case arose in North Carolina, where an act was passed to relieve against a hardship precisely similar to our situation which required a mortgagee to credit the fair amount of the property against the judgment. The act there involved was for all practical purposes the same as our act of 1934. The United States Supreme Court, speaking through Mr. Justice Roberts, held that the North Carolina statute would not offend the contract clause of the United States Constitution. It stated further: "the loan rendered the appellees debtor to the appellant, for that debt the borrower pledged real estate as security. The contract contemplated the lender shall make itself whole, if necessary, out of the security, but not that it should be enriched at the expense of the borrower or realize more than would repay the loan with interest."

Thereafter, in Honeyman vs. Jacobs, 306 U. S. 539, the Supreme Court interpreting a similar statute in the state of New York, holding it constitutional, stated that the Court knows of no principal which entitles a mortgagee to receive money more than the debt with costs and expenses of suit and that he should not be enriched at the expense of the debtor. The Court further stated that it knows of no constitutional sanction which precludes the legislature from changing the procedure so as to confirm the creditor to securing the satisfaction of his entire debt, but no more than his debt.

Recently, (April 28, 1941), the U. S. Supreme Court in the case of Gelfert vs. National City Bank of New York held constitutional, an amendment to the original New York mortgage deficiency act which is practically identical with S. B. 588.

The Court, speaking through Mr. Justice Douglas stated, "the formula which a legislature may adopt for determining the amount of a deficiency judgment is not fixed and invariable. That which exists at the date of the execution of the mortgage does not become so imbedded in the contract between the parties that it can not be constitutionally altered. As this Court said in Home B. & L. Ass'n. vs. Blaisdell 290 U. S. 398. 435. 'not only are existing laws read into contracts in order to fix obligations as between the parties, but the reservation of essential attributes of sovereign power is also read into contracts as a postulate of the legal order.'"

The Court proceeds further to discuss the control of judicial sale of real estate by Courts of Equity and by legislation in order to prevent sacrificial prices.

The Court further dwelled on the fact that for about two centuries it has been a continuous effort either through general rule or by appeal to the chancellor in specific cases to prevent the machinery of judicial sales from becoming an instrument of oppression and so far as mortgage foreclosures are concerned, numerous devices have been employed to safeguard mortgagors from sales which may result in mortgagees collecting more than their due.

The variety of formulae which has been employed to that end is ample evidence not only of the intrusion

which advanced notions of fairness have made on the earlier concern for stability of judicial sales but also of the flexibility of the standards of fairness themselves. Underlying that change has been the realization that the price which property commands at a forced sale may be hardly even a rough measure of its value. The paralysis of real estate mortgages during periods of depression, the wide discrepancy between the money value of property to the mortgagee and the cash prices which that property would receive at a forced sale, the fact that the prices realized at such a sale may be a far cry from the price at which the property would be sold to a willing buyer by a willing seller reflects the considerations which have motivated departures from the theory that competitive bidding in this field amply protects the debtor.

"Mortgagees are constitutionally entitled to no more than payment in full. They cannot be heard to complain on constitutional grounds if the legislature takes steps to see to it that they get no more than that. As we have seen, equity will intervene in individual cases where it is palpably apparent that gross unfairness is imminent . . . But there is no constitutional reason why in lieu of the more restricted control by a Court of Equity the legislature cannot substitute a uniform comprehensive rule designed to reduce or to avoid in the run of cases the chance that the mortgagee will be paid more than once . . . Certainly, under this statute it cannot be said that more than that was attempted, the "fair and reasonable market value" of the property has an obvious and direct relevancy to a determination of the amount of a mortgagee's prospective loss. In a given case the application of a specified criterion of value may not result in a determination of actual loss with mathematical certitude. But "incidental individual inequality" is not fatal. The fact that men will differ in opinion as to the adequacy of any particular yardstick of value emphasized that the appropriateness of any one formula is peculiarly a matter for legislative determination. Certainly, so far as mortgagees are concerned, the use of the criterion of "fair and reasonable market value" in cases where they obtain the property for a lesser amount holds promise of tempering the extremes of both inflated and depressed market prices. And so far as mortgagors are concerned, it offers some assurance that they will not be saddled with more than the amount of their obligations. To hold that mortgagees are entitled under the contract clause to retain the advantages of a forced sale would be to dignify into a constitutionally protected property right their chance to get more than the amount of their contracts.

