

fifth day of May, one thousand nine hundred and eleven (P. L. 198), entitled "An act to establish a county court for the County of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof," by reducing the number of judges of said court.

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

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1297, entitled:

An Act to validate and quiet the title to real estate in this Commonwealth conveyed to any person, partnership or corporation authorized to hold such real estate by any alderman, justice of the peace or magistrate, where such alderman, justice of the peace or magistrate has acknowledged such conveyance.

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

BILL SIGNED

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

Senate Bill No. 1218, entitled:

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom, for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred forty-one.

Whereupon,

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

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Thursday, June 26, 1941, at 11:30 o'clock, a. m. Eastern Standard Time.

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

The motion was agreed to.

The Senate adjourned at 5:30 o'clock, p. m., Eastern Standard Time until Thursday, June 26, 1941, at 11:30 o'clock, a. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, June 25, 1941

The House met at 2 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

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

O God, our Heavenly Father, Thou art never far from anyone of us, for it is in Thee that we live and move and have our being. Forgive us, we pray Thee, for sinful restlessness that causes us to wander from Thee.

This day, our Father, we seek a special blessing. We would ask Thee that a blessing of comfort might abide within the hearts of those who mourn the loss of a worthy servant of the State.

May we ever recall the finest and best from the life of Dr. Shaw, for whom time is no more. We ask Thee, O God, that Thy mercy and Thy peace may abide within his earthly home now filled with grief and sorrow. Be very near to his loved ones. Comfort, sustain and uphold them with Thy great power and love.

Realizing that we are but pilgrims and strangers on this highway of life, and knowing that we pass this way but once, help us, O our God, to seek to be a brother to all men. In Thy name we pray. Amen.

JOURNAL APPROVED

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

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

BILLS INTRODUCED AND REFERRED

By Mr. PETROSKY,

HOUSE BILL No. 1920.

An Act to reenact and further amend section one thousand four hundred and eighteen 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 clarifying the provisions of such section requiring free transportation of certain school children in districts of the fourth class and certain districts of the third class; providing for reimbursement by the Commonwealth for such transportation; and regulating the manner in which such transportation shall be furnished.

Referred to the Committee on Education.

By Messrs. PETROSKY and WEISS.

HOUSE BILL No. 1921.

An Act making an appropriation to the Department of Military Affairs for the payment of gratuities for military services to residents of this Commonwealth, who are enlisted or inducted into the armed service of the United States.

Referred to the Committee on Military Affairs.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. GOODWIN,

RESOLUTION No. 106.

In the House of Representatives, June 25, 1941.

Whereas, The young men of our Commonwealth who enlisted or who were inducted into the armed services of the United States under the Selective Service Act suffer a considerable financial loss by such induction or enlistment; and

Whereas, Their sacrifices should not go unnoticed or to some extent unrewarded; and

Whereas, Many of these men use the Pennsylvania Turnpike on their furloughs or leave of absences from

their various encampments, so that they may visit their homes and loved ones; be it therefore

Resolved, That the House of Representatives request the Pennsylvania Turnpike Commission to permit such young men to use the facilities of the Turnpike free of charge; and be it further

Resolved, That the Chief Clerk of the House forward a copy of this request on its adoption immediately to the Chairman of the Pennsylvania Turnpike Commission.

Referred to the Committee on Rules.

By Messrs. TATE and McCLANAGHAN,
RESOLUTION No. 107.

In the House of Representatives, June 25, 1941.

Whereas, By virtue of Act No. 3, approved March 19, 1941, a State Council of Defense was established; and Whereas, Under Section 4 of the aforesaid act, the State Council of Defense was given the following powers:

"(e) To supervise and direct investigations and report to the Governor with recommendations for legislation or other appropriate action as it may deem necessary with respect to the following matters, in so far as they are or may be related to defense:

* * * * *
(6) Consumers and consumer protection;"

and

Whereas, There has been an unjustifiable increase in the price of food stuffs and commodities to the consumers of the Commonwealth of Pennsylvania, which is not predicated on any shortage of such food stuffs and commodities, but rather appears to be based purely on motives of profiteering; and

Whereas, Immediate steps should be taken to stop such unjustifiable increases in the prices of food stuffs and commodities; be it therefore

Resolved, That the House of Representatives requests the State Council of Defense to immediately take such action commensurate with its powers to prevent any further increase in such food stuffs and commodities; and be it further

Resolved, That the State Council of Defense immediately notify the National authorities so that all possible steps shall be taken to protect the consumers of this Commonwealth from exploitation; and be it further

Resolved, That the Chief Clerk of the House of Representatives forward a copy of this resolution to the chairman of the State Council of Defense immediately upon its final adoption.

Referred to the Committee on Rules.

FORMER MEMBER WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon a former member from Berks County, Mr. Otis S. Rothenberger.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. BRETH for himself for the remainder of the week after today.

Mr. VOLDOW for himself for the remainder of the week after today.

Mr. VOLDOW for Mr. CHUDOFF for the remainder of the week.

Mr. BRETHERICK for himself for Friday.

Mr. FLEMING for himself for the remainder of the week after today.

Mr. VANALLSBURG for himself for the remainder of the week after Thursday.

Mr. SNYDER for himself for the remainder of the week after today.

Mr. SERRILL for himself for the remainder of the week after today.

Mr. TROUT for Mr. NORMAN WOOD for today.

Mr. WALTER E. ROSE for himself for the remainder of the week after today.

Mr. BROWN for himself for the remainder of the week after today.

Mr. ROYER for himself for the remainder of the week after today.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. BROWN asked and obtained permission for the Committee on Judiciary General to meet during the session of the House.

MR. HOLLAND IN THE CHAIR BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1919, entitled:

An Act to amend section 103, 301, 304, 305, 307, 308, 310, 311, 401, 402, 403, 404, 405, 410, 501, 502, 503, 505, 506, 508, 510, 511, 512, 513, 703, 801, 802, 803, 804, 807, 808, 809, 904, 1013 and 1101 of 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 therefore, requiring milk dealers to file bonds to secure payment for milk 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 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 supplies 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; authorizing special agents or examiners to conduct hearings on behalf of the Milk Control Commission; enabling certain officers, employes and agents to administer oaths; pro-

viding 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 hearings and promulgating and enforcing orders; requiring milk dealers or handlers to be licensed; stating grounds for refusal, suspension, revocation of licenses and the right to transfer licenses stating grounds for refusal of the right to apply for a license; stating the effect of service by registered mail; enlarging requirement 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 amounts of bonds; prescribing the effect or orders and findings of fact of the commission relating to licenses in suits or bonds; providing for payment to those entitled thereto of moneys in the hands of the commission owing from dealers or handlers to producers and from subdealers or subhandlers to dealers or handlers; increasing the scope of regulation of subdealers or subhandlers; 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 to be valid and placing the burden of proving any invalidity of any order or part thereof; stating the effect of partial invalidity of price-fixing orders; defining violations of orders of the commission fixing prices; making milk dealers or handlers responsible for acts of their directors, officers, agents or other persons acting for or on behalf of them; giving certain additional rights to cooperatives and producers' and farmers' unions or organizations of producers of milk; further regulating and imposing duties on milk dealers or handlers; prescribing procedure on appeal from orders of the commission; further defining and prescribing penalties, defenses, rights and remedies; and providing for the payment of funds in the hands of the commission owing producers or dealers or handlers to those entitled thereto.

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

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1890, (Senate Bill No. 823), entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercises of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions; and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the eligibility of directors or trustees of incorporated institutions and further providing for the powers liabilities and immunities and limitations upon the powers and liabilities of corporations or persons authorized to engage in a banking or fiduciary

business or both; and of affiliates of such corporations or persons; and of officers, directors, trustees and employes of such corporations and persons.

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. 1819, (Senate Bill No. 784), entitled:

An Act to amend section four hundred three of the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts, further regulating the publication of advertisements and notices required under the provisions of said act.

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

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

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

INTERROGATION

Mr. D'ORTONA. Mr. Speaker, I wish to interrogate the gentleman from Philadelphia, Mr. Thomas Lee.

The SPEAKER. Is the gentleman from Philadelphia, Mr. Thomas Lee, in the House?

Mr. D'ORTONA. Or Mr. Edwin Lee, Mr. Speaker.

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

Mr. EDWIN A. LEE. I will, Mr. Speaker.

Mr. D'ORTONA. Mr. Lee, could you tell me how the minority members in filing the minority report came to the conclusion that this accident was unavoidable?

Mr. EDWIN A. LEE. I think we all agreed it was unavoidable, Mr. Speaker.

Mr. D'ORTONA. Mr. Speaker, my question was not answered. My question was what brought them to the conclusion that the explosion in Philadelphia was unavoidable?

Mr. EDWIN A. LEE. Those same reasons, Mr. Speaker, that the minority members filed in their report. We were not together on it.

Mr. D'ORTONA. Mr. Speaker, in the report of the majority members on that committee we took the testimony of each witness that appeared before the committee in Philadelphia. I wish to ask the gentleman from Phila-

Philadelphia if he read the testimony of Fred Matheas, the superintendent of the Department of Public Works in Philadelphia?

Mr. EDWIN A. LEE. I did, Mr. Speaker.

Mr. D'ORTONA. Mr. Speaker, I also would like to ask the gentleman from Philadelphia if he read the testimony of Gerardo Cedrona, foreman of the Highway Department in Philadelphia?

Mr. EDWIN A. LEE. Mr. Speaker, I read all the testimony in the report, but unfortunately I do not have it with me.

Mr. D'ORTONA. And, Mr. Speaker, after reading the testimony in the majority report, does the gentleman from Philadelphia wish to state that the minority members came to the conclusion that the explosion was unavoidable and that no one was to blame?

Mr. EDWIN A. LEE. That is correct, Mr. Speaker.

Mr. D'ORTONA. That is all, Mr. Speaker.

Mr. Speaker, I was greatly surprised to learn that the minority members of the Committee appointed to investigate the gas explosion had released to the newspapers the minority report before this same report had been presented to this House.

After carefully reading this minority report I am firmly convinced that instead of being based upon the testimony of the many witnesses who appeared at the hearings it is one entirely political in nature.

Evidently the writer of the minority report has been much more interested in criticizing the Coroner than in considering the testimony submitted at the hearings. He has entirely ignored the fact that the Coroner is required by law to investigate all cases involving death resulting from accidents.

In no way did the Coroner interfere with the duties imposed by this House on its Committee, as the hearings had been finished before the Coroner's inquest was held.

The so-called "blue-ribbon" jury criticized in the minority report was composed of three prominent Republican citizens and three equally prominent Democrats. This is proof of the fact that no political influence was indulged in by the Coroner.

The charge that the Coroner showed "lack of respect for a Legislative Body" has no basis in fact. On the contrary he at all times proffered to your Committee his fullest cooperation.

Equally baseless is the charge that the Coroner's inquest was superficial. Anyone acquainted with the facts should know that, on the contrary, this inquest was thorough and impartial.

Your Committee has always felt that this House intended that a complete and impartial investigation should be made with a view to fixing the responsibility for these tragedies and producing corrective legislation.

Your Committee has, in its majority report followed what it conceived to be the wishes of this House and has not only fixed the responsibility for these deaths but has also made certain definite recommendations which would, if adopted prevent a recurrence.

The minority report, on the other hand, has found no person responsible nor has it made any recommendation which would prevent future tragedies of this nature. It merely refers to this catastrophe as an "unfortunate occurrence." I repeat that this minority report is purely and plainly one of a political nature.

Further, Mr. Speaker, I want to say a few weeks ago

this committee recommended to this House, House Bill 1710 to create an inspection board in the Department of Public Works in Philadelphia, and the gentlemen who filed the minority report, in which they criticized the majority report, all voted aye for that bill. Today in this minority report they state that it would be a financial burden upon the city of Philadelphia. I want to say, Mr. Speaker, that in creating this inspection board there is no additional expenses incurred because the work is to be done by the same people that are receiving compensation today. If the minority members of that Committee, Mr. Speaker, want to place political rights above human rights, I say again, Mr. Speaker, that their minority report was a political whitewash.

PERMISSION TO ADDRESS HOUSE

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

Mr. Speaker, Mr. D'Ortona has just said in a very few words that the minority on that committee has released to the newspapers their report before he received it. I would like to tell the gentleman that I, Mr. Fletcher, did not know anything about the report being made to any of the newspapers, and I would like to interrogate the gentleman from Philadelphia, Mr. D'Ortona.

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

Mr. D'ORTONA. I will, Mr. Speaker.

Mr. FLETCHER. Mr. Speaker, why did the gentleman say that the committee gave that notice of the result of the investigation to the newspapers?

Mr. D'ORTONA. Mr. Speaker, the report was filed late yesterday afternoon and the report of the minority members appeared in yesterday morning's Bulletin.

Mr. FLETCHER. Mr. Speaker, it's a wonder Mr. D'Ortona did not find out who gave that report to the newspapers before accusing the minority members of the investigating committee, because I for one did not give it to any newspaper.

Mr. D'ORTONA. Mr. Speaker, that statement to the newspapers was given by Mr. Thomas Lee, a member of the committee.

Mr. FLETCHER. Well, Mr. Speaker, why did not the gentleman say that it was given by Mr. Thomas Lee instead of the members? That is the point I want to reach.

Mr. D'ORTONA. Mr. Speaker, Mr. Lee told me that he would file the report for the minority members.

Mr. FLETCHER. Mr. Speaker, the gentleman may have told him he would file the report, but was he giving it to the newspapers for the minority members?

Mr. D'ORTONA. Mr. Speaker, Mr. Lee also told me that he gave it to the newspapers on Monday morning.

Mr. FLETCHER. Mr. Speaker, did Mr. Lee tell the gentleman that he gave the views of the members? He may have told the gentleman that he gave it to the newspapers, but I for one want to correct that, and state that I had nothing to do with it.

Mr. D'ORTONA. Mr. Speaker, I accept Mr. Fletcher's explanation that he probably did not know that the report was given to the newspapers by Mr. Lee.

SENATE MESSAGES

RESOLUTIONS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed

that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 24, 1941.

Resolved, (if the Senate concur), That House Bill No. 949, Printer's No. 717, entitled "An act to further amend section nine of the act approved the seventh day of June, one thousand nine hundred and seventeen, P. L. 363), entitled 'An act relating to the organization, jurisdiction and procedure of the orphans' courts, the powers and duties of the judges thereof, and appeals therefrom,' by imposing liability on executors, administrators or trustees for real estates brokers' commissions in certain cases," which was recalled from the Governor June 12th, and laid on the table June 12th, be returned to the Governor without amendment.

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

In the House of Representatives, June 24, 1941.

Resolved, (if the Senate concur), That House Bill No. 107, Printer's No. 742, entitled "An act to amend section eleven of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven, (P. L. 395), entitled 'An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth; providing the procedure therefor; providing for the reimbursement of the Commonwealth from tolls and charges, and making an appropriation,' as amended; by providing that certain of such toll bridges heretofore or hereafter acquired by the Department of Highways may be free bridges from the effective date of this act, or from the date they are so acquired," which was recalled from the Governor on June 6th for amendment, and laid on the table on June 9th, be returned to the Governor without amendment.

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

In the House of Representatives, June 24, 1941.

Resolved (if the Senate concur), that House Bill No. 869, Printer's No. 293, entitled "An act to amend the act approved the fifteenth day of July one thousand nine hundred thirty-six (P. L. First Extraordinary Session 47) entitled 'An act to enable persons associations partnerships and corporations to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on any chattels of any kind or description providing for bonds with confessions of judgments regulating the assignment and release of such mortgages and designating the operation and effect of the lien of such mortgages' by extending enlarging and removing the limitations from the class of those who may become chattel mortgagees by making further provision respecting fees of recorders of deeds in connection with chattel mortgages extension of the lien of said mortgages and defaults of said mortgages and by defining violations and prescribing penalties" be recalled from the Governor for further consideration.

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

In the House of Representatives, June 24, 1941.

Resolved (if the Senate concur), that House Bill No. 1470, Printer's No. 677, entitled "An act providing for practical arts and vocational agricultural home economics industrial and commercial schools and classes through public school districts and in cooperation with employment offices for the training retraining instruction and adjustment of out-of-school unadjusted individuals in order to enable them to enter re-enter or continue em-

ployment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation," be recalled from the Governor for the purpose of amendment.

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

In the House of Representatives, June 24, 1941.

Resolved (if the Senate concur), that House Bill No. 251, Printer's No. 106, entitled "An act to amend section eleven of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2532) entitled 'An act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth and to provide for the administration thereof' by providing that payment of an award from the funds established by said act shall not provide any right of recovery against the employer and that the employer may pay the award in advance of payment from the fund and shall thereupon be subrogated to the rights of the employe or any other party in interest against the fund", be recalled from the Governor for the purpose of amendment.

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

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. GERARD asked and obtained permission for the Committee on Ways and Means to meet during the session of the House.

SENATE MESSAGES

RESOLUTION CONCURRED IN BY SENATE

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

In the House of Representatives, June 24, 1941.

Resolved, (if the Senate concur), That House Bill No. 1513, Printer's No. 797, entitled "An act to further amend section three of the act approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled as amended 'An act to provide revenue for State purposes, imposing taxes upon certain classes of personal property; providing for the assessment, collection and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships: conferring powers and imposing duties on certain State officers and departments; imposing penalties, and making an appropriation,' by exempting assets held by liquidating trustees," be recalled from the Governor for the purpose of amendment.

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 616

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 616.

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

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. 1098, entitled:

An Act to amend section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449) entitled "An act establishing a court of record in the County of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulating procedure therein providing for the transfer thereto of certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties" to further provide for the payment of and liability for the costs of maintenance of children under care of the Juvenile Court by certain persons and by the city or county institution district or county liability to be determined on the basis of the legal settlement of such child at the time of assumption of jurisdiction by the court

And has appointed Messrs. Walker, Carr, Cox, 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.

HOUSE BILLS CONCURRED IN BY SENATE

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

HOUSE BILL No. 61.

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property

HOUSE BILL No. 267.

An Act making an appropriation to aid certain school districts

HOUSE BILL No. 280.

An Act making an appropriation to the Trustees of the College of Lincoln University Chester County

HOUSE BILL No. 281.

An Act making an appropriation to the Department of Labor and Industry, for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds.

HOUSE BILL No. 305.

An Act making an appropriation to the Elwyn Training School, at Elwyn, in the County of Delaware, Commonwealth of Pennsylvania; and prescribing certain conditions upon which the appropriation will be available to the school.

HOUSE BILL No. 317.

An Act making an appropriation to the several fire companies of the City of Harrisburg Pennsylvania

HOUSE BILL No. 351.

An Act making an appropriation to the Johnson Industrial School of Scranton Pennsylvania

HOUSE BILL No. 472.

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

HOUSE BILL No. 502.

An Act authorizing the Department of Property and Supplies with advice and approval of the Pennsylvania Historical Commission to acquire on behalf of the Commonwealth of Pennsylvania, certain land which is the site of an old fortress known as Old Garrison in the City of Franklin, Venango County, or so much thereof as may be necessary as a historical memorial; providing for the control, management, supervision and improvement thereof; authorizing the Pennsylvania Historical Commission in cooperation with other agencies to make and enforce rules and regulations for the preservation and visitation thereof; authorizing the Pennsylvania Historical Commission to cooperate with the Daughters of the American Revolution and interested patriotic societies in providing funds for a restoration of Old Garrison; and making an appropriation.

HOUSE BILL No. 614.

An Act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

HOUSE BILL No. 640.

An Act establishing certain public roads and streets, and certain roads and streets not yet in existence in the City of Harrisburg and the County of Dauphin as a state highway; and providing for their laying out, opening, construction and maintenance by the Department of Highways subject to certain terms and conditions.

HOUSE BILL No. 1003.

An Act making an appropriation to the Moore Institute of Art, Science and Industry formerly Philadelphia School of Design for Women at Philadelphia, Pennsylvania

HOUSE BILL No. 1065.

An Act making an appropriation to the National Farm School at Doylestown Pennsylvania

HOUSE BILL No. 1068.

An Act making an appropriation to the Trustees of the University of Pennsylvania

HOUSE BILL No 1233.

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

HOUSE BILL No. 1232.

An Act to further amend section one thousand eight hundred and four of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" authorizing the council in such cities from time to time to make supplemental appropriations.

HOUSE BILL No. 1234.

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

HOUSE BILL No. 1235.

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

HOUSE BILL No. 1236.

An Act to further amend section nine hundred two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," authorizing the township supervisors, from time to time, to make supplemental appropriations.

HOUSE BILL No. 1441.

An Act to amend routes 52037 and 52044 as added to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203) entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," changing certain routes in the county of Potter.

HOUSE BILL No. 1457.

An Act establishing certain public roads in Porter Township, Clarion County, and Mahoning Township, Armstrong County, as a State highway; providing for their construction and maintenance by the Department of Highways;

HOUSE BILL No. 1590.

An Act making an appropriation to the Board of Trustees of the Philadelphia Museum Philadelphia

HOUSE BILL No. 1591.

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art Philadelphia

HOUSE BILL No. 1659.

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

HOUSE BILL No. 1722.

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

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

RESOLUTION

RECALLING HOUSE BILL No. 1676 FROM THE GOVERNOR

Messrs. McFALL and ELLWOOD B. WELSH offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 25, 1941.

Resolved, (if the Senate concur), that House Bill No. 1676, Printer's No. 776, entitled "An act to further amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1518) entitled as amended 'An act regulating the construction equipment maintenance operation and inspection of elevators granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing fees for inspection of elevators certificates of operation and approval of plans providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act' by defining and making further provision relative to the installation and use of 'man lift' elevators," be recalled from the Governor for the purpose of amendment.

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

COMMITTEE APPOINTED TO ATTEND FUNERAL OF HON. JOHN J. SHAW

The SPEAKER. The Speaker appoints as a committee on the part of the House to attend the funeral of Dr. John J. Shaw to be held at the Oliver H. Bair Funeral Parlors, 1820 Chestnut Street, Philadelphia, Friday afternoon, June 27th, at Two O'Clock, Daylight Saving Time, the following members:

Messrs. Skale, Corrigan, DiGenova, Rosenfeld, Voldow, Fletcher, D'Ortona, Falkenstein, Melchiorre, Young, Allmond, Voorhees, O'Dare, Finestone, Monks, McClanaghan, Welsh, Levy, O'Mullen, Thompson, Cohen, Thomas Lee, Edwin Lee, Herman, Prosen, Shepard, Finnerty, Rose, Kolankiewicz, O'Brien, Rooney, Hersch, Duffy, Jefferson, Modell, Cullen, Chudoff, Scanlon, Tate, Hering, Cadwalader, Brunner, Wood, Winner, Boorse, Yeakel, Stockham, Rank, Gyger, Leisey, Rush, James, Turner and Bretherick.

This committee is requested by the Chief Clerk to meet in the New House Caucus room immediately upon adjournment of today's session.

COMMUNICATION

The SPEAKER laid before the House a communication which was read by the Clerk as follows:

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, Pa., June 25, 1941.

Subject: Funeral of Dr. John J. Shaw, Secretary of Health.

To: All Department Heads.

From: J. Paul Pedigo, Secretary to the Governor.

The funeral services of Dr. John J. Shaw, Secretary of Health, will be held at the Oliver H. Bair Funeral Parlors, 1820 Chestnut Street, Philadelphia, Friday Afternoon, June 27th, at 12:00 o'clock noon, Daylight Saving Time.

The Governor directs me to advise you that all State offices under his jurisdiction, both in Harrisburg and outside Harrisburg, are to be closed Friday at 12:00 o'clock noon, Daylight Saving Time, for the remainder of the afternoon.

J. PAUL PEDIGO

REPORTS FROM COMMITTEES

Mr. MARKS, from the Committee on Judiciary General, reported as committed, House Bill No. 1858, (Senate Bill No. 263), entitled:

An Act to establish a system, uniform throughout the Commonwealth, for the compensation of witnesses, regulating the amount, payment and taxation as costs thereof, and repealing inconsistent legislation.

Mr. HERMAN, from the Committee on Judiciary General, reported as committed, House Bill No. 1893, (Senate Bill No. 908), entitled:

An Act to amend section seventeen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 415), entitled "An Act relating to the qualification, jurisdiction, powers, and duties of registers of wills, and regulating proceedings before said registers, and the costs thereof, the effects of their acts, and appeals therefrom," further regulating proceedings before the register of wills and in the orphans' court.

Mr. BREATHERICK, from the Committee on Ways and Means, reported as committed, House Bill No. 1829, (Senate Bill No. 171), entitled:

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 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 officers of the State government, every polit-

ical 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.

Mr. BOIES, from the Committee on Ways and Means, reported as amended, House Bill No. 1403, entitled:

An Act creating a commission to be known as the State Tax Commission; defining in part its powers and duties in relation to taking over the duties of the Department of Revenue and the Board of Finance and Revenue; abolishing the Department of Revenue and the Board of Finance and Revenue of the Commonwealth of Pennsylvania and transferring to the State Tax Commission the records, property and equipment of the Department of Revenue and the Board of Finance and Revenue; authorizing the State Tax Commission to appear in and complete all pending proceedings instituted by, against or in the Department of Revenue and the Board of Finance and Revenue; providing that all decisions, orders and rules and regulations of the Department of Revenue and the Board of Finance and Revenue shall remain effective until repealed, changed or modified by the State Tax Commission; transferring and appropriating to the State Tax Commission any unexpended balance of any existing appropriation to the Department of Revenue and the Board of Finance and Revenue; defining the powers and duties of the State Tax Commission in relation to the assessment of real estate for taxation, and the ascertainment of the true market value of taxable real estate for the distribution of school subsidies, and the true value of other real estate and in relation to tax statistics and budgetary procedures.

CONFERENCE REPORT ON SENATE BILL No. 381

Mr. SCHWAB presented the report of the Committee of Conference on the part of the House on Senate Bill No. 381.

The report was read by the Clerk.

The SPEAKER. This being a Senate Bill the report will be printed by the Senate, and placed in the files of the Members of the House.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess until 3:30 p.m. The Chair hears none and a recess is declared.

AFTER RECESS

The House reconvened at 3:30 p.m.

The SPEAKER (Elmer Kilroy) in the Chair.

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. 464. (HOUSE BILL No. 1922).

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051) entitled, "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring

relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to Mothers' Assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by changing the residence requirement for general assistance

Referred to the Committee on Welfare.

SENATE BILL No. 637. (HOUSE BILL No. 1923).

An Act making an appropriation to the Trustees of the Pennsylvania State College for instruction and research in aeronautical engineering and for the acquisition, construction and maintenance of airport facilities as an aid to national defense and for other purposes; and empowering said trustees to enter into agreements with Federal officials or agencies with respect to the construction and use of such airports.

Referred to the Committee on Appropriations.

SENATE BILL No. 712. (HOUSE BILL No. 1924).

An Act to amend Section One and Section Two of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 899), entitled "An act establishing a State Highway in the County of Lebanon; providing for its location, construction, improvement, and maintenance by the Commonwealth" by amending the State Highway Route established by said act and providing that said State highway shall be located after consultation with the Executive Director of the State Game Commission instead of after consultation with the Adjutant General of the Commonwealth.

Referred to the Committee on Highways.

SENATE BILL No. 78. (HOUSE BILL No. 1925).

An Act to amend section eight hundred one of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by further defining political parties and political bodies providing procedure for rejection of nomination petitions papers or certificates in certain cases imposing duties on the Governor and the Attorney General and imposing additional duties on county boards of elections the Secretary of the Commonwealth and the courts.

Referred to the Committee on Elections.

SENATE BILL No. 457. (HOUSE BILL No. 1926).

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from

the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing law relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by enabling the Department of Public Assistance to take measures to rehabilitate persons receiving assistance.

Referred to the Committee on Welfare.

SENATE BILL No. 796. (HOUSE BILL No. 1927).

An Act to 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 said act," as amended, by changing Route 36174, Lancaster County.

Referred to the Committee on Highways.

SENATE BILL No. 797. (HOUSE BILL No. 1928).

An Act making an appropriation to the Department of Highways for the construction of roadways and parking areas on the premises included in the Pennsbury Memorial.

Referred to the Committee on Highways.

SENATE BILL No. 1098. (HOUSE BILL No. 1929).

An Act relating to the sale, transfer, assignment and pledge of accounts receivable and requiring the assignor of accounts receivable to make appropriate record of the fact of such assignment, and prescribing penalties for failure to do so.

Referred to the Committee on Judiciary General.

SENATE BILL No. 1218 MADE SPECIAL ORDER

Mr. ACHTERMAN. Mr. Speaker, I move that Senate Bill No. 1218, (House Bill No. 1914), Printer's No. 508, on page 24, of today's calendar, bills on third reading, be made a special order of business immediately.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1914, (Senate Bill No. 1218), as follows:

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

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

Section 1 The sum of seven million dollars (\$7,000,000) or as much thereof as may be necessary is hereby specifically appropriated from the General Fund to the De-

partment of Public Assistance for the payment of assistance administrative expenses and expenses of liquidating the State Emergency Relief Board as provided by the Public Assistance Law and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the Department of Public Assistance for the two fiscal years beginning June first one thousand nine hundred forty-one and for the payment of expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred and forty-one

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

Section 3 Out of the moneys appropriated by section one of this act there shall be allocated to the Treasury Department the sum of sixty thousand dollars (\$60,000) and to the Department of the Auditor General the sum of fifteen thousand dollars (\$15,000) to pay the administrative expenses of said departments in auditing and disbursing appropriations for or relating to public assistance including any Federal funds supplementing such appropriations

Section 4 This act shall become effective immediately upon final enactment

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

On the question,

Shall the bill pass finally?

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

YEAS—200

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

Ely,
Falkenstein,
Finestone,
Finnerty,
Fisher,
Flise,
Fleming,
Fletcher,
Flynn,

Lee, E. A.,
Lee, T. H.,
Lelsey,
Leonard,
Lesko,
Levy,
Leydic,
Lichtenwalter,
Longo,
Lovett,

Readinger,
Reagan,
Reese, D. P.,
Reese, R. E.,
Regan,
Reynolds,
Rhea,
Riley,
Rooney,
Rose, S.,

Wolf,
Wood, L. H.,
Woodring,
Woodside,
Wright,
Yeakel,
Yester,
Young,
Kilroy,
Speaker.

NAYS—0

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

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

PERMISSION GRANTED TO MEET DURING SESSION

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

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

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

In the House of Representatives, June 25, 1941.

Resolved (if the Senate concur), that House Bill No. 1676, Printer's No. 776, entitled "An act to further amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1518) entitled as amended 'An act regulating the construction equipment maintenance operation and inspection of elevators granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing fees for inspection of elevators certificates of operation and approval of plans providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act' by defining and making further provision relative to the installation and use of 'man lift' elevators," be recalled from the Governor for the purpose of amendment.

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL No. 404

Mr. READINGER. Mr. Speaker, I desire to call up the report of the Committee of Conference on House Bill No. 404, Printer's No. 1059.

The report was read by the Clerk as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL No. 404

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 404, entitled:

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

Respectfully submit the following bill as our report:

JOHN M. WALKER
MONTGOMERY F. CROWE
ISRAEL STIEFEL
(Committee on the Part of the Senate.)

ALBERT S. READINGER
JOSEPH J. McINTOSH
J. PERRY ECKELS

(Committee on the part of the
House of Representatives.)

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

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

Section 1 License Necessary to Marry No person shall be joined in marriage within this Commonwealth until a license shall have been first obtained for that purpose from the clerk of the orphans' court of the county where the marriage ceremony is to be performed or where either of the contracting parties resides A license so issued in the county wherein either of the contracting parties resides shall authorize the marriage ceremony to be performed in any county of this Commonwealth

Section 2 Application for License to Marry No license to marry shall be issued by any clerk of the orphans' court except upon written and verified application made by both of the parties intending to marry Such application shall contain a statement of (a) the full Christian name and surname of the applicants (b) the color age occupation birth place and residence of the applicants (c) the full Christian name and surname residence color occupation and birthplace of their parents including the maiden name of the mothers (d) whether the marriage is the first second or other marriage (e) that neither of the applicants is afflicted with a transmittable disease (f) that each of the parties has submitted to an examination within thirty days of the application for the license as to the existence or non-existence of syphilis and has presented a proper statement entitling him or her to a license to marry signed by a duly licensed physician and (g) such other facts as the Department of Health may deem necessary to determine whether any legal impediment to the proposed marriage exists.