In conclusion, the statute in question, like the one involved in Richmond Mortgage & Loan Corp. vs. Wachovia Bank & Trust Co., supra p. 130 "cannot fairly be said to do more than restrict the mortgagee to that for which he contracted, namely, payment in full." Here, as in that case, the obligation of the mortgagee's contract is recognized; the statute does no more than limit "that right so as to prevent his obtaining more than his due." Id., p. 130. To be sure, the mortgagee retained in that case an alternative remedy while in the instant one of the Court of Appeals has said that under New York law there remained no alternative remedy "substantially coextensive" with that which had been removed. But it is clear from Honeyman vs. Hanan, 302 U. S. 375, that a require-

ment that the right to a deficiency judgment unless he moves for one raises no substantial federal question. As stated by this Court in that case (302 U. S. at p. 378), the Federal Constitution does not prevent the states from determining, on due notice and opportunity to be heard, "by what process legal rights may be asserted, or legal obligations" enforced. The principles of those cases are applicable here.

Earlier decisions of this Court have struck down under the contract clause, as respects contracts previously made, a state statute requiring judicial sales to bring two-thirds of the amount of the appraised value of the property. Those cases, however, have been confined to the special circumstances there involved. We cannot permit the broad language which those early decisions employed to force legislatures to be blind to the lessons which another century has taught.

In conclusion, it would seem to me from the foregoing analysis that the Pennsylvania Supreme Court would be practically compelled to decide such a statute does not violate the State and Federal constitution, or the impairment of the obligation of contract. Theoretically, the Court could conclude that it does violate the State Constitution and not the Federal Constitution, however, I think that the Court would not reach such an obviously illogical conclusion, and that it would follow the decisions of the other courts.

The other obstacle which may arise from the provision in the State Constitution prohibiting the passage of special laws "providing or changing methods for the collecting of debts or the enforcing of judgments, or prescribing the effect of judicial sales of real estate."

The 1937 act which was declared unconstitutional because it violated this prohibition, you will recall, applies only to mortgage debts. The court pointed out that since the act made a change in the method of collecting debts and enforcing judgments for the benefit of a special class of debtors, it was necessary, in order to determine whether the act was valid, to consider "whether the class credited out of all the debtors in the state is supported . . . by a necessity springing from manifest peculiarities, clearly distinguishing those of one class from each of the other classes, and imperatively demanding legislation for each class, separately," that would be useless and detrimental to the others. The Court concluded that there was no substantial basis for treating mortgage debtors differently than other debtors, and accordingly decided that the act was special legislation within the prohibited clause. It is therefore apparent that S. B. 588 overcomes this objection because it relates to all debtors.

I therefore ask the members of this House to support this bill and give to Pennsylvania, at last, the type of legislation for which there has been a crying need for many years.

Mr. BROWN. Mr. Speaker, I simply rise to vote a debt of appreciation to the able Chairman of the subcommittee of the Committee on Judiciary General for the work he has done on Senate Bill 588, House Bill 1486, Printer's Number 398.

I think we sometimes in this House overlook the tremendous amount of work some people are called upon to perform.

This is a very, very intricate question, a question which concerns a large number of people in the Commonwealth,

and to undertake the task which the Chairman of the sub-committee has undertaken, to do the job that he and his colleagues have done, certainly deserves the appreciation of this House. I want to publicly announce, as Chairman on the Committee on Judiciary General, that we give to them our vote of appreciation.