Section 3 Waiting Period After Application for License No license to marry shall be issued until after three days from the day of making application therefor except in cases of emergency or extraordinary circumstances when a judge of the orphans' court may authorize the license to be issued at any time before the expiration of said three days

Section 4 Restrictions on the Issue of Marriage License No license to marry shall be issued by any clerk of the orphans' court

(a) Until there shall be in the possession of the clerk of the orphans' court a statement or statements signed by a duly licensed physician of the Commonwealth of Pennsylvania that each applicant within thirty days of the application for the marriage license has submitted to an examination to determine the existence or non-existence of syphilis which examination has included a standard serological test or tests for syphilis and that in the opinion of the examining physician the applicant is not infected with syphilis or if so infected is not in a stage of that disease which is likely to become communicable The physician's statement shall be accompanied by a statement from the person in charge of the laboratory making the test or from some other person authorized to make such statement setting forth the name of the test and the date it was made the name and address of the physician to whom a report was sent and the exact name and address of the person whose blood was tested but not setting forth the result of the test

(b) Unless at least one of the applicants is identified to the satisfaction of the clerk of the orphans' court applied to for such license or unless at least one of the applications has attached thereto a certificate from the alderman magistrate or justice of the peace before whom it was taken stating that the applicant was identified to the satisfaction of such officer.

(c) If either of the applicants for a license is under the age of eighteen years except in special cases where a judge of the orphans' court shall have discretion to authorize a license to be issued by the clerk of the orphans'

court where one or both applicants are under the age of eighteen years

(d) If either of the applicants is under the age of twenty-one years unless the consent of a parent or guardian shall be personally given before the clerk or be certified under the hand of a parent or guardian attested by two adult witnesses and in the latter case the signature of the parent or guardian shall be acknowledged before an officer authorized by law to take acknowledgments When such a minor has no guardian and the judge of the orphans' court is absent or not accessible for any reason the clerk of the orphans' court or a duly appointed assistant clerk of said court may appoint a guardian pro hoc vice for such minor

(e) If either of the applicants for license is an imbecile epileptic of unsound mind or under guardianship as a person of unsound mind or as a feeble minded person

(f) If either applicant is or has been within five years preceding the time of the application an inmate of any institution for the insane or home for indigent persons unless it satisfactorily appears that the cause for such condition has been removed and that the male applicant is able to support a family

(g) If at the time of making application either of the applicants is under the influence of intoxicating liquor or narcotic drug

(h) To a person (divorced by his or her former spouse on the grounds of adultery) for the marriage of such person to the person with whom the crime of adultery was committed during the lifetime of the former husband or wife

(i) To applicants who are of kin of the degree of first cousins

(j) To applicants within the prohibited degrees of consanguinity and affinity which are as follows

Degrees of Consanguinity

A man may not marry his mother
Do do father's sister
Do do mother's sister
Do do sister
Do do daughter
Do do the daughter of his son or daughter

A woman may not marry her father
Do do father's brother
Do do mother's brother
Do do brother
Do do son
Do do the son of her son or daughter

Degrees of Affinity

A man may not marry his father's wife
Do do son's wife
Do do wife's daughter
Do do the daughter of his wife's son or daughter

A woman may not marry her mother's husband
Do do daughter's husband
Do do husband's son
Do do the son of her husband's son or daughter

Section 5 Tests for Syphilis Physician's Statement Appeals Filing (a) For the purpose of this act a standard serological test for syphilis shall be a test approved by the State Department of Health and shall be made at a laboratory approved to make such tests by the State Department of Health Such laboratory tests as are required to be made by this act shall on request of the physician submitting the sample and on his certificate that the applicant is unable to pay be made without charge by the State Department of Health

(b) Any applicant for a marriage license having been denied a physician's statement as required by this act shall have the right of appeal to the Department of Health of the Commonwealth of Pennsylvania for a review of the case and the said department shall after appropriate investigation issue or refuse to issue a statement in lieu of the physician's statement required by section one of this act

(c) The statements of the physician who examined the

applicant and the laboratory which made the serological test shall be uniform throughout the state and shall be upon forms provided therefor by the State Department of Health These forms shall be filed by the clerk of the orphans' court separately from the applications for marriage licenses and shall be regarded as absolutely confidential by any and every person whose duty it may be to obtain make transmit or receive such information or report

Section 6 Examination of Applicants Each of the applicants for a marriage license shall appear in person before the clerk of the orphans' court of the county in which the license is to be issued or before an alderman magistrate or justice of the peace of that county or of the county wherein the applicant resides

At the time of such appearance the applicant or both of them if they appear together shall be examined under oath or affirmation as to

(a) The legality of the contemplated marriage
(b) Any prior marriage or marriages and its or their dissolution

(c) All the information required to be furnished on the application for license as prepared by the Department of Health and

(d) The restrictions set forth in section four of this act The application or applications shall thereupon be completed in accordance with such examination and duly sworn or subscribed to by the applicant or applicants

Upon the completion of any application or applications taken before an alderman magistrate or justice of the peace such application or applications shall be promptly transmitted to the clerk of the orphans court of the county in which the license is to be issued There shall be attached to each application so forwarded a certificate of the officer before whom it was taken stating whether or not the applicant was identified to the satisfaction of such officer

The clerk of the orphans' court wherein the license is sought when properly completed applications on behalf of each of the parties to the proposed marriage have been taken before him or duly forwarded to him by an alderman magistrate or justice of the peace shall if there is no legal objection to the marriage grant a license Such license shall not be granted until after three days from the date of the most recent of the two applications therefor

The clerk of the orphans' court shall provide application blanks upon request to aldermen magistrates and justices of the peace and also blanks for certifying the identification of applicants

Section 7 Orphans' Court to Pass Upon Refusal of Clerk to Issue License In those cases where the right to a license is not made to appear the clerk of the orphans' court shall refuse to issue the same At once upon such refusal he shall certify the proceedings to the orphans' court of the county without formality or expense to the applicants for license who shall be notified by the clerk of such action

Such application for a license to marry shall thereupon at the earliest possible time be heard by a judge of said court without a jury in court or in chambers during the term or in vacation as the case may be The finding of the court that a license ought to issue or ought not to issue shall be final and the clerk of the orphans' court shall act in accordance therewith

The true intent of this section is to secure for applicants a hearing before the orphans' court without affirmative action by said applicants and to give notice to them of such hearing its time and place without delay or expense

Section 8 Recording Application and Consent Certificate The applications for license and all consent certificates shall be immediately recorded by the clerk of the orphans' court in a book provided for that purpose at the cost of the county which shall be called the marriage license docket and which shall be a public record open to inspection or examination by the public at all times during business hours Any person may make a copy or abstract of the entries contained in the said marriage license docket for the purpose of publication in any regularly published daily or weekly newspaper and it shall be lawful to publish said copy or abstract in any regularly pub-

lished daily or weekly newspaper printed within the Commonwealth

Section 9 Form of Marriage Licenses Marriage Certificates (a) The marriage license as issued by the clerk of the orphans' court shall not be valid for a longer period than sixty days from the date of issue and shall be in form substantially as follows to wit

Commonwealth of Pennsylvania } ss No
County of

To any person authorized by law to solemnize marriage You are hereby authorized to join together in holy state of matrimony according to the laws of the Commonwealth of Pennsylvania A

..... B
..... of full age and never heretofore married and C D
..... likewise of full age and never heretofore married

Given under my hand and seal of the orphans' court of said county of at this day of one thousand

If either of said parties is not of full age of twenty-one years then in lieu of the words "of full age" his or her age shall be stated and the fact of consent of parent or guardian shall likewise be stated and if either of said parties shall have been married previously to the issuing of such license then in lieu of the words "never previously married" the number of times he or she shall have been previously married and the mode by which said prior marriage or marriages was or were dissolved shall be stated and if by divorce the cause for which such divorce shall have been granted If either of said parties is under the age of eighteen years and a judge of the orphans' court shall have authorized the license to be issued then in lieu of the words "of full age" his or her age shall be stated and the fact that a judge authorized the license to issue shall likewise be stated in addition to the consent of a parent or guardian

(b) The license shall have appended to it two certificates numbered to correspond with said license (one marked original and one marked duplicate) which shall be in form substantially as follows

I hereby certify that on the day of one thousand at and were by me united in marriage in accordance with license issued by clerk of the orphans' court of county Pennsylvania numbered

(Signed)
(Title of person solemnizing marriage)

Section 10 Forms Where Marriage Ceremony Performed by Parties to Marriage In all cases in which the parties intend solemnizing their marriage themselves no such marriage shall take place until the clerk of the orphans' court shall certify their right so to do in a declaration in substantially the following form

To A B and C D No

Legal evidence having been furnished to me in accordance with law this certifies that I am satisfied that there is no legal impediment to you joining yourselves together in marriage

A B Clerk
In lieu of the certificate before set forth there shall be appended to such declaration two certificates numbered to correspond to the declaration of the clerk of the orphans' court in the following form

We hereby certify that on the day of one thousand nine hundred and we united ourselves in marriage at in the county of having first obtained from the clerk of the orphans' court of said county a declaration numbered that he was satisfied that there was no existing legal impediment to our so doing

A.....B.....
C.....D.....

We the undersigned were present at the solemnization of the marriage of A.....B..... and C.....D..... as set forth in the foregoing certificate

D.....E.....
E.....F.....

Section 11 Persons Qualified to Solemnize Marriages The chief justice of each justice of the Supreme Court the president judge and each judge of the Superior Court each judge of the court of common pleas judge of the orphans' court judge of a county court judge of a municipal court magistrate alderman justice of the peace mayor of any city and burgess of any borough of this Commonwealth and every minister priest or rabbi of any regularly established church or congregation is hereby authorized to solemnize marriages between such persons as produce a proper marriage license Every religious society religious institution or religious organization in this Commonwealth may join together in marriage such persons as are members of the said society institution or organization or when one of such persons is a member of such society institution or organization according to the rules and customs of the society institution or organization to which they or either of them belong

Section 12 Returns of Marriages The certificate marked "original" shall by the person solemnizing the marriage be duly signed and be given to the parties contracting the marriage and the certificate marked "duplicate" shall by the person or by a member of the religious society institution or organization solemnizing the marriage be duly signed and returned to the clerk of the orphans' court who issued the license within thirty days after the solemnizing of said marriage If the marriage was solemnized by the parties themselves the certificate marked "original" shall be signed by the parties to the marriage and be attested by two witnesses and be retained by the parties contracting the marriage and the certificate marked "duplicate" shall be signed by the parties to the marriage and be attested by the same two witnesses and be returned to the clerk of the orphans' court issuing the same within thirty days

The clerk of the orphans' court upon the reception of the "duplicate" certificate shall enter the same upon the marriage license docket with the marriage license application

Section 13 Common Law Marriages Abolished Marriages Without License Void No common law marriage may hereafter be legally entered into in this Commonwealth and all such marriages hereafter entered into shall be null and void

Section 14 Marriages Within Degrees of Consanguinity and Affinity All marriages within the prohibited degrees of consanguinity or affinity as set forth in this act are hereby declared voidable to all intents and purposes but when any of said marriages shall not have been dissolved during the life time of the parties the unlawfulness of the same shall not be inquired into after the death of either of the parties thereto

Section 15 Marriages During Existence of Former Marriage If a person during the life-time of a husband or wife with whom a marriage is in force enters into a subsequent marriage pursuant to the requirements of this act and the parties thereto live together thereafter as husband and wife and such subsequent marriage was entered into by one or both of the parties in good faith in the full belief that the former husband or wife was dead or that the former marriage had been annulled or terminated by a divorce or without knowledge of such former marriage they shall after the impediment to their marriage has been removed by death of the other party to the former marriage or by annulment or divorce if they continue to live together as husband and wife in good faith on the part of one of them be held to have been legally married from and after the removal of such impediment

Section 16 Marriage of Persons Less than Eighteen

Void Except by Special License A person less than eighteen years of age shall not have capacity to contract marriage except under authority of a license duly issued by a judge of the orphans' court pursuant to the provisions of section four clause (c) of this act Where either or both parties to a marriage are less than eighteen years of age and a license for such marriage was not secured under section four clause (c) of this act such marriage shall be null and void

Section 17 Preparation of Forms Applications for licenses to marry consent certificates statements of physicians and laboratories relative to examination for syphilis and marriage licenses shall be supplied to the clerk of the orphans' court by the county commissioners at the expense of the county and shall be uniform throughout the Commonwealth and forms thereof as prepared by the Department of Health shall from time to time be furnished to the several clerks of the orphans' courts of this Commonwealth

Section 18 Fees The fee to be charged by the clerk of the orphans' court in various counties for issuing a marriage license or declaration and for returns thereof to the Department of Health shall be two dollars and fifty cents two dollars of which shall be for the use of the clerk of the orphans' court of the county wherein such license is issued and fifty cents for the use of the Commonwealth Where either of the applicants for a license is under the age of twenty-one years and the consent of a parent or guardian is necessary as herein provided the clerk of the orphans' court shall receive for his own use an additional fee of fifty cents for recording the certificate of consent

All moneys collected by the said clerk for the use of the Commonwealth shall at the end of each month be transmitted to the State Treasurer to be placed in the general fund for the use of the Commonwealth

Section 19 Certified Copies of Records Evidence A certified copy of the record of a marriage license under the hand of the clerk of the orphans' court and the seal of said court or under the hand of the Secretary of Health and the seal of the Department of Health shall be received in all courts of this Commonwealth as prima facie evidence of said marriage between the parties therein named

Section 20 Penalties. (a) Any clerk of the orphans' court who shall wilfully issue a marriage license in any manner except as provided for in this act or who shall refuse or neglect to enter upon the marriage license docket any marriage license application or any marriage license issued from his office immediately after it is issued or to enter any consent certificate or authorization of a judge of the orphans' court or shall fail to keep the marriage license docket open for inspection or examination by the public or shall prohibit or prevent any person from making a copy or abstract of the entries in the marriage license docket for the purpose of publishing the same in any regularly published daily or weekly newspaper shall upon conviction in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars (\$50.00) and costs for each offense

(b) Any applicant for a marriage license physician or representative of a laboratory who shall misrepresent any of the facts described by paragraph (a) of section four of this act or any licensing officer failing to receive the statements prescribed by said paragraph or who shall have reason to believe that any of the facts thereon have been misrepresented and shall nevertheless issue a marriage license or any person who shall disregard the confidential character of the information or reports required by said paragraph or any other person who shall otherwise fail to comply with the provisions of said paragraph shall upon conviction thereof in a summary proceeding in the county wherein such offense was committed be sentenced to pay a fine of not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00) and the costs of prosecution and upon failure to pay such fine and costs shall be imprisoned not less than ten (10) nor more than thirty (30) days

(c) Any person solemnizing a marriage who shall neg-

lect or refuse to return the "duplicate" certificate of marriage to the clerk of the orphans' court within thirty (30) days after the marriage was solemnized shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of fifty dollars (\$50.00) and costs

(d) If any person shall solemnize any marriage ceremony or shall be a party or an attesting witness to the same without the parties to the marriage having first obtained the proper license as provided for in this act he she or they so officiating contracting or attesting shall upon conviction in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars (\$50.00)

(e) Any person who shall knowingly perform a marriage ceremony between parties when either of said parties is intoxicated shall be guilty of a misdemeanor and upon conviction thereof shall pay a fine of fifty dollars (\$50.00) or be imprisoned not exceeding sixty (60) days or both

(f) Any alderman magistrate or justice of the peace who shall knowingly insert or permit to be inserted any false statement in any application for marriage license or who shall make any false certification that the applicant named in such application was satisfactorily identified to him shall upon conviction in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars (\$50.00) and costs

(g) All fines and penalties collected pursuant to this act shall be for the use of the county in which the marriage license was issued

Section 21 Statistics Each clerk of the orphans' court shall furnish the Department of Health not later than the tenth day of each month with a transcript or record of each marriage license issued and each return of the celebration of a marriage received or filed in his office during the preceding calendar month

The transcripts or records required to be furnished shall be made by the clerk of the orphans' court on forms prepared from time to time by the Department of Health and shall contain such information as the Department may require The forms so prepared shall be furnished to the clerk of the orphans' court by the county commissioners at the expense of the county

The records so furnished to the Department of Health shall be public records open to inspection during business hours The Department of Health shall from time to time compile and publish statistics from such records for public information

Section 22 Short Title This act shall be known and may be cited as the "Marriage Law"

Section 23 The following acts and parts of acts are hereby repealed as specifically indicated

Sections five six and nine of the act approved the thirteenth day of March one thousand eight hundred and fifteen (P. L. 150) entitled "An act concerning divorces" so far as supplied by this act

Section two of the act approved the tenth day of April one thousand eight hundred and forty-nine (P. L. 549) entitled "An act to prevent the killing of deer at certain seasons in Union county and relative to marriage certificates" absolutely

Section four of the act approved the eighth day of May one thousand eight hundred and fifty-four (P. L. 663) entitled "An act to protect certain domestic and private rights and prevent abuses in the sale and use of intoxicating drinks" absolutely

The act approved the twenty-third day of June one thousand eight hundred and eighty-five (P. L. 146) entitled "An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry" absolutely

The act approved the twenty-third day of May one thousand eight hundred and eighty-seven (P. L. 170) entitled "An act to amend section three of an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June one thousand eight hundred and eighty-five" absolutely

The act approved the first day of May one thousand

eight hundred and ninety-three (P. L. 27) entitled "An act to amend an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June Anno Domini one thousand eight hundred and eighty-five relating to the county wherein to secure the license" absolutely

The act approved the twenty-second day of May one thousand eight hundred and ninety-five (P. L. 99) entitled "An act requiring clerks of orphans' courts to keep marriage license dockets open for inspection by the public and allow copies or abstracts of the same to be made for publication and providing a penalty for non-compliance" absolutely

The act approved the eighteenth day of June one thousand eight hundred and ninety-five (P. L. 202) entitled "An act to amend the first section of an act entitled 'An act to amend an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry'' approved the first day of May Anno Domini one thousand eight hundred and ninety-three relating to the county wherein to secure the license" absolutely

The act approved the twenty-fourth day of June one thousand nine hundred and one (P. L. 597) entitled "An act making it unlawful for first cousins to be joined in marriage and declaring all marriages contracted after the first day of January Anno Domini one thousand nine hundred and two in violation of this act void" absolutely

The act approved the twenty-seventh day of March one thousand nine hundred and three (P. L. 80) entitled "An act to further amend an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June one thousand eight hundred and eighty-five" absolutely

The act approved the twenty-fourth day of March one thousand nine hundred and five (P. L. 58) entitled "An act to further amend an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June one thousand eight hundred and eighty five empowering notaries public to inquire of parties intending to marry touching the legality of their contemplated marriage and administer oaths to them" absolutely

The act approved the sixth day of May one thousand nine hundred and nine (P. L. 446) entitled "An act to amend the first section of an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June Anno Domini eighteen hundred and eighty-five by increasing license fees" absolutely

The act approved the twenty-fourth day of July one thousand nine hundred and thirteen (P. L. 1013) entitled "An act regulating the issuance of licenses to marry prohibiting the issuance of such licenses to certain persons regulating the time during which licenses shall be valid and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court and prescribing the duties of the clerk of the orphans' court" absolutely

The act approved the twenty-eighth day of May one thousand nine hundred and fifteen (P. L. 636) entitled "An act to amend section three of an act approved the twenty-third day of June one thousand eight hundred and eighty-five entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' as amended" absolutely

The act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 494) entitled "A supplement to the act approved the twenty-third day of June one thousand eight hundred and eighty-five (P. L. 146) entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' imposing an additional license fee for the use of the Commonwealth" absolutely

The act approved the second day of May one thousand nine hundred and twenty-five (P. L. 494) entitled

"An act fixing the fee to be charged for the issuing of marriage licenses" absolutely

The act approved the twenty-fourth day of March one thousand nine hundred and twenty-seven (P. L. 64) entitled "An act establishing the minimum marriageable age at sixteen years and providing for certain exceptions thereto" absolutely

The act approved the seventh day of May one thousand nine hundred and thirty-five (P. L. 152) entitled "An act to amend section one of the act approved the twenty-fourth day of July one thousand nine hundred and thirteen (P. L. 1013) entitled 'An act regulating the issuance of licenses to marry prohibiting the issuance of such licenses to certain persons regulating the time during which licenses shall be valid and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court and prescribing the duties of the clerk of the orphans' court' by requiring three days to elapse between the application for and the issuance of the license" absolutely

The act approved the seventeenth day of May one thousand nine hundred and thirty-nine (P. L. 148) entitled "An act regulating the issuance of marriage licenses prohibiting the issuance thereof to persons infected with syphilis in certain stages requiring each applicant to produce certain evidence of freedom from such disease imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties and imposing penalties" absolutely

All acts and parts of acts inconsistent with this act are hereby repealed

Section 24 The provisions of this act shall become effective the first day of January one thousand nine hundred forty-two

On the question,

Will the House adopt the report of the Committee of Conference?

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

YEAS—200

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

Ely,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Falkenstein,	Leisey,	Reese, R. E.,	Woodring,
Finestone,	Leonard,	Regan,	Woodside,
Finerty,	Lesko,	Reynolds,	Wright,
Fisher,	Levy,	Rhea,	Yeakel,
Fiss,	Leydic,	Riley,	Yester,
Fleming,	Lichtenwalter,	Rooney,	Young,
Fletcher,	Longo,	Rose, S.,	Kilroy,
Flynn,	Lovett,	Rose, W. E.,	Speaker.
Foor,	Lyons,		

NAYS—2

Achterman, O'Connor,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILLS Nos. 1639, 1002, 990 MADE SPECIAL ORDER

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 1639, Printer's No. 1055, on page 8, of today's calendar, bills on final passage; House Bill No. 1002, Printer's No. 341; and House Bill No. 990, Printer's No. 275, on page 11, of today's calendar, bills on third reading, be made a special order of business immediately.

The motion was agreed to.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1639, as follows:

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

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

Section 1 The title of the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as reenacted and amended by the act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1552) is hereby further amended to read as follows

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 a compulsory system and schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties

Section 2 The article heading of article two of said act as last reenacted and amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 520) is hereby further amended to read as follows

Article II

Damages By Action at Law Abolished

Section 3 Sections two hundred and one two hundred and two and two hundred and three of said act as last reenacted and amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 520) are hereby repealed

Section 4 Section two hundred four of said act as last reenacted and amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 520) is hereby further amended to read as follows

Section 204 No agreement composition or release of damages made before the date of any accident [except the agreement defined in article three of this act] shall be valid or shall bar a claim for damages for the injury resulting therefrom and any such agreement [other than that defined in article three herein] is declared to be against the public policy of this Commonwealth The receipt of benefits from any association society or fund shall not bar the recovery of damages by action at law nor the recovery of compensation under article three hereof and any release executed in consideration of such benefits shall be void.

Section 5 The article heading of article three subsection (a) of section three hundred and one and subsection (a) of section three hundred and two of said act as last reenacted and amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 520) are hereby further amended to read as follows

Article III

[Elective] Compulsory Compensation

Section 301 (a) [When employer and employe shall by agreement either expressed or implied as hereinafter provided accept the provisions of article three of this act compensation for] In the case of personal injury to or [for] the death of [such] any employe by an accident in the course of his employment compensation shall be paid in all cases by the employer without regard to negligence according to the schedule contained in sections three hundred and six and three hundred and seven of this article provided that no compensation shall be paid when the injury or death is intentionally self inflicted or is caused by the employe's violation of law but the burden of proof of such fact shall be upon the employer

Section 302 [(a) In] The provisions of this act shall apply to every contract of hiring made after [December] [thirty-first one thousand nine hundred and fifteen] the effective date of this act and [in] to every contract of hiring renewed or extended by mutual consent expressed or implied after said date [it shall be conclusively presumed that the parties have accepted the provisions of article three of this act and have agreed to be bound thereby unless there be at the time of the making renewal or extension of such contract an express statement in writing from either party to the other that the provisions of article three of this act are not intended to apply and unless a true copy of such written statement accompanied by proof of service thereof upon the other party setting forth under oath or affirmation the time place and manner of such service be filed with the department within ten days after such service Every] and to every contract of hiring oral written or implied from circumstances now in operation or made or implied on or before [December thirty-first one thousand nine hundred and fifteen shall be conclusively presumed to continue subject to the provisions of article three hereof unless either party shall on or before said date in writing have notified the other party to such contract that the provisions of article three hereof are not intended to apply and unless there shall be filed with the department a true copy of such notice together with proof of service within the time and in the manner hereinabove prescribed Provided however That the provisions of this section shall not be so construed as to impair the obligation of any contract now in force or invalidate any acceptance or rejection of the provisions] [of article three of the Workmen's Compensation Act heretofore in force but such prior acceptance or rejection shall continue unimpaired under this act until notice is given as provided in section three hundred four hereof In the employment of minors article three shall be presumed to apply unless the said written notice be given by or to

the parent or guardian of the minor It shall not be lawful for any officer or agent of this Commonwealth or for any county city borough town or township therein or for any officer or agent thereof or for any other governmental authority created by the laws of this Commonwealth to give such notice of rejection of the provisions of this article to any employe of the Commonwealth or of such governmental agency] the effective date of this act

Section 6 Subsection (b) of section three hundred two sections three hundred three and three hundred four of said act as last re-enacted and amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 520) are hereby repealed

Section 7 Section five hundred and two of said act as last reenacted and amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 520) is hereby further amended to read as follows

Section 502 If any provision of this act shall be held by any court to be unconstitutional such judgment shall not affect any other section or provision of this act [except that articles two and three are hereby declared to be inseparable and as one legislative thought and if either article be declared by such court void or inoperative in an essential part so that the whole of such article must fall the other article shall fall with it and not stand alone]

Section 8 All acts and parts of acts inconsistent herewith are hereby repealed

Section 9 The provisions of this act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Mr. HERMAN. Mr. Speaker, I rise to speak in defense of these bills. On January 7th at the opening Session of this Legislature, our Governor, in addressing us said, inter alia, as follows:

"This Session of Legislature meets at a critical period. Our country is in the midst of a race against the clock to complete our defense program in time to protect our homes, our possessions and our civilization.

The questions which concern us are:

What can Pennsylvania do to speed up the defense program?

That problem transcends any political issues within our state.

I call upon the members of this Legislature to give that problem the unity of purpose and action which already has been urged by the President of the United States.

Until our crisis is met, political hatchets must be buried. We must have an armistice on the political battlefronts.

President Roosevelt has called upon America to become the arsenal of Democracy. To accomplish that, Pennsylvania must become the Arsenal of America.

Perhaps the most important field concerns the relation of the working man and the employer. . . ."

(After discussing four points which the changes of our law brought about, in commenting on the 1939 W. C. A. as compared to the 1937 Act, the Governor goes on and states, ". . . there may be amendments needed to the Act of 1939.")

So far as the 1939 Act is concerned I can only quote the ancient words, "Thou hast been weighed in the balance and found wanting."

I expect to hear cries that this bill and companion bills are too liberal in favor of the working man; that it will put certain employers out of business mainly due to increased insurance rates; that we are tending to stifle pri-

vate enterprise etc. To all these I answer now and hereafter:

(a) That the W. C. A. and everything relative thereto is not a business but a social problem, and must be looked upon and treated as such.

(b) In this time of "Unlimited national emergency" in our national defense where the man in the factory and the mill is just as important or even plays a greater part than the man in the uniform—and has been referred to as the first line of defense—we must treat the worker justly and in such a manner that it will generate a loyalty and enthusiasm on the part of all the citizens for our democracy as a way of life. The best way to teach patriotism is to make it worthwhile to be a patriot. You can't be patriotic on an empty stomach or lying on your back in a hospital, maimed and crippled for life without the proper means of cure or existence. So long as the breath of life remains in the human machine you cannot discard it on the junk heap and forget about it. Such a course tends to breed all other isms but Americanism.

It is labor applied to national resources which produces wealth. It is therefore urgent in this day of "unlimited national emergency" of keeping up the morale and efficiency of the civilian population.

The most outstanding elements of democracy are order and security. Unless we have security, our democracy is endangered, and by security I mean economic security. And if we are to withstand the emotional assault of other philosophies of government, we must enrich our beliefs of national approach to social living.

In my experience as Special Deputy Attorney General, assigned to Workmen's Compensation I represented claimants in a great number of cases, I have had many unpleasant moments in seeing maimed and crippled people, and unfortunate dependents in want, fighting for what is rightly due them. I have seen insurance companies, who waxed fat on the premiums which they charge, who tried hard to deprive them of their due. On the other hand I have had the pleasure of helping these unfortunate claimants receive what was justly due them.

What is workmen's compensation?

The vital principle of the workmen's compensation laws in most states is to justly compensate workers for injuries sustained in the course of employment regardless of whose fault it is.

For the benefit of those members who are not lawyers, I want to recite briefly the history of this legislation.

At common law—that is before any act was passed on the subject) the worker injured in industry had the cards stacked against him in any effort to collect damages from his employer.

First he had to prove his employer guilty of some act or omission constituting legal carelessness or "negligence," and even if he succeeded in establishing negligence on the part of his employer, any negligence or carelessness on his own part, which contributed in the slightest degree to the accident, debarred him from recovery.

In addition, he had other obstacles to overcome:

(a) The assumption of risk and rule (a man taking a job where he was faced with known dangers), was held to assume the risk of such danger and if he was injured, he received no compensation.

(b) The "fellow-servant" rule. This obliged the worker to assume the risk of a fellow worker's carelessness and

if injured, as a result, he could not recover against his employer.

Years of effort by liberal forces, eventually led in 1911 by the State of Wisconsin, to the W. C. A. Other states followed, Pennsylvania joining in 1915.

The W. C. A. did away with the need of proof of negligence, and abolished the defenses of contributory negligence, assumption of risk and the fellow-servant rule. This was the real beginning of social security legislation.

The subject of workmen's compensation law with its multifarious provisions is so broad today to try to cover it by discussion would take days, and an attempt to think of it in its entirety tends to confusion.

I shall try to point out to you in the best way I can, a few features of our law as it now stands in this Commonwealth which I think are important and which require correction. Our 1939 law specifies that the employe, for total disability, is entitled to 66% per cent of his weekly wage, provided, however, that the amount is not less than \$9 nor more than \$18 per week, and does not exceed the aggregate sum of \$7500. (Although the act provides in total disability cases, compensation for 500 weeks which at the rate of \$18 per week would amount to \$9000.) And further provides that in case he earns less than \$9 weekly he shall receive as low as \$5.

For partial disability, it is specified that the employe is entitled to receive 66% per cent of the difference between the earnings before and after the injury. Such compensation, however, may not exceed \$15 per week but continues for the duration of the partial disability up to a total of 300 weeks after the 7th day of disability, but Section 306 (b) says:

"The term earning power as used in this Section, shall in no case be less than the weekly amount which the employe receives after the accident."

This to my mind is an unjust and dangerous provision.

A man may return to work and receive \$25 per week out of the graciousness of a friendly employer, when actually his real earning power (or work he is able to perform), may be \$10 or \$12 per week; or take it a step further; an employer may pay an employe in a sum in excess of his earning power, beyond the period which is allowed to the claimant to petition the Board, and in this way lull the claimant into a feeling of security, and then when the statutory period has elapsed, the claimant would be unable to come in and have his earning power determined.

Another unjust and dangerous provision, which is badly in need of repair, and which we are attempting to correct, is that dealing with hernia. Section 306 (h) says:

"Hernia shall be considered as physical weakness or ailment, which ordinarily develops gradually, and shall not be compensable, unless incontrovertible proof is offered that the hernia was at once precipitated by sudden effort or severe strain and that: first, the descent of the hernia followed the cause without intervening time; second, there was actual pain in the hernial region at the time of descent; third, the above manifestations were of such severity that the same were noticed at once by the claimant, necessitating immediate cessation of work, and communicated to the employer or a representative of the employer within 48 hours after the occurrence of the accident."

The symptoms of hernia may not manifest themselves until sometime after the claimant sustained an injury, and

the fact he continues to work for a period of time after meeting with the injury without ceasing work, would act as a bar to recover under this section, is very unreasonable for they are compelling an ordinary layman to diagnose his case of hernia within 48 hours, something that I have found in my experience, physicians to be unable to do and differ in their opinion.