Mr. GATES. Mr. Speaker, while I am not concerned with the law, as the two previous speakers were, I want to say that I think this is one of the most constructive bills presented to the House in this Session. I hope it will remedy an error that has existed in the deficiency judgment situation for many years. I hope the Members of the House will support this bill and vote for it.

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—200

Achterman,	French,	Lyons,	Rose, W. E.,
Allmond,	Gallagher,	Malloy,	Rosenfeld,
Auker,	Gates,	Marks,	Royer,
Baker,	Gerard,	Maxwell,	Rush,
Balthaser,	Gillan,	McClanaghan,	Sarge,
Baughner,	Gillette,	McClester,	Sarrafi,
Bendley,	Goodwin,	McDermott,	Scanlon,
Boles,	Greenwood,	McDowell,	Schwab,
Boney,	Gross,	McFall,	Serrill,
Boorse,	Gryskewicz,	McGrath,	Shaw,
Bower,	Gyger,	McInosh,	Shaffer,
Bradley,	Habbyshaw,	McKinney,	Shepard,
Ereth,	Haberman,	McLanahan,	Simons,
Brown,	Haines,	McLane,	Skale,
Brunner, C. H.,	Hall,	McMillen,	Sollenberger,
Brunner, P. A.,	Hamilton,	McSurdy,	Sorg,
Burns,	Hare,	Melchiorre,	Stambaugh,
Burriss,	Harkins,	Modell,	Stank,
Cadwalader,	Harmuth,	Monks,	Stine,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Thompson, E. F.,
Cohen, M. M.,	Hering,	Muir,	Thompson, R. L.,
Cohen, R. E.,	Herman,	Munley,	Trout,
Cook,	Hersch,	Nagel,	Turner,
Cooper,	Hewitt,	Nunemacher,	VanAllsburg,
Cordier,	Hirsch,	O'Brien,	Verona,
Corrigan,	Holland,	O'Connor,	Vincent,
Coop,	Huntley,	O'Dare,	Vogt,
Cullen,	Imbrie,	O'Mullen,	Voldow,
Dairyple,	James,	O'Neill,	Voorhees,
Dennison,	Jefferson,	Owens,	Wagner,
DiGenova,	Jones, G. E.,	Petrosky,	Watkins,
Dix,	Jones, P. N.,	Pettit,	Weingartner,
Doion,	Keenan,	Polaski,	Weiss,
D'Ortona,	Kenehan,	Polen,	Welsh, E. B.,
Duffy,	Kline,	Powers,	Welsh, M. J.,
Early,	Knoble,	Prosen,	Williams,
Eckels,	Kolankiewicz,	Rank,	Winner,
Elder,	Komorowski,	Rausch,	Wolf,
Elliott,	Krise,	Readinger,	Wood, L. H.,
Ely,	Lee, T. H.,	Reagan,	Wood, N.,
Falkenstein,	Lelsey,	Reese, D. P.,	Woodring,
Finestone,	Leonard,	Reese, R. E.,	Woodside,
Finnerty,	Lesko,	Reagan,	Wright,
Fris,	Levy,	Reynolds,	Yeakel,
Fleming,	Knoble,	Rhea,	Yester,
Fletcher,	Lichtenwaiter,	Riley,	Young,
Flynn,	Longo,	Rooney,	Kilroy
Foot,	Lovett,	Rose, S.,	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 return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

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

HOUSE BILL No. 382.