Another unjust provision I desire to call your attention to is section 306 (c) dealing with specific losses which needs correction, and which we are attempting to correct by this bill, such as loss of hand, arm, foot, leg, etc. I am not going to discuss the inadequacy of compensation in number of weeks, but I want to direct your attention to the definition given in the act as to these respective losses.

Let us take the Loss of Hand: Standard Dictionary: A hand is, "That part of the forelimb, in man, that is attached to the lower extremity of the forearm, (and is adapted to grasping.)" i.e. that portion of the limb between the wrist and fingers. Yet the 1939 Act says: "Amputation between the elbow and the wrist shall be considered equivalent to the loss of a hand."

Loss of Foot: Standard Dictionary: A foot is. "The part below the ankle in man"; yet the 1939 Act (law today), says: "Amputation between the knee and the ankle shall be considered as the equivalent of the loss of a foot."

Loss of Arm: Standard Dictionary: An arm is, "The upper limb of the human body from the shoulder to the hand." Yet the present law says: "Amputation at or above the elbow shall be considered the loss of an arm."

Loss of Leg: Standard Dictionary: A leg is, "In man the part of the lower limb between the knee and ankle."—(which definition fits the loss of a foot under the Act). Yet the present law says: "Amputation at or above the knee shall be considered loss of a leg." And further being worried that possibly they were too liberal, go on further to conclude the paragraph, after fixing a minimum of \$9, ". . . provided that if at the time of the injury the employe receives wages of less than \$9 per week, then he shall receive the full amount of such wages per week as compensation, but in no event less than \$5 per week."

A mechanic suffers an injury to an arm, he has to submit to treatment of insurance company doctors, he dare not employ his own, it is necessary to amputate. The surgeon tries to save as much of his arm as possible no matter how useless it may be thereafter. He leaves an inch below the elbow. That extra inch below the elbow entitles him to, under the present law, to the loss of a hand, and his compensation is for 175 weeks instead of 215 weeks (which should be for the loss of an arm), and receives a maximum of \$2625, instead of \$3225. Although he is crippled for life, and can no longer pursue his trade. He will never be able to be a mechanic again, he is handicapped for life, but that is all the compensation he can get.

A truck driver, roofer, painter, bricklayer, or other occupation requiring standing or walking or use of the lower limbs, suffers injury to leg, amputation one inch below the knee; he receives compensation for the loss of a foot.

In thirty-one states in the country he would have received more. In Wisconsin he would have gotten \$10,000, in New York up to \$7800, and in Ohio, even the loss of two fingers would have been called the loss of a hand if the loss of those fingers prevented him from continuing his trade or profession.

Under our present law, although the victim has to submit to treatment of the company's doctors,—if he requires hospitalization—no matter how much medical care he may need he is limited to \$150, and that for only sixty days duration following the disability. If he needs more than sixty days in the hospital, and more than \$150 for medical care, he has to pay for it himself if he can, otherwise, he becomes a public charge. If he suffers a more serious injury and he is required to spend years in the hospital under doctor's care, under the present law, after the insurance company paid \$150 in medical expenses for sixty days, he pays if he can, otherwise, the public pays. What happens if he no longer required medical care but is disabled and unfit to work and the compensation money he received is exhausted; the public pays.

As has been pointed out recently by David G. Wittels in a series of enlightening articles in the Philadelphia Record—a survey in 1937 showed that 13 per cent of injured workers had to go on relief; 38 per cent ran up debts which they could not pay for; 18 percent lived on the charity of relatives. State, city and county hospitals, supported by public funds, had to take in the injured workers. Private charities and public institutions frequently had to pay for artificial limbs and braces, because our present law which was passed in 1939 doesn't consider that as part of compensation. Under this bill and other numerous state statutes, do provide for such necessities.

In 1937 our law passed in that year remedied these conditions to such an extent that it boosted Pennsylvania from the 29th place to the second place among the states. By this bill we are trying to put forward this great industrial state of Pennsylvania where it belongs.

And further, you will hear a cry from parties in opposition that by liberalizing the act the insurance premium rates will be so high that a number of employers will refuse to come in under the Act and thus many workers will be without protection. Such fears are unfounded. Although the W. C. A. was passed for the sole benefit of the worker and his family and should be looked upon as a social matter, statistics will show (verified by a public hearing held by our Committee) that approximately 54 per cent of the premiums paid by employers of workmen's compensation insurance went to the injured worker and their families. The other 46 per cent went to padded administration costs and the profits for the insurance companies and rebates to employers. And while the insurance companies were yelling murder when the liberalized 1937 act was passed, the private insurance companies were making bigger profits than ever before. They raised the premiums as high as 43 per cent and in some cases 65 per cent yet the increased benefits paid was only a fraction over 4 per cent—all at the expense of human misery.

About 100,000 workers per year were killed or injured in Pennsylvania as a result of industrial accidents. With the defense program this number will be greatly increased. As wages and employment rise, insurance premiums rise. The insurance premium was based on a certain rate per \$100 of payroll. The bigger the payroll the more he pays for insurance. But there is a limit on how much, and for how long, the insurance company must pay the injured victim or his family. Whether the injured received \$27 per week, or with full employment and overtime, \$50, \$75, or \$100 per week—he is only entitled to receive the same amount, maximum \$18, and if he earns less he re-

ceives as low as \$5 per week. The result being, that under our present law, passed in 1939, the benefits are so small that Pennsylvania, being the second industrial state in the Union, is now the 29th in workmen's compensation benefits.

The workman who is injured or crippled for life in Pennsylvania, gets less than the workman in the neighboring states of New York, Massachusetts, Ohio, New Jersey, West Virginia.

In Massachusetts he receives \$18, New York \$25, Ohio \$18.75, West Virginia \$16, Wisconsin \$19.50, for the duration of his life.

If he is killed in Pennsylvania his family receives much less than the families of most injured men in similar jobs in those states.

For permanent injury in Pennsylvania he is limited to a maximum of \$7500 and as little as \$2500. If he is killed, his widow receives a maximum of \$11 per week for 300 weeks or top \$3300, and the widow may get as little as \$5 a week, or a total of \$1500. And if as happens in many cases the worker lingers for a long time before he dies, the widow and children get nothing, because the payments that he receives during his illness would be deducted from the compensation for death benefits.

Although under our present law passed in 1939 the benefits were cut considerably so far as the worker and his family are concerned. As the payments to the crippled and the maimed, to the widows and the orphans went down, private companies' profits went up.

Probably no piece of legislation brought before the 1937 Session or this Session of the Legislature is of greater interest to labor, industry and the general public as workmen's compensation.

When the 1937 Act was passed labor knew from bitter experience the inadequacies of the old law; industry likewise recognized the need for improvement, but did not favor all the features of the bill. And the public was interested because of the social significance of such legislation. The present law passed in 1939 put us back where we were before 1937 and therefore again needs correction.

A thorough study of the operation of the law before 1937 which applies to the present law it was found that two of every three injuries meant hardship or tragedy for the victim or his family. Between two and three million employes face exposure to death or injury at their work every day and as I stated before injury or death in Pennsylvania industry strikes 100,000 or more homes every year and that the present preparedness program that number is bound to increase. Not only a trail of broken bodies, but a trail of broken homes, exhausted savings, unpaid bills, crushing debts, greatly lowered standards of living—yes, public relief—have inevitably resulted from inadequate compensation.

Faced with this tragic records we are attempting to remedy that condition by these bills.

Under these bills, which I urge you to pass, Pennsylvania will join seventeen other states in the union in which compensation laws provide income until recovery—or for life if injury destroys earning power permanently.

As I stated before, I expect to hear the usual cry from the opposition that it will increase the insurance rates to such an extent that industry will not be able to stand it. Well we have provided for that in another bill and further to such argument my answer is industry in Pennsylvania was able to stand it under the 1937 Act. With

increase in production at the present time they surely will be able to stand it better. New York, Massachusetts, Ohio, West Virginia, and Wisconsin, with higher rates and with greater benefits can stand it, Pennsylvania with lesser rates and smaller benefits can stand it. I say to you don't take it out of the worker's life and limb, but take it out of the insurance companies that charge exorbitant rates.

The State Workmen's Insurance Fund of Pennsylvania, which takes the most undesirable risks, that which is turned down by other insurance companies, is able to earn money. Surely the private insurance company can make and are making money when they are able to choose their risks.

Before concluding, I want to call your attention to one more unjust feature of the present law, and which this bill is attempting to correct, and that is denial of compensation for the loss of any or all of the toes, and hearing of one year, which are considered of no value. What those members mean to a painter, roofer, bricklayer, fireman, football player, engineer, auto or truck driver, etc. I will leave to your common sense.

As I stated before, the worker in industry is the first line of defense in this "unlimited national emergency." It is our duty to see to it that he receives a square deal and is satisfied. He is not making unjust demands, he is only asking what is rightfully due him—protection, a reasonable and just amount of security, for himself and his dependents in case he is permanently disabled or loses his life. His demand is just and it is our duty to grant it to him.

I therefore earnestly urge every Member of this House to vote for these bills.

Mr. SHAFFER. Mr. Speaker, House Bill No. 1002 is a reenactment of the entire Workmen's Compensation Act. The Democratic party pledged itself during the 1940 Campaign to substantially restore the provisions of the Workmen's Compensation Act of 1937. This bill represents the party's effort to fulfill that pledge. Its passage will give us for the second time in the history of Pennsylvania a reasonably liberal law, judged either from the standard of the laws of neighboring states or the adequacy of protection of those injured workers and their families, who must pay the price of the dangerous efficiency of our machine age.

The amendments to the benefit features of the Act are based on a consideration of the minimum needs of the disabled worker and his family. If the employer does not take care of those needs directly through Workmen's Compensation payments, the community will be compelled to do so through higher taxation to support our charity facilities. This omits any consideration of the sound theory of Workmen's Compensation that the full cost of industrial injuries is a legitimate part of the cost of production. We know that the wreckage of machinery is a legitimate cost of production and, by the same token, we must admit that cost of human wreckage should be charged against the cost of the goods produced. In other words, the cost of Workmen's Compensation is paid by the consumer and not by the employer or the workman. This is the premise on which all compensation laws are predicated.

No one can contend successfully that our present Workmen's Compensation Act transfers the cost from the injured employe to the cost of production. For a com-

pensation system under which a considerable number of those injured must, to meet the contingency of disability, resort to such expedients as borrowing, the use of savings, and the accumulation of debts, can hardly be said to have transferred accident costs to industry. When many workers are forced to sacrifice insurance, to give up their homes and seek cheaper living quarters, or to become relief charges, it is evident that the insured and his family, or society, is paying a not inconsiderable share of the charge which compensation should have made a cost of production. House Bill No. 1002 is not suggested as being the ideal bill in this respect, but is proposed as more equitably placing the economic loss sustained where it properly belongs.

This bill is further designed to make the benefits of the Workmen's Compensation Law comparable with those applying in states of equal and lesser industrial importance. Although Pennsylvania ranks second in industrial importance, it ranks twenty-ninth among forty-six states in average liberality of Workmen's Compensation benefits. The present Act places Pennsylvania thirty-sixth in death benefits paid to widows, orphaned children and other dependents, twenty-fourth in permanent disability payments, twenty-ninth in temporary total disability benefits, and forty-second when evaluating how Pennsylvania provides medical and hospital care for the injured workman. These ratings are furnished by the National Council on Compensation Insurance, a private insurance organization. These rankings give a birds eye view of the unenviable position in which Pennsylvania is placed when her progressiveness and liberality is contrasted with that of her sister states.

Mr. Speaker and Members of the House, it may be argued that Pennsylvania should not adopt this particular bill by reason of the competitive situation with other states. If so, let us look at the rankings of our neighboring industrial states. The National Council on Compensation Insurance, using the same formula as a yardstick, rates New York second, West Virginia tenth, Illinois eleventh, Maryland twelfth, Ohio thirteenth and New Jersey nineteenth. Remembering that Pennsylvania ranks twenty-ninth, I submit to you that at the present time under our Workmen's Compensation Law the employing interests of Pennsylvania enjoy a competitive advantage over the employers in the surrounding industrial states.

Now Mr. Speaker and members of the House, with an apparent and appalling deficiency in our protection of the workmen of our great Commonwealth proven and with the competitive argument removed, what violent reason remains for Pennsylvania not to take its place with the other states with respect to compensation benefits? After all, this is but a security measure to provide security in the home for the injured, for their widows, and the orphans of those fatally injured. I submit to you that security today is as vital and necessary as ever before in the history of this Commonwealth. Security must and should be applied in Workmen's Compensation benefits in the state of Pennsylvania.

I have been talking in generalities with respect to our Workmen's Compensation Law. Perhaps, it would be well to state the proposed changes from existing law, so that everyone within hearing of my voice may judge whether this bill is unreasonable or unfair in its provisions.

Categorically House Bill No. 1002 will:—

Subject individual partners and officers of corporations to the penalties imposed in the penal sections. (Sec. 102)

Provides compensation for injuries sustained by volunteer firemen while performing any duties of their fire company. (Sec. 104-c)

Gives minors power to contract and file claims against employers and a parent employer. (Sec. 108, 205, 301-b, 305, 407)

Provides double damages if the employe's injury was caused or contributed to by his employer's violation of a safety law or regulation. (Sec. 201-d)

Requires insurance by rejecting employers against common law actions unless exempted under the provisions of the Act. (Sec. 205)

Increases the time limit for compensable death from 300 weeks to 500 weeks. (Sec. 301-c)

Changes the period for termination of the acceptance or rejection of the Act from 30 days to 60 days. (Sec. 304)

Requires employers to post a notice setting forth his compensation coverage. (Sec. 305)

Establishes penalty for fraudulent statements to department by employer and lowers penalty for failure to secure compensation liability. (Sec. 305)

Compensation for total disability—raises the absolute minimum from \$5 to \$9 per week. Provides for compensation for first seven days if disability lasts four weeks or longer. Removes the \$7,000 limitation of payments and provides for compensation in a restricted amount for life to permanently and totally disabled workmen. (Sec. 306-a)

Compensation for partial disability—Raises maximum from \$15 to \$18 per week. Provides for 400 weeks of compensation instead of 300 weeks. Protects employe against loss of partial disability payments through temporary unearned wage payments. (Sec. 306-b)

Specific Losses—Increases number of weeks of compensation paid for specific losses and disfigurement. Provides for loss of binocular vision and for loss of the great toe, first toe and second toe. (Sec. 306-c)

Medical—Increases medical and hospital attention from 60 days to 3 months and authorizes the Workmen's Compensation Board to extend this care. Provides for dental and nursing services as well as artificial appliances. Excuses employe from accepting surgical attention which might jeopardize his life. (Sec. 206-e)

Makes requirement for recovery in hernia cases the same as those of any other type of accident. (Sec. 306-h)

Provides compensation for second injuries.

Death—Increases compensation payments to widows and children. Provides compensation to children until the age of eighteen. Provides restricted compensation payments to widows for life providing remarriage does not intervene. (Sec. 307)

Changes method of calculating average weekly wage. (Sec. 309)

Enlarges time for employe notice of injury to employers from fourteen days to thirty days and deletes bar to compensation claim if notice is not given within 90 days. (Sec. 311)

Extends time for filing claims from 1 year to 2 years. (Sec. 315)

Imposes penalty for improper commutation payments. (Sec. 316)

Increases amount of compensation payable to injured

minors illegally employed from 110 per cent to double compensation. (Sec. 320).

Provides penalty for employer taking blank or incomplete agreements, and otherwise tightens the law relating thereto. (Sec. 407)

Increases time for rehearing from 1 year to 2 years. (Sec. 426)

Increases the time in which a final receipt for payment of benefits may be set aside from 2 years to 600 weeks and extends grounds upon which it may be set aside. (Sec. 434)

In short, the major extensions proposed are:—

First—Compensation payments after 500 weeks at the rate of \$30 per month for life for permanent total disability. Is there anyone who will say that \$360 per year is too much for a workman who has sustained permanent total disability. Sixteen states have a similar provision.

Second—an increase of specific loss compensation payment. Surely, no one will quarrel with the propriety of granting an increase to the maimed by industry of this state.