An Act authorizing counties, cities, boroughs, incorporated towns and townships to appropriate money for the establishment or continuance of Federal Surplus Commodities Stamp plans therein,

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 the title, page 1, by striking out the entire title as follows:

An Act authorizing counties, cities, boroughs, incorporated towns and townships to appropriate money for the establishment or continuance of Federal Surplus Commodities Stamp plans therein,

and inserting in lieu thereof the following new title:

"Authorizing political subdivisions to appropriate money for participation in Federal Surplus Commodities Stamp plans to borrow money and issue bonds for said purpose providing for payment of such appropriations into a special fund in the State Treasury appropriating the money in such fund and authorizing the purchase of necessary insurance"

Amend Section 1, page 1, line 2, by striking out after the word "incorporated" the word "towns" and inserting in lieu thereof the word "town"; also same page, line 10, by inserting after the word "therewith" at the end of said line the following:

"For said purpose the county city borough incorporated town or township is hereby authorized to borrow money and incur indebtedness subject to constitutional limitations and may issue as evidence thereof registered or coupon serial bonds payable by such municipality within ten years from their issue and bearing interest at a rate not exceeding six per cent per annum payable annually or semi-annually and may negotiate the same for the purpose of raising the money necessary to carry out the provisions of this act and said political subdivisions may levy and collect taxes on all taxable property in said subdivisions for the purpose of paying any bonded indebtedness which may be incurred as herein provided"

Amend Section 2, page 2, by striking out all of lines 1 to 12 inclusive, as follows:

"Section 2 The sums appropriated by the several counties cities boroughs incorporated towns and townships may be deposited in one fund in the name of trustees designated by the Secretary of the Department of Public Assistance Said trustees shall use the fund for the purchase of Federal Surplus Commodities Stamps from the Federal Government Upon withdrawal of any county city borough incorporated town or township from further participation in the Federal Surplus Commodities Stamp plan such county city borough incorporated town or township shall be reimbursed from the fund to the full extent of its contributions"

and inserting in lieu thereof the following new sections:

"Section 2 All moneys so appropriated shall be paid into the Surplus Commodities Stamp Fund of the State Treasury through the Department of Revenue and the Secretary of Public Assistance shall use such fund for the purchase of Federal Surplus Commodities Stamps from the Federal Government which stamps shall be sold to persons eligible to receive same in accordance with

Federal Surplus Commodities Stamp Plans All moneys received from the sale of such stamps and all moneys received from insurance covering losses of such stamps or the proceeds from the sale of such stamps shall be paid into the said fund and shall be used for the further purchase of Federal Surplus Commodities Stamps Upon notice of withdrawal to the Secretary of Public Assistance of any county city borough incorporated town or township from further participation in the Federal Surplus Commodities Stamp plans such county city borough incorporated town or township shall be reimbursed by the Secretary of Public Assistance from the fund to the full extent of its contributions All moneys whatsoever paid into said fund are hereby specifically appropriated to the Department of Public Assistance for the purposes hereinbefore set forth

Section 3 The Department of Public Assistance shall have the power to purchase through the Department of Property and Supplies such insurance as may be deemed necessary to protect it against loss in the handling of Federal Surplus Commodities Stamps or the proceeds from the sale thereof The costs of such insurance shall be paid out of appropriations to the Department of Public Assistance for assistance local administration et cetera"

Amend Section 3, page 2, line 13, by striking out after the word "Section" the figure "3" and inserting in lieu thereof the figure "4".

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—200

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

Fleming,
Fletcher,
Flynn,

Lichtenwalter,
Longo,

Riley,
Rooney,

Young,
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.

HOUSE BILL No. 124 TAKEN FROM TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 124, together with the message from the Senate which was laid on the table be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR
CONCURRENCE

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

HOUSE BILL No. 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 upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines, and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder and making appropriations," by adding the term "handler" as a synonym for the term "milk dealer" defining the terms "handle" and "handler" extending the provisions of the act to those who handle milk by bailment, brokerage, consignment or purchase by giving certain additional rights to producers' and farmers' unions or organizations producing milk setting up a price fixing procedure restricting powers of the Governor and providing for the payment of funds in the hands of the commission owing to producers and handlers.

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' groups 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 providing 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 "producer;" 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 "dealers" the words "or handler"; also in line 7, by inserting after the word "subdealer" the words "or subhandler"; also by inserting after the word "purchases" the words "or receives"; also in line 8, by inserting after the word "handles" the words "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 licensee 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 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 marked 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 or 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?