Third—compensation for the first seven days, if disability lasts four weeks or longer. This will bring Pennsylvania in line with the 30 states which already have a comparable provision.

Fourth—provides medical, dental, nursing and hospital care for the entire period of healing under certain proper restrictions. Eleven states limit neither time nor amount. Eleven states do not limit the amount. Twelve states have no limitation on the time. Thirteen states, of which Pennsylvania is one, limits both time and amount.

Fifth—provides compensation payments to widows for 500 weeks and then thereafter payments at the rate of \$5 per week for life or until remarriage intervenes. Six states, including New York and West Virginia, have compensation payments for the entire period of widowhood.

Sixth—compensation payments to children until they reach the age of eighteen, and until twenty-one if the child is disabled. Children should be provided for until the age for graduation from high school; hence the change from sixteen to eighteen.

Seventh—changes method of calculating average weekly wage and, thus, provides those working on a staggered or part time schedule with a minimum subsistence compensation payment.

Eighth—allows the setting aside of the final receipt within 600 weeks under certain restrictions if a reoccurrence of disability is proven. Today a case cannot be reopened for any reason, regardless of how meritorious, after two years from the signing of the final receipt.

When reading any of these liberalizing provisions, I am sure that the Members of this House will come to the conclusion that there is nothing provided for in this bill except a more equitable transfer of the economic loss from the employe and his family to the cost of producing the commodity or service. It cannot be said to be burdensome to the extent that it will drive industry out of Pennsylvania. It is a matter of fact that the great State of New York, which now has a Compensation Law that is comparable to that proposed in this measure, has never shown any signs of industrial deterioration because of the amount of compensation received by injured employes in that State.

The bill is well drawn. It liberalizes the Compensation Law of Pennsylvania; seeks to bring Pennsylvania up to the schedules provided in other states; and it gives no unfair competitive advantage to other states over Pennsylvania. There is no reason or logic upon which it can be said that Pennsylvania should not measure up to the standards set by other states.

Mr. Speaker and Members of the House, this measure is the voice of the disabled worker, his wife, children and other dependents pleading with Members of this House for fair treatment and much needed help in their hours of financial distress and anxiety. By your vote tonight, you will give your answer to their plea. I trust that not a single member of this House will answer "NO" to these who only ask for some measure of security in their homes against the economic distress caused by industrial accidents in our machine age.

Mr. WOODSIDE. Mr. Speaker, we have had Workmen's Compensation in Pennsylvania since 1915. Workmen's Compensation fundamentally no longer is an issue. The only question which faces us here today which has faced legislatures for some years is, what is the best Workmen's Compensation Law for the working men of Pennsylvania.

Mr. Speaker, that is the thing with which we are concerned today, and those of us who will vote against these bills will do so believing that these bills are not the best Workmen's Compensation Laws for the people and for the working men of the Commonwealth of Pennsylvania. We will vote against these laws because we believe, sincerely and truly, as a result of the analysis of the situation, that these laws are a detriment to the working men of Pennsylvania and are in no way an improvement over the present law.

I am not going to review the history of Workmen's Compensation in Pennsylvania except to state that for twenty-five years with the exception of 1928, when it practically broke down, we have had effective Workmen's Compensation in Pennsylvania. But what happened when the Act of 1937 was passed? We had an act which was adopted by a Democratic House and Senate and approved by the Democratic party, which was drafted by those who did not know the real problems of Workmen's Compensation and were not thoroughly interested in the real problem of Workmen's Compensation.

Reviewing that bill and reviewing the history that followed, one can come to no other conclusion than it was passed for political purposes primarily, rather than for the best interests of the working men of Pennsylvania.

What happened under the Act of 1937? True you increased the benefits written on the pages of the book, but Mr. Speaker, we don't want a Workmen's Compensation Act which has glittering promises from the pages of the book unless it can be transferred into coin of the realm in the pockets of the injured man. It doesn't matter what we write into the statute books if it doesn't result in benefit to the working man. What is the difference what we put on those books, what is the difference what figures we use in the bills that we adopt in this House of Representatives, if it is not translated into dollars and cents in the pockets of the injured men and women of Pennsylvania and the dependents of those who are killed.

What happened under the Act of 1937? You have had

so many rejections that they had to employ girls over in the Department to walk between the files of over 300,000 men in the Commonwealth of Pennsylvania who were not under the Workmen's Compensation Law.

But even that is not half the story, because among those 300,000 men were the men who were engaged in the most hazardous occupations in the Commonwealth of Pennsylvania and those who suffered the greater part of the injuries. So when you take out 300,000 men, you take out not only a small percentage of the injured men of Pennsylvania, but you take out very nearly half of the injured people of Pennsylvania who are being pulled out from under the Workmen's Compensation Act as a result of the Act of 1937. Rejection of the act was practically unknown until 1937 and those people were protected by workmen's compensation until that time, and then one after another the industries began to come in and reject, all of your big industries, your hazardous industries rejected the Workmen's Compensation Act. I venture to say that had it remained on the statute books another two years there would not have been one hazardous industry in Pennsylvania whose men would have had Workmen's Compensation. They just waited, hoping that there would be some relief to the situation.

Industry is willing to submit, is anxious to submit to a proper and reasonable Workmen's Compensation Act, but when that act was taken into court it was declared unconstitutional in a number of instances. It was very poorly drawn; it was drawn by those who did not understand or appreciate the problems of the workmen's compensation situation, and the Supreme Court speaking through that now recognized liberal, Justice Maxey, had this to say:

"A Workmen's Compensation Law which meets the test of reasonableness in compensation as between the employe who receives and the employer who pays is one of the most socially beneficent enactments which statesmanship is capable of producing. On the other hand, a Workmen's Compensation Law which places upon any industry a burden so crushing that it makes that industry's existence either impossible or, to its owners, economically undesirable, is a measure which the workmen themselves should emphatically condemn and reject, for it paralyzes the very activities on which their economic well-being depends. Unprofitable industries soon become idle industries; idle industries mean idle capital, and in all ages and countries, idle capital has always meant idle men."

Mr. Speaker, reference has been made here to the interests of the workingmen and in the number of cases which are contested, and I have something here which I think is compelling evidence to illustrate most vividly that the proponents of the 1937 Act were not really the friends of labor that they professed to be.

"In 1935 and 1936, the administration of our competitive State Workmen's Insurance Fund was under the control of those who fostered the 1937 Workmen's Compensation Law, and who held themselves up as the sole friends of labor in Pennsylvania. For these two years, 1935 and 1936, the State Workmen's Insurance Fund contested 1600 claims before the compensation referees. For the period from July 1, 1939 to May 1, 1941, the State Fund contested only 817 claims. By extending this to the full two years for comparison purposes, and using for the months of May and June, 1941, the monthly average for the preceding 12 months, we get a figure of 887 contested cases compared to the 1600 for a comparable

period under the Earle Administration. Who is really concerned with the welfare of the injured employe?

"The present Workmen's Compensation Board inherited 624 appeals from the previous Board and has had assigned to it 3,200 appeals making a total of 3,824. Of these appeals only 341 remain to be heard and adjudicated."

This is truly an outstanding achievement and shows how prompt and efficient have been those now looking after the interests of our workingmen, and shows the interest that the present administration has in the Workmen's Compensation law.

Mr. Speaker, there is more to an act than what is merely written on the books. Questions of administration are concerned, and I have here a considerable amount of information which I would like to read concerning the administration of workmen's compensation in the Commonwealth of Pennsylvania compared particularly to the state of Ohio and the state of West Virginia. Those two states were chosen because at the time of the hearing those two states were injected into it by the proponents of these bills. I venture to say, Mr. Speaker, that if any labor unions, if any laboring man, if any true friend of labor were offered this moment to exchange the law of the Commonwealth of Pennsylvania for the law of either Ohio or West Virginia it would not take ten seconds for him to answer it and say "No."

I am not going to read all the information concerning this, but I am going to ask permission of the House to insert it into the records because it is a long list of comparative tabulations in connection with that subject.

Mr. Speaker, we have a situation in Pennsylvania that is somewhat different—not somewhat, but entirely different from that of any other state in the Union. We have here a great coal industry; it is a sick industry. Now, Mr. Speaker, we want a Workmen's Compensation law that will be for the best interests of the working men of Pennsylvania, but we do not want a law which will be of slight advantage to some workingmen of this Commonwealth and which will be a tremendous detriment and a tragedy to another large bloc of the workingmen of this Commonwealth, and that is what happened under the act of 1937, and that is what would happen if you would adopt these acts at the present time.

Let us take an example as to whether industry can stand this or not. Well, you have some clerks, some stenographers. Increase their benefits 100 per cent, 200 per cent or even 300 per cent, and you can stand it. The lawyer who employs them or the business man who employs them could stand the increased cost which would amount to a very, very small percentage of the total amount that he has to pay for the combination of wages and other insurance or the payment of the workmen's compensation if he should be a self insurer. Take some manufacturing concern with a rate as low as thirty-eight cents on \$100. You increase it 50 per cent, that is the benefits, and what do you do? Why, if you increase it 100 per cent you only increase it one-third of one per cent of his payroll. That would be no problem. But on the other hand take the coal industry or any of the other hazardous or heavy industries and you increase your compensation costs 100 per cent, and that is approximately what this bill does, and you increase the combination of expense on your payroll and workmen's com-

pensation by as high as 12 per cent, or thirty-six times as much as in the other industries which are far less hazardous.

There is your problem, and that is why your situation in Pennsylvania is so much different than the situation in other states. I cannot help but think of a comparison with a thing that is going on at the present time, and so vital to the welfare of the world; convoys are being organized, taken around Bermuda, from Bermuda over to England, and as those convoys go along they cannot travel faster than the slowest ship in the convoy. Oh yes, they can go on and disrupt the convoy. Probably it would help the faster boats a little bit if they could move a little faster, but it would be a tragedy to the boats that are left behind. And so it is with Workmen's Compensation; you can move along no faster with Workmen's Compensation than the big, heavy, hazardous industries can travel along with you, and that is why in Pennsylvania with our anthracite coal industry, which is a very hazardous industry, we cannot move with as much abandon in Workmen's Compensation rates as we could if we did not have that situation.

We have heard a lot of talk about Pennsylvania being twenty-seventh or twenty-ninth, whatever it is, and being brought up to second place. Well, this group that sets forth that Pennsylvania rates pretty far down the line has this to say concerning the rating:

"The index numbers shown are subject to qualification and limitation because of the many elements entering into the computations which are not subject to exact mathematical valuation. In addition, the index of costs under the "Total", is a weighted average and is correct in a general way only. The distribution of accidents by type of injury varies between states and will therefore be somewhat different in each case from the national distribution or from the distribution of any other set of weights which might be used to obtain an average. For these reasons the index numbers on this table cannot be interpreted as representing without qualification a mathematically exact comparison of the benefits provisions of the various compensation acts. Accordingly when using this table or quoting therefrom, it is essential to realize its limitations."

I made mention a little while ago, Mr. Speaker, that I did not think any working man in Pennsylvania who is familiar with the situation would be willing to trade the Pennsylvania law, which according to the statement of these people, rates about twenty-seventh, for the compensation law of Ohio, which is rated much further up the list, or with the compensation law of West Virginia, which also is rated much further up the list. In Ohio, there are a lot of people who are not covered by workmen's compensation at all. Think of that, Members of the House, people that are not covered at all! Why? Because they happen to be working for some person who is employing less than three people, and they are outside of all workmen's compensation.

Over in West Virginia, they have some rule under which, if the employer does not pay into the fund, the employe does not get paid. There are a lot of examples like that in these various states which limit the amount of compensation, or rather limit the number of worthy people who are entitled to compensation. If you make this law too strict, what will happen? If you make it as it was in the act of 1937, I might mention the fact that there were 300,000 working men who were not under the act because

of rejections. And that is not nearly all the story. I know from my own practice, in spite of the fact that I have always made every effort to force or persuade everybody who came to me concerning workmen's compensation to take no steps whatever to avoid the act, yet in spite of that, in my experience in my own little community,—and I am sure you lawyers have had many similar examples of people who formed partnerships in order that they can get out of carrying workmen's compensation, or others who employed one person, and employed that person part-time, or discharge them entirely so that they would not have to pay workmen's compensation, or people who disregarded the law entirely, or people who entered into contractual relationship and tried by all means to make their relationship a contractual one that would not be subject to workmen's compensation.

All those things are the result of the 1937 act. Now, before coming back under it again, there are very few rejections any more, and the people are subjecting themselves to the Workmen's Compensation Act as they should and as we should want them to do.

There is another matter that I think is important in considering Pennsylvania's rating or standing in workmen's compensation, and I repeat that the Workmen's Compensation Law, as it exists today, is the best Workmen's Compensation Law for Pennsylvania that Pennsylvania ever had, and possibly with a few minor amendments, is the best possible Workmen's Compensation Law for the workingmen of Pennsylvania that it would be possible for us to enact into law.

Let us look and compare it as to the scope of its coverage. It applies to all employment except domestic, agricultural and casual workers. Many of these compensation laws apply only to hazardous or extra hazardous occupations, and the Ohio law applies only when an employer has three or more employes. Our law stands second to none in the nature of the accidents covered. Most of these laws apply only to accidents which occur in the course of employment and arise out of the employment, and this is so in Ohio. Some will say this is not of great importance, but I tell you it is extremely important to the injured. Our act, under section 301 Class A covers all accidents occurring in the course of employment, unless self inflicted or caused by the employes' violation of the law. The accident need not arise out of the employment. For instance, the employe may leave his work bench temporarily and be injured while visiting his fellow workers or be injured while engaging in horseplay or some sportive act.

Under most of the laws of the country, in these states that are rated high they would not get compensation but in Pennsylvania they do. I could go on and cite a number of examples here, but due to the time of the day I am going to forego that at the present time.

There is something interesting that happened concerning these workmen's compensation bills that are before us. Up until the 24th day of June these bills were not prepared for final passage. Up until that time the Members on that side of the House had these Workmen's Compensation bills on the calendar along with two others which were sent back to the committee, and I think there is something significant in this; I think we can come to no other conclusion than this, that the gentlemen on the other side who were sincerely dealing with this problem realized and understood that they could not go before the people of

Pennsylvania with a re-enactment of the 1937 law and convince the workmen that they were doing something for them, so they conceived the idea of having a compulsory fund. They put three bills in this legislature and put them on the floor of the House and held them there for a number of weeks.

It was shown, I think conclusively and to the satisfaction of the majority of the gentlemen on the other side, and if you want to see the record on that I ask you to refer to the Journal where Senator Wade answered the remarks of Senator Shapiro on the floor of the Senate a number of weeks ago. I think you gentlemen realize that the Communistic move you are about to make to compel a compulsory state fund to carry all of the workmen's compensation insurance is not sound and the real problem is not the profits of the Workmen's Compensation insurance companies. I am not going to go into that debate,—it could be argued for hours, but I say again those of you who want to know the answer to that problem should refer to the remarks of the gentleman from Philadelphia, Mr. Shapiro and the answers given to them by the gentleman from Cumberland, Mr. Wade in the Senate. But you sent those bills back; you gave up the idea. Just yesterday I think it was, or the day before, you realized that you had to do something else, so then you amended a bill rather, to provide for compulsory workmen's compensation. Then you say, "Oh, everything you say about rejection is out the window. This is now a compulsory fund, and it cannot be rejected." Gentlemen, I have read you a part of the Supreme Court's decision relative to workmen's compensation. I should not have to read that to you in order to convince you that a workmen's compensation law must be reasonable. If you pass a law which means extended litigation by each particular type concerned to determine whether the law is reasonable to them or not, you are creating chaos in Pennsylvania that will be much worse than that which was created by the Act of 1937.

That is the thing, Mr. Speaker, which you are doing if you adopt the present bill which is now before us, as well as House Bill 1002, on which we will vote in a few minutes. Mr. Speaker, I think the best evidence of the real feeling of the gentlemen on the other side is if they thought that the Senate would pass this bill, they would not send it to them. I do not feel that you gentlemen on the other side would take this chance of having this compulsory bill enacted into law. Why? You wouldn't do it in 1937 when you had control of the House and the Senate and the Governorship. You talked about it, you mentioned it, you discussed it, you had conferences about it, but you would not do it, because you were afraid to take the chance. You realized then that it was not for the best interests of the workmen of Pennsylvania, and Mr. Speaker, I sincerely believe you realize today that it is not for the best interests of the workmen of Pennsylvania and you would not enact it into law if you felt it were to be passed by the Senate.

We should have been out of here two months ago, but here we are with these bills on the twenty-fourth day of June,—you are submitting a workmen's compensation program which is not in satisfactory form for enactment into law at the present time.

Mr. Speaker, there is a lot in connection with this workmen's compensation that I would like to debate and dis-

cuss, but the hour is late and I apologize for taking as much time as I have. I will ask permission to insert in the record some of the comparisons which I have here but have not read.

The SPEAKER. Will the House give its unanimous consent to the gentleman from Dauphin, Mr. Woodside, to extend his remarks on the record? The Chair hears no objection.

EXTENDED REMARKS OF MR. WOODSIDE

Mr. WOODSIDE. Mr. Speaker, I want to make a few observations of the operations of the West Virginia Law and its Fund. There, if the employer is delinquent for as much as thirty (30) days in the payment of the premium, he and his employes are automatically removed from the protection of the Compensation Law and the Fund is not responsible for payment of injuries that occur after this delinquency. And, if you please, the employer is not responsible. If the employer fails to pay the premium it is his injured workers who suffer. Needless to say, under the Pennsylvania system the payment of the premium to the carrier has never been a precedent to the carrier's liability for the payment of compensation benefits. Under our Law, the employer is subject to penalties of fine and imprisonment for failure to insure or self-insure. While the Ohio benefits are in some respects higher and in other lower than those in Pennsylvania, the West Virginia benefits are distinctly less. I heard it said before the Committee on Workmen's Compensation at the public hearing that the death benefits to a widow and three children in Pennsylvania payable over a period of eight years, would pay the benefits under the West Virginia Law for a period of twelve years, and I shall later prove it. Yet, some people have the gall to hold up these Ohio and West Virginia Laws as models and ask us to sell the Pennsylvania workers 'down the river' by adopting a similar communistic or totalitarian law.

It was stated at the public hearing on this bill that the Pennsylvania Law stands twenty-ninth on the list in liberality when compared with the other States. I say to you that these laws differ so widely in their provisions that there is no adequate basis of comparison. You can place Pennsylvania first or twenty-ninth depending upon the yardstick used; the same is true of any other state statute. At the public hearing, some of the provisions of the Ohio Compensation Law were stressed and I got the impression that this was intended to influence the Committee to use that law as a pattern. That law was held up as being more liberal than our present statute. It is more liberal in some respects and more restricted in other respects and that same statement can be made with reference to West Virginia and any other state compensation law.

Our Law would certainly be near the top in any comparison of the scope of its coverage, for it applies to all employments except domestic, agriculture and casual workers. Many of these compensation laws apply only to hazardous or extra-hazardous occupations, and the Ohio Law applies only when an employer has three or more employes.

Our Law stands second to none in the nature of the accidents covered. Most of these laws apply only to accidents which occur both in the course of employment and arise out of the employment; and this is so in Ohio. Some will

say that this is not of great importance, but I tell you it is extremely important to the injured. Our Act, under Section 301 (a), covers all accidents occurring in the course of employment, unless self-inflicted or caused by the employes' violation of the law. The accident need not arise out of the employment. For instance, the employe may leave his workbench temporarily and be injured while visiting his fellow-worker, or be injured while engaging in horseplay or some sportive act. Under such instances he would in Pennsylvania be compensated, while in Ohio there would immediately arise a question whether or not the accident arose out of the employment. That limited definition in Ohio and some forty other state laws encourages controversy and many thousand Appellate Court decisions are reported—all on the question of whether the accident arose out of the employment. The Pennsylvania Act, in this respect, carries a broad definition of the accidents covered in order to eliminate controversy and assure compensation for injuries occurring, "in the course of employment." Therefore, our law covers accidents which are unexplained; those resulting from dog or insect bites; heat stroke; sun stroke, and thousands of others which do not arise out of the employment.

Why, under the Ohio Law, police and firemen are covered only to the extent that municipal pension does not equal the compensation payable (Sections 1465-61). The Pennsylvania Act, under Section 204, specifically provides that the receipt of benefits from any association, society or fund shall not bar the recovery of compensation and any releases executed in consideration of such benefits shall be void.

The Pennsylvania Act has a simple and forthright definition of the term "injury" in Section 301 (c). It is defined to mean, "violence to the physical structure of the body, and such disease or infection as naturally results therefrom." The definition of "injury" in the Ohio Law is comparable to that of the Pennsylvania Law, but examine some of the other state laws which have been classed as more liberal than Pennsylvania and see what limitations they place on the injuries covered. The statutes of the State of Washington, with its Monopolistic State Fund, which is supposed to be near the top in point of liberality, applies only to hazardous employments and defines the term "injury" to mean, "a sudden and tangible happening, of a traumatic nature, producing an immediate or prompt result, and occurring from without, and such physical condition as results therefrom." As our Supreme Court observed in one case, you don't need a battery to suffer a compensable injury in Pennsylvania as you do under some of these so-called liberal compensation statutes.

We have heard a good deal about the method of computing the average weekly wage for compensation purposes. Do you know that in Ohio, compensation for temporary disability is based on the full weekly wage at the time of the injury, but for death and permanent disability claims, the average wage for the year preceding the injury is used (Section 1465-84). Now, under the Pennsylvania Law the employe is given the advantage of a weekly wage based on his greatest earnings in any quarter of the year preceding the date of injury (Section 309).

The maximum weekly disability benefits under the Ohio Law is \$18.75; West Virginia, \$16.00 and Pennsylvania, \$18.00. In this respect, there is not a great deal

of difference between the Ohio and Pennsylvania statutes. The benefits for total permanent disability in Ohio continue for life; while in Pennsylvania, they continue for 500 weeks, approximately 10 years with a maximum of \$7500. However, benefits in Ohio for some other types of injuries are less than in Pennsylvania. For instance, in Ohio the maximum compensation payable for temporary total disability is \$3750 (Sections 1465-79); the period over which this compensation is payable is limited to six years. Compensation for such disability in Pennsylvania may continue for any part of the 500 weeks not to exceed \$7500.

There are, of course, many more cases of permanent injury to the members of the body than there are injuries resulting in permanent total disability. The Compensation Acts of Ohio and Pennsylvania compare favorably with each other for specific injuries. The Pennsylvania Laws, perhaps, are a little more liberal than the Ohio Act in this respect. I will try to give you a fair appraisal of these two Acts. For injuries resulting in the loss of members, the period specified by Ohio begins to run after the healing period or the temporary disability allowed. With this qualification, here is a comparison of the specific losses:

Loss of a Hand	Pennsylvania	175 weeks
	Ohio	165 "
Loss of an Arm	Pennsylvania	215 "
	Ohio	215 "
Loss of a Foot	Pennsylvania	150 "
	Ohio	150 "
Loss of a Leg	Pennsylvania	215 "
	Ohio	190 "
Loss of Index Finger	Pennsylvania	35 "
	Ohio	35 "
Loss of a Thumb	Pennsylvania	60 "
	Ohio	60 "

Under the Ohio Law, the loss of the distal or third phalange of a finger shall be considered as the loss of one-third of the finger; in Pennsylvania, it is considered the loss of one-half the finger. The loss of the middle and distal phalanges of any finger is considered equivalent to the loss of two-thirds of such finger, under the Ohio Law; while under the Pennsylvania Act, the loss of the distal phalange and any part of the middle phalange is equivalent to the loss of the whole finger (Sections 1465-80 of the Ohio Law and Section 306 (c) of the Pennsylvania Law).

At the public hearing on this bill, it seems that one member of the Committee was under the impression that in Pennsylvania an employe is obliged to have an amputation at the elbow before he could be compensated for the loss of a hand. Our Act provides, under Section 306 (c), that any amputation between the wrist and the elbow shall be compensated for a period of 175 weeks, and it goes further and provides that the permanent loss of use of a member shall be considered as the equivalent to the loss of such member. There is no such comparable provision in the Ohio Law. Under this provision of the Pennsylvania Act, because of amputation of some of the fingers or other serious permanent impairment of the hand, compensation is frequently given for the loss of use of the hand or other injured member when there has, in fact, been no actual amputation.

Under our Law, the question of whether or not an in-

jury to the hand or fingers has resulted in the permanent loss of use of the hand is a matter for determination by the Compensation Board. Compensation has been awarded for the loss of use of the hand where the injury was confined to amputation of thumb, index and middle fingers (*Jones v. Heintz Mfg.*, 104 Superior 30). So, that under our Law there need be no injury to the palm of the hand, the metacarpal bones or wrist for the claimant to secure compensation for a period of 175 weeks for the loss of use of the hand.

Continuing the comparison of our present Law with the Ohio Law a little further, let us consider the benefits provided for fatal injuries. Under Section 1465-82 of the Ohio Law, death must follow within two years from the date of injury unless disability has been continuous from the injury to the time of death; whereas, under the Pennsylvania Law, if death results from the injury at any time within 300 weeks thereafter, death benefits must be paid. The maximum compensation payable in any death case in Ohio is \$6500 including the compensation that might have been paid during the period of disability. Under the Ohio Act, this is paid over a period not to exceed 8 years, but this 8 year period does not mean 8 years following the death, for the 8 years must be calculated from the "date of injury." Under the Pennsylvania Law, where there is a surviving widow and no minor children, compensation is payable for a period of 300 weeks and if there are minor children, compensation continues on behalf of the minors until they reach the age of 16 years; the Ohio Law has no comparable provision for the payment of compensation until the minors reach the age of 16. There, all compensation for death ceases 8 years after the date of the accident. The maximum weekly rate for death in Ohio is \$18.75; while the maximum in Pennsylvania for a widow and three or more children is \$18 per week. The maximum to a widow with no minor children is \$11 per week.

Since West Virginia compensates dependent widows for life or until remarriage, and inasmuch as the representative from West Virginia testified before the House Committee, it would be interesting, I think, to make a comparison of the death benefits in Pennsylvania with those of West Virginia. Under Article 4, Section 10-D of the West Virginia Law, the dependent widow receives \$30 per month and \$5 per month for each child while under the age of 16. Let us take for example the case of a widow and three children ages 8, 9 and 10 years at the time of death. The compensation in West Virginia would be \$45 per month, or \$10.39 per week. At the end of 6 years, when the oldest child reached the age of 16, these dependents would collect a total of \$3,240. Under Section 307-4½ of the Pennsylvania Act, these same dependents would collect during that period of 300 weeks, \$18 per week or \$5,400; that is \$2,360 more than was paid in West Virginia. After an elapse of 8 years, at which time the youngest child would be 16, the total compensation paid in Pennsylvania would amount to \$6,016.21; while in West Virginia it would be \$4,095.00. This excess of \$1,921 paid in Pennsylvania would continue to pay the widow's death benefits in West Virginia at the rate of \$30 per month for an additional 64 months, or 5 years and 4 months. In Pennsylvania, payments on this case over a period of 8 years would take care of the full West Virginia liability for a period of 13 years and 4

months. I wonder if the payments to the average widow in West Virginia exceeds 13 years. I am informed that throughout the years of the West Virginia Law, payments have terminated to some 3500 widows on account of death or remarriage and that the average duration of the payments was 9 years.

Continuing the comparison of death benefits of Pennsylvania with those of West Virginia; under Article 4, Section 10 of the West Virginia Law, where there is no surviving widow but a dependent child, this child would get \$10 per month until 16 years of age. If the child were aged 10 at the time of death, the compensation payable until 16 would be 72 months at \$10 per month, or \$720. In Pennsylvania, under Section 307-1 (a), this minor child would be paid \$6 per week or \$312 per year, a total of \$1872—about 2½ times as much as the West Virginia benefits.

Now, look at the situation of dependent parents under the West Virginia Law. Where there is neither widow nor child, a wholly dependent parent may receive 50 per cent of the average monthly support actually received from the deceased employe during the preceding 12 months not to exceed \$20 per month (Article 4, Section 10). If wholly dependent, this is paid for 6 years, and if partially dependent, for such portion of 6 years as the Commission shall determine. You will observe that the dependent does not receive a percentage of the employe's wage, but only a percentage of the actual support received. Awards under this provision cannot be other than niggardly. Under the most favorable circumstances, a wholly dependent parent could not collect more than \$1440, compared to the maximum \$3,000 for a similar case in Pennsylvania. A partially dependent parent in Pennsylvania receives 25 per cent of the wage not to exceed \$5 per week or \$1500; while in West Virginia, the compensation is 50 per cent of the actual support received. The Commission has authority to award this compensation for any part of 6 years that the facts seem to warrant not to exceed, however, \$1440 (Article 4, Section 10-f). For example, assume that the parent received from the deceased \$20 per month during the year preceding the accident, the Commission could award 50 per cent of this, or \$10 per month and if they awarded it for the full 6 years, it would amount to only \$720. The minimum for such a case in Pennsylvania is \$1500.

In the charts which were exhibited at the hearing, Pennsylvania was listed twenty-ninth, we find the West Virginia Law is supposed to be tenth in the liberality of this legislation. Ohio seems to be fourteenth. Ohio, according to Mr. Evans of the Ohio Fund, who testified before the Committee, requires a premium rate of \$8.50 per hundred dollars of payroll for electric mining and \$11 for non-electric mining to pay the compensation benefits for coal mining accidents. I think he said about 98 per cent of this premium was used for the payment of losses. Pennsylvania requires \$7.50 in bituminous mining and \$13.50 for anthracite mining, and the experience over the last ten years indicates that substantially all of this premium was used for payment of actual benefits excluding overhead. Now, West Virginia requires only \$3.50 per hundred dollars of payroll to pay their mine accident cases. When you examine the West Virginia Law, it is quite apparent why the premium rate is low. Of course, their maximum weekly rate if but \$16 compared to \$18

in Pennsylvania and \$18.75 in Ohio, but that tells only a small part of the story.

Mr. LEVY. Mr. Speaker, the gentleman from Dauphin has covered so much territory relative to workmen's compensation that I was not at all surprised in his closing remarks that he reached as far as Communist Russia. I want to say to the gentleman on the other side it almost becomes a tribute to the Democratic party, in the majority in the House of Representatives, if we can say conscientiously to the people of Pennsylvania that we labored for five months on a workmen's compensation plan. Further, Mr. Speaker, I want to warn the members of the House not to be misled by the contradictory remarks of the minority floor-leader or by the quotations from the Honorable Justice of the Supreme Court in 1937 or 1938.

Why did he not, gentlemen of the House, stick to his question which he put originally when he opened his remarks? The gentleman said we are not concerned with a workmen's compensation law because we have such a law enacted in 1915, and he further adds that it naturally follows that the only question that is left before the Legislature is what is the best workmen's compensation law for the working men of Pennsylvania.

I believe that the minority leader should have followed that question and answered it. Certainly he didn't mean to infer to the membership of this House that the 1939 Act was the best Workmen's Compensation Act for the working men of Pennsylvania. And when he infers that thousands upon thousands of working people are satisfied under the 1939 Act, that statement is not true. Thousands upon thousands of the working people in Pennsylvania detest the Act of 1939. Many of the men in the House of Representatives and in the entire General Assembly know that that was written by the former chairman of the Workmen's Compensation Committee in this House who at the same time was counsel for self-insurers in Pennsylvania.

I ask you then, Mr. Speaker, with this knowledge in mind, how can the minority floor-leader say that the 1939 Act was the answer for the working people of Pennsylvania? On the contrary, in 1937, we of the Democratic party wrote into law a liberal workmen's compensation bill, and I, as a member of this House, and a member in the session today, am not ashamed to say that I voted for the act then and I am willing to vote for House Bill 1002 now, and contrary to what the minority floor-leader said, the Supreme Court never decided on the reasonableness of rates, and today in Pennsylvania the workingman in the Commonwealth does not yet know what rates are reasonable and what rates are not.

In that case before the Supreme Court, they struck certain sections out of the bill which they declared to be unconstitutional, but if the gentleman from Dauphin will recall, and I know he will, the Supreme Court then sent the entire bill back to the lower court in Dauphin County to be reviewed on the question of fact as to whether or not those rates were reasonable.