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

YEAS—200

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

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

NAYS—0

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

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 404, entitled:

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

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

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 404

The SPEAKER. The Chair appoints as a Committee of Conference on said bill Messrs. READINGER, McINTOSH and ECKELS.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION FROM THE GOVERNOR

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

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 107

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 6, 1941.

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

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 107, Printer's No. 742, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES,

COMMUNICATION AND BILL LAID ON TABLE

Mr. PRESLEY N. JONES. Mr. Speaker, I move that the communication from the Governor, together with the bill be laid on the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

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

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 525

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 6, 1941.

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

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 525, Printer's No. 545, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

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

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

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

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

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

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

On the question,

Will the House agree to the motion?

It was agreed to.

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

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

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

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

The Clerk read the amendments as follows:

Amend Section 803, page 65, line 24 by striking out

after the word "Section" and before the word "absolutely" the following: "[502]"; and inserting in lieu thereof the following: "520".

Amend section 803, page 73, line 15 by striking out after the word "Sections" and before "2702" the following: "[2446 and 2447]".

Amend section 803, page 73, line 16 by striking out after "3251" and before the word "and" the following: "[3253]"; and inserting in lieu thereof the following: "3252".

Amend section 803, page 73, line 23 by striking out at the beginning of the line the word: "[Section]"; and inserting in lieu thereof the word: "Sections".

Amend section 803, page 73, line 23 by inserting after "1707" and before the word "of" the following: "2446 and 2447 absolutely and Section 2502 in so far as the same limits the maturity of bonds".

The amendments were agreed to.

On the question,

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

It was agreed to.

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

COMMUNICATION FROM THE GOVERNOR

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

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 717

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 6, 1941.

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

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 717, Printer's No. 348, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

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

Mr. LLOYD H. WOOD. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Montgomery vote on the final passage of this bill?

Mr. CHARLES H. BRUNNER. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Montgomery vote on the final passage of this bill?

Mr. LLOYD H. WOOD. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

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

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. CHARLES H. BRUNNER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

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

The Clerk read the amendments as follows:

Amend Sec. 2, page 3, line 23, by inserting after the word "prosecution" the following: "or investigation".

Amend Sec. 2, page 3, line 27, by striking out the word "or" and inserting in lieu thereof the following: "of."

Amend Sec. 3, page 4, line 21, by inserting after the word "prosecution" the following: "or investigation".

Amend Sec. 3, page 4, line 27, by inserting after the word "court" at the end of said line, the following: "The court may admit the witness to bail by bond with or without surety and in such sum as it deems proper conditioned for his appearance before it at a time specified in such bond".

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

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

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

It was agreed to.

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

COMMUNICATION FROM THE GOVERNOR

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

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 960

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 6, 1941.

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

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 960, Printer's No. 361, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

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

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

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

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

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

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

On the question,

Will the House agree to the motion?

It was agreed to.

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

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

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

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

The Clerk read the amendments as follows:

Amend page 1, line 10 of the title, by inserting after the word "thereof" and before the word "making" the following: "by further defining sausage."

Amend page 1, line 13 of the title, by inserting after the word "powers" and before the word "on" the following: "and duties."

Amend section 2 (section 5), page 4, line 18 by inserting at the end of the line the following: "and shall cause such rules and regulations to be published in the official bulletin in the issue immediately following the preparation of the same."

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

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

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

It was agreed to.

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

BILL 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. 1126.

An Act to further amend part of section three hundred and two to amend section three hundred and seven and part of section fifteen hundred and one of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government, providing for the settlement, assessment, collection and lien of taxes, bonus and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department, board, commission and officer of the State government, every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay, assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof, every State depository and every debtor or creditor

of the Commonwealth," establishing the Surplus Commodities Stamp Fund and authorizing the State Treasurer to disburse money from said fund upon requisition of the Secretary of Public Assistance

Whereupon,

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

BILLS INTRODUCED AND REFERRED

By Mr. GERARD. HOUSE BILL No. 1831.

An Act to further amend section twenty-one of the act, approved the seventh day of June, one thousand nine hundred fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," by directing the Department of Health to maintain branch offices in counties of the second class for the filing of death certificates; authorizing such offices to issue certified copies of death certificates and make searches of their files; imposing additional duties upon local registrars in such counties; and prescribing fees.

Referred to the Committee on State Government.

By Messrs. WILLIAMS and WRIGHT.
HOUSE BILL No. 1832.

An Act making an emergency appropriation to the Department of Highways for allocation to and distribution among boroughs and townships for the repair of certain roads and streets in Western Pennsylvania.

Referred to the Committee on Appropriations.

FORMER MEMBER WELCOMED

The SPEAKER. The Chair welcomes to the House this evening a former member from Northampton County, Mr. Edgar J. Balliet.

CONGRATULATORY RESOLUTIONS

Messrs. IMBRIE and HELM offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, June 9, 1941.

Somewhat less than half a century ago there was born on June 9th, in Grove City, Pennsylvania, the Honorable Albert B. McClester, now a member of this House from the County of Butler.

Albert, during the years which have since elapsed, has lived an unusually active and varied life being successively and successfully a teacher, banker, soldier and legislator, and needless to say through all this a Scotchman.

Nevertheless, during his otherwise eventful career, he has never taken unto himself a helpmate to share his joys and sorrows; a situation which many feel should be particularly called to his attention on this day which

marks another milestone on his journey through life; now therefore be it

Resolved, That we the members of the House of Representatives extend our heartiest congratulations to the Honorable Albert B. McClester on this the anniversary of his birth, and not only wish him many happy returns of the day, but also hope that this day will again be celebrated here with us numerous times in the future; and be it further

Resolved, That in conjunction with our observance of the aforesaid birthday we feel in our hearts a sentiment which can be best expressed in the following lines written by Senator Jacob W. Carr and dedicated to the Honorable Albert B. McClester:

PRINCE ALBERT

Prince Albert was a gay old dog,
Some fifty years ago;
The ladies they all gathered round
When he put on his show.

Prince Albert is quite different now
And comes within a can,
To fill the pipe and cheer the heart
Of any lonely man.

But we are gathered here today
To celebrate the birth
Of Albert B. the best of all
The Alberts now on earth.

This Albert still is single,
But why we do not know,
For men like him, on bushes wild,
We've never found to grow.

But give him time and we are sure
That he will make the grade,
And prevent some blushing beauty
From becoming an old maid.

So, Albert, here's a toast to you,
While here we celebrate,
We hope you'll not much longer bear
A lonely bachelor's fate.

For somewhere in this vale of tears
A lonely lass must live,
Who'd only be too glad to you
Her heart and hand to give.

So wake up, man, and look around
Among the beauties rare,
There's surely one who'd be right glad
Your hearth and home to share.

and be it further

Resolved, That as a lasting souvenir of this particular birthday, a copy of this resolution shall be prepared and transmitted to the Honorable Albert B. McClester by the Chief Clerk of this House.

The SPEAKER. The Chair recognizes the gentleman from Butler, Mr. McClester.

Mr. McCLESTER. Mr. Speaker, I do not know whether that was condolence or congratulation. Can the Chair inform me?

The SPEAKER. It is congratulations.

Mr. McCLESTER. Mr. Speaker, well, it sounded for a while like it was condolence. I do not believe I need any of that.

The SPEAKER. The gentleman is too young for condolences.

Mr. McCLESTER. Mr. Speaker, that is just what I was going to say. I have been getting along fine so far. All I want to say is—

The SPEAKER. The gentleman is not over the hill yet.