But, Mr. Speaker, what happened? Just as soon as the bill went back to the lower court—and the bill lay there dormant for many months—the Republican controlled legislature in 1939 passed the 1939 amendments to the 1937 bill materially reducing the benefits in Pennsylvania, and naturally reducing the rates, and as a consequence the

bill from the Supreme Court still nestles in the arms of the lower court.

I say to the minority floor-leader that neither he nor anyone else in the Commonwealth of Pennsylvania can determine whether those rates today are reasonable or unreasonable because the court has not acted upon it. It naturally follows, Mr. Speaker, what then is the difference in opinion between the Republican party and the Democratic party on workmen's compensation? The minority floor-leader challenged the Democratic party. In effect he said "You are not acting in the best interest of the laboring men of Pennsylvania by the introduction of bills of this kind." I say to him and I say to the Republican membership of this House that if the introduction and passage of House Bill 1002 is not giving the workman back what he legitimately deserves then I don't know how to write a piece of legislation. The minority floor-leader says the rates were too high, that industry could not cope with the new liberal law. We have debated that subject in our party and we have finally determined that the way to remedy that situation, if such a situation is true, is the bill on second reading in the House today, which I hope will finally be passed this week, a bill which will give to the workmen's compensation law a reduction in rates through a normal and legitimate procedure, and I refer to Senate Bill 236 introduced by the honorable gentleman from Westmoreland, Mr. Dent, in the Senate and which was reported out on this floor and is today in position for second reading as amended.

Now, what can be the answer of the minority floor-leader, when you not only have given to the working people of Pennsylvania a revised and increased benefit in the form of House Bill 1002, and we say in the same breath that this bill is workable, this bill is practical, because we give you along with it Senate Bill 236 which will drive rates under an increased benefit act down to where industry can afford to pay.

I would then ask the gentleman from Dauphin whether he has cauccused with his party, and whether they intend to vote for a plan by which rates will be reduced. I say to you, Mr. Speaker, that in these two bills at least we have a plan and a policy which we can forward to the working people of Pennsylvania as a forthright and legitimate plan to get better compensation for the working people.

I also want to say to the members of the House that House Bill 1002, notwithstanding the remarks of the gentleman from Dauphin, is a good piece of legislation, and I cannot agree with him when he says it is just a difference in figures. The 1939 act and the act which we intend to pass in this House today is not a difference in figures; it is a difference between looking at this problem in a business-like manner, a cold hard one of looking at figures, and a social problem in which direction this bill should be looked at. I say to the gentleman from Dauphin he certainly would not call unemployment compensation and social security matters for insurance companies to make thousands and thousands of dollars out of in the ensuing years. I say in the same breath that workmen's compensation as created in 1935 in the Commonwealth of Pennsylvania was created as a social problem, as a social betterment for the hard working laboring man who uses his hands every day of the week and is in jeopardy of loss of life and limb.

So I say to the men on the other side of the House it is time you woke up to the fact that this Workmen's Compensation bill is a social bill; it is an economic bill; it is a bill that requires a little of human heart rather than cold figures. I ask every member of the House to vote for House Bill 1002.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. WALTER E. ROSE. Mr. Speaker, I rise to a question of parliamentary inquiry.

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

Mr. WALTER E. ROSE. Mr. Speaker, are we not now proceeding under the motion to make House Bill 1639, House Bill 1002, and House Bill 990 a special order of business in their separate order?

The SPEAKER. That motion has been agreed to.

Mr. WALTER E. ROSE. Mr. Speaker, is not then the only question before the House whether or not we should pass finally on House Bill 1639, Printer's No. 1055?

The SPEAKER. For the information of the gentleman from Cambria, there has been an understanding between the floor leaders that we would debate the three bills at one time.

Mr. WALTER E. ROSE. Mr. Speaker, the reason I raised the question was because the gentleman from Philadelphia, Mr. Levy, made an urgent request for us to vote for House Bill 1002. We are actually voting on House Bill 1639.

I would like to raise a question on House Bill 1639 and I would like to interrogate the gentleman from Philadelphia, Mr. Herman.

The SPEAKER. The gentleman has the same privilege as the gentlemen who proceeded him and as extended to the other gentlemen.

Mr. WALTER E. ROSE. Mr. Speaker, I would like to inquire from the gentleman whether or not this bill, House Bill 1639, affects self insurers in any way.

Mr. HERMAN. No different than the old act, Mr. Speaker. It just makes compensation insurance compulsory.

Mr. WALTER E. ROSE. Mr. Speaker, then in the gentleman's opinion any self insurer would still be permitted to operate?

Mr. HERMAN. If they come under the compensation law, yes, Mr. Speaker.

Mr. WALTER E. ROSE. I thank the gentleman, Mr. Speaker.

Mr. MORAN. Mr. Speaker, I am going to be very brief—I have only four or five pages here. I desire to talk about workmen's compensation in relation to the bill before the House.

In every corner of the globe today war is being waged for the preservation of democracy. Across the seas blood is being spilt to protect the institution of democracy from the horrors of totalitarianism.

We who have lived in a democratic nation appreciate the value of democracy in the attainment of a fuller life. The power of a democracy springs from the protection it affords the humblest citizen from the injustice of a political or an industrial system. In protecting the lowly toiler from the abuses of an unjust industrial system, the people of Pennsylvania and the United States during the

past decade have made wondrous strides but we still have far to go.

It is my studied opinion that one of the most effective ways of demonstrating the value of democracy is the progress that has been made in the country in the development of workmen's compensation. I contend that we can strengthen the average American's love for and his interest in democracy by strengthening and advancing the principle of workmen's compensation.

Now is the time for the industrial giants of the country, while they are rallying to the program to defend democracy, to also join the never-ending drive to expand democracy.

No industrialist fails to set aside a part of his profit against wear and tear and accidents that decrease the efficiency or necessitate the replacement of his machinery.

But what howls arise when some industrialists are asked to set aside a sum to pay decent compensation for the accidents that happen to their workers?

The reason for the distinction is rather brutal:

Machines cost more than men.

An injured workman can be replaced by another workman at the same wages. The industrialist loses nothing, but society loses the services of a worker—perhaps permanently—through an injury sustained while in the employ of a certain employer.

Someone must take care of that injured worker.

Such cases should not be a charge upon the public at large any more than a broken machine in a factory should be replaced out of tax funds or private charity.

The cost of industrial accidents to human beings belongs in the same place as industrial accidents to machines—on the shoulders of the employers in whose services those accidents occur.

Some employers fought ANY State laws for workmen's compensation. The same type today fights legislation to make them pay something approaching the whole cost of such accidents.

The workmen's compensation law of Pennsylvania was finally passed 27 years ago, after many squabbles over whether to have any such statute. This law was only "luke warm" as to the rights and protection of the working men. It was so out of date that this great industrial State ranked thirty-fifth in a list of how well States provide for the care of injured workmen. Pennsylvania was even behind the Philippine Islands.

There was simply no excuse for that—although there is an explanation.

As long as the Pennsylvania Legislature was dominated by servants of the reactionary type of employer, there was little hope of bringing the workmen's compensation law up to date.

However, in 1937 the democratic party liberal in its policy and with the purpose of giving a square deal to the workingmen passed the law which placed this Commonwealth third in compensation and protection to the worker, only to have the Republican majority in the legislature in 1939 wreck the act to such extent that Pennsylvania's rank among the states of this nation as to how well they take care of injured workers was 29th.

It is not merely House Bill No. 1002 that is before you. There are four bills, Senate Bill 236, which is House Bill 1481, House Bill 990, House Bill 1002 and House Bill 1639. These are the bills that affect Workmen's Compensation.

One of those bills is on second reading and the others on third reading. These bills will restore Pennsylvania to its proper place in the ranks of the forty-eight states, and I honestly request your support for these bills, regardless of whether you are a Republican or a Democrat, in order that labor will get a square deal in Pennsylvania.

On the question recurring,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken. Messrs. Levy, O'Mullen and Lovett asked for a verification of the roll. The roll was verified and was as follows:

YEAS—92

Achterman,	Finestone,	McClanaghan,	Roone, J.
Balbhaser,	Finnerty,	McDermott,	Rose, S.
Baughner,	Flynn,	McFall,	Rush,
Bentley,	French,	McIntosh,	Scanlon,
Bentzel,	Gallagher,	McLanahan,	Shaffer,
Boles,	Gerard,	McLane,	Shaw,
Boney,	Goodwin,	Melchiorre,	Shepard,
Bradley,	Gryskewicz,	Mihm,	Skale,
Breth,	Haberlen,	Monks,	Stine,
Brown,	Hamilton,	Mooney,	Tarr,
Brunner, P. A.,	Harris,	Moran,	Tate,
Burns,	Herman,	Moul,	Thompson, E. F.,
ChervenaK,	Hersch,	Nagel,	Vincent,
Cochran,	Hirsch,	Nunemacher,	Vogt,
Cohen, M. M.,	Jefferson,	O'Brien,	Voldow,
Cohen, R. E.,	Keenan,	O'Mullen,	Weiss,
Croop,	Kolankiewicz,	Owens,	Welsh, E. B.,
Cullen,	Komorowski,	Petrosky,	Welsh, M. J.,
DiGenova,	Lesko,	Polaski,	Wolf,
Dolon,	Longo,	Prosen,	Woodring,
D'Ortona,	Lovett,	Rausch,	Young,
Duffy,	Malloy,	Readinger,	Kilroy,
Early,	Maxwell,	Reynolds,	Speaker
Falkenstein,			

NAYS—80

Auker,	Gyger,	Levy,	Rhea,
Baker,	Habbyshaw,	Leydic,	Rose, W. E.,
Bower,	Haines,	Lichtenwalter,	Sarra,
Bretherick,	Hare,	Lyons,	Serrill,
Burris,	Harkins,	Marks,	Simons,
Cadwalader,	Harmuth,	McClester,	Stambaugh,
Cook,	Heatherington,	McKinney,	Stockham,
Cooper,	Helm,	McMillen,	Thompson, R. L.,
Cordier,	Hewitt,	McSurdy,	Trout,
Dalrymple,	Holland,	Muir,	Turner,
Dennison,	Imbrie,	Munley,	Van Allsburg,
Dix,	Jones, P. N.,	O'Connor,	Wagner,
Elder,	Kenehan,	O'Dare,	Watkins,
Ely,	Kline,	O'Neill,	Weingartner,
Fliss,	Knoble,	Pettit,	Wilkinson,
Fleming,	Krise,	Polen,	Williams,
Foor,	Lee, E. A.,	Powers,	Woodside,
Gillette,	Lee, T. H.,	Rank,	Wright,
Greenwood,	Lelsey,	Reagan,	Yeakel,
Gross,	Leonard,	Reese, David P.,	Yester,

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

POINT OF INFORMATION

Mr. FRENCH. Mr. Speaker, I rise to a point of information.

The SPEAKER. The gentleman from Mifflin will state his point of information.

Mr. FRENCH. Mr. Speaker, we listened to a speech that consumed thirty or thirty-five minutes a few minutes ago from a certain gentleman on the floor and he voted "aye" on this bill but I now point to the fact that he changed his vote and voted "no."

The SPEAKER. If the gentleman will come to the desk the Chair will explain to him why he changed his vote.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1002, as follows:

An Act to further reenact and amend the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" prescribing duties on certain employers changing maximum and minimum rates periods total amounts and aggregate of compensation changing the system of computation of wages for compensation purposes changing practice and rules of evidence defining earning power after accident authorizing the board to terminate compensation in certain cases changing the classes of dependents entitled to compensation in case of death changing powers and duties of the board and imposing additional penalties authorizing the department the board and the referees to approve compromise agreements in certain cases and generally amending clarifying and changing the provisions of said act

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

Section 1 The act approved the second day of June one thousand nine hundred and fifteen (P. L. 736), entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as last reenacted and amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 520) is hereby further reenacted and amended to read as follows

Article I

Interpretation and Definitions

Section 101 That this act shall be called and cited as The Pennsylvania Workmen's Compensation Act and shall apply to all accidents occurring within this Commonwealth irrespective of the place where the contract of hiring was made renewed or extended and shall not apply to any accident occurring outside of the Commonwealth except to accidents occurring to Commonwealth employes outside the Commonwealth while such employes are engaged in duly authorized business of the Commonwealth and except accidents occurring to [Pennsylvania] employes whose duties require them to go temporarily beyond the territorial limits of the Commonwealth not over ninety days when such employes are performing services for employers whose place of business is within the Commonwealth

Section 102 Wherever in this act the singular is used the plural shall be included where the masculine gender is used the feminine and neuter shall be included

Section 103 The term "employer" as used in this act is declared to be synonymous with master and to include natural persons partnerships joint-stock companies corporations for profit corporations not for profit municipal corporations the Commonwealth and all governmental agencies created by it Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "employer" as applied to partnerships or joint-stock companies or corporations shall mean the partners or the executive officers or local managers thereof

Section 104 The term "employe" as used in this act is declared to be synonymous with servant and includes

(a) All natural persons including minors who perform services of any kind except agriculture services or domestic services performed in a private home for another for a valuable consideration exclusive of persons whose

employment is casual in character and not in the regular course of the business of the employer and exclusive of persons to whom articles or materials are given out to be made up cleaned washed altered ornamented finished or repaired or adapted for sale in the worker's own home or on other premises not under the control or management of the employer

(b) All members or employes of volunteer fire companies of the various cities boroughs incorporated towns and townships who shall be and are hereby declared to be "employes" of such cities boroughs incorporated towns and townships for all the purposes of this act and shall be entitled to receive compensation under this act in case of injuries received in accidents occurring while actually engaged as firemen or while going to or returning from any fire which the fire companies of which they are members shall have attended or while performing any other duties of such companies

Section 105 The term "contractor" as used in article two section two hundred and three and article three section three hundred and two (d) shall not include a contractor engaged in an independent business other than that of supplying laborers or assistants in which he serves persons other than the employer in whose service the accident occurs but shall include a sub-contractor to whom a principal contractor has sub-let any part of the work which such principal contractor has undertaken

Section 106 The exercise and performance of the powers and duties of a local or other public authority shall for the purposes of this act be treated as the trade or business of the authority

Section 107 The term "Department" when used in this act shall mean the Department of Labor and Industry of this Commonwealth

The term "Board" when used in this act shall mean The Workmen's Compensation Board of this Commonwealth

Section 108 For the purpose of this act minors shall have the same power to contract file claims for compensation and receive compensation as adult employes subject however to the power of the board in its discretion at any time to require the appointment of a guardian to contract or to receive moneys thereunder or under an award for the benefit of any such minor Any minor employed by his parent or parents shall have the right to file a claim for compensation under this act against such parent or parents in his own name and in his own right and to enforce the payment of such compensation

Article II

Damages by Action at Law

Section 201 That in any action brought to recover damages for personal injury to an employe in the course of his employment or for death resulting from such injury it shall not be a defense

(a) That the injury was caused in whole or in part by the negligence of a fellow employe or

(b) That the employe had assumed the risk of the injury or

(c) That the injury was caused in any degree by the negligence of such employe unless it be established that the injury was caused by such employe's intoxication or by his reckless indifference to danger The burden of proving such intoxication or reckless indifference to danger shall be upon the defendant and the question shall be one of fact to be determined by the jury

(d) In any action brought to recover damages for personal injury to an employe in the course of his employment or for death resulting in the course of his employment or for death resulting from such injury the following rule shall apply

If the jury finds that the employe's injury was caused or contributed to by the employer's violation or failure to observe any safety law or regulation in effect at the time of the injury the injured employe or his dependents shall be entitled to double damages

Section 202 The employer shall be liable for the negligence of all employes while acting within the scope

of their employment including engineers chauffeurs miners mine-foremen fire-bosses mine superintendents plumbers officers of vessels and all other employes licensed by the Commonwealth or other governmental authority if the employer be allowed by law the right of free selection of such employes from the class of persons thus licensed and such employes shall be the agents and representatives of their employers and their employers shall be responsible for the acts and neglects of such employes as in the case of other agents and employes of their employers and notwithstanding the employment of such employes the property in and about which they are employed and the use and operation thereof shall at all times be under the supervision management and control of their employers

Section 203 An employer who permits the entry upon premises occupied by him or under his control of a laborer or an assistant hired by an employe or contractor for the performance upon such premises of a part of the employer's regular business entrusted to such employe or contractor shall be liable to such laborer or assistant