Mr. McCLESTER. How do you know? I was going to make a motion that the resolution be expunged from the record, and I would even go so far as to second the motion myself, but I do not suppose I could get by with it. I thank you for the compliment.

CONGRATULATORY RESOLUTION

Messrs. SARRAF, BENTLEY and BAKER offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, June 9, 1941.

The attention of the House is called to the fact that the Honorable Daniel A. Verona, our member from the County of Allegheny, today celebrates his 27th birthday.

Daniel Verona was born in the City of Pittsburgh, and has led an active and varied life. He has achieved prominence in public life while still comparatively young, and has already exhibited political sagacity and acumen worthy of his father, who was one of the most able political leaders of the Commonwealth. Undoubtedly, the future has great things in store for this able and popular member of the House; therefore be it

Resolved, by the members of the House, That we extend to the Honorable Daniel A. Verona our warmest and heartiest congratulations upon this the anniversary of his natal day, and that we wish for him many more similar observances here with us; and be it further

Resolved, That a copy of this resolution shall be transmitted by the Chief Clerk of this House to the Honorable Daniel A. Verona.

Mr. SARRAF. Mr. Speaker, Danny is out actively engaged in ceremonies tonight connected with his birthday celebration.

The SPEAKER. Does the gentleman from Allegheny, Mr. Sarraf, wish to ask for a leave of absence for the gentleman from Allegheny, Mr. Verona, for tomorrow's session?

Mr. SARRAF. Mr. Speaker, as his private physician, I think I will be able to get him up here tomorrow.

CONGRATULATORY RESOLUTION

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

In the House of Representatives, June 9, 1941.

Whereas, today marks the 13th anniversary of the time the Honorable Robert W. Munley of this House entered into the bonds of matrimony with Marian Munley; and

Whereas, as he is a statesman, so as a husband, Bob Munley is in a class by himself; and

Whereas, This fortunate and happy couple has been blessed with two children, boys, namely, James and Robert; and

Whereas, The entire Munley family is today visting Harrisburg so that they can observe the House of Representatives in its august and sober meditations; be it therefore

Resolved, That the House of Representatives congratulates the Honorable Robert W. Munley and his wife on this, their 13th wedding anniversary, and wishes them many more and prosperous anniversaries to come; and be it further

Resolved, That the Chief Clerk mail a copy of this resolution to the happy couple.

Mr. O'BRIEN. Mr. Speaker, I was wondering if it would be wise to have Mrs. Munley speak for Mr. Munley. She is here and she is the one who usually does the talking.

The SPEAKER. This is the one chance the gentleman from Lackawanna gets to talk. Of course, the Chair cannot permit the lady to talk here.

CONGRATULATORY RESOLUTION

Messrs. CHUDOFF and VOLDOW offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted:

In the House of Representatives, June 9, 1941.

Whereas, Mrs. Rosalie Rose, wife of the Honorable Samuel Rose, a member of this House is now receiving hospital care at the University of Pennsylvania Hospital at Philadelphia; and

Whereas, it is not often realized that in addition to the serious duties imposed on the members of this House, they are at the same time confronted with the necessity of providing for, worrying about and carrying out obligations to their families; and

Whereas, it is with heavy hearts that members of this body are often forced to discharge their obligation to the people of this Commonwealth; therefore be it

Resolved, That this House of Representatives wishes Mrs. Rose an immediate and successful recovery from her illness and that the Chief Clerk be directed to submit a copy of this resolution to Mrs. Rose as an expression of its feeling and to speed her recovery.

The SPEAKER. The Chair wishes to inform the Members that he has received a letter from Mrs. Samuel Rose, which reads as follows:

June 9, 1941.
Philadelphia, Pa.

Honorable Elmer Kilroy,
House of Representatives,
Harrisburg, Penna.

Dear Elmer:

I want to take this opportunity to extend through you to the Philadelphia Democratic members of the House my sincere thanks and appreciation for the beautiful flowers you sent to me at the Hospital and for the kind wishes expressed by the Philadelphia Delegation.

I am pleased to inform you that I am recovering and soon expect to be out aiding my husband to roll up a Democratic victory in November.

Please see that my husband does not engage in the activities which Mr. Cummings has been writing about in the Inquirer.

Sincerely,

MRS. SAMUEL ROSE.

Mr. SAMUEL ROSE. Mr. Speaker, I just want to say for the information of the Members of the House that my wife is not thinking about my extra curricular activities, but she is thinking about the extra curricular activities of some of my colleagues that she has heard so much about.

Mr. REUBEN E. COHEN. Mr. Speaker, I just want to say that last week I took the gentleman from Philadelphia down to the hospital and he promised me then on his way there he would try to live up to the admonition of the gentleman from Philadelphia, who represents the Philadelphia Inquirer. He was very thankful to the Members of the House and he was willing to go home last week early enough to go into consultation.

QUESTION OF INFORMATION

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

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

Mr. FLYNN. Mr. Speaker, I would like to know who is going to chaperon the gentleman from Philadelphia, Mr. Rose.

The SPEAKER. The Chair appoints the gentleman from Sullivan, Mr. Flynn.

CONGRATULATORY RESOLUTION

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

In the House of Representatives, June 9, 1941.

Whereas, on June 9, 1880, a certain Member of this House first saw the light of day in his home in Danville, Montour County; and

Whereas, a few minutes thereafter he began milking, and has from that time up until the present so perfected his technique that he is one of the leading "milkers" in his county; and

Whereas, today he is an authority on all rural problems including that uncontroversial one relating to milk control; and

Whereas, today he is the owner of the home in which he first entered this vale of tears and a statesman of no mean stature; be it therefore

Resolved, That the House of Representatives congratulates the Hon. Walter J. Vincent on his 61st birthday and wishes him many happy returns of the day.

The SPEAKER. The Chair recognizes the gentleman from Montour, Mr. Vincent.

Mr. VINCENT. Mr. Speaker, yes, I am sixty-one years old today, so my father and mother tells me. I am a little bit wiser too, I think. They tell me that the first sixty years are always the hardest, but I have found out that in my sixty-first year I have derived a lot of pleasure. I have been associated with a lot of lawyers, farmers, doctors, newspaper editors and salesmen and I have received a lot of pleasure out of them. They put up a great show. As Barnum used to say, "There is a sucker born every minute."

Mr. Speaker, it has been a great pleasure to be with you, and from now on I think the next sixty years is going to be Oh, just grand.

SENATE MESSAGE

TIME OF NEXT MEETING

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

In the Senate, June 9, 1941.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, June 16, 1941, at 3:30 o'clock p. m. (Eastern Standard Time), and when the House of Representatives adjourns this week, it reconvene on Monday, June 16, 1941, at 8:00 o'clock p. m. (Eastern Standard Time).

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

On the question,

Will the House concur in the resolution of the Senate?
It was unanimously concurred in.
Ordered, That the Clerk inform the Senate accordingly.

COMMITTEE MEETINGS

Cities—1st class, Tuesday, June 10 at 11 a. m., in Room 521.

Judiciary General, Tuesday, June 10 at 10 a. m., in Room 246.

Motor Vehicles, Tuesday, June 10 at 11 a. m., in Room 324. All members required to be present.

Townships, Tuesday, June 10 at 10 a. m. in Room 329.

PUBLIC HEARING

The Committee appointed to investigate the Department of Health and the Bureau of Vital Statistics will hold a public hearing in the New House Caucus Room on Tuesday, June 10th, 1941 at 9:00 a. m., Eastern Standard Time.

ADJOURNMENT

Mr. EARLY. Mr. Speaker, I move that this House do now adjourn until Tuesday, June 10, 1941, at 12 m.

The motion was agreed to, and (at 11:18 p. m.) the House adjourned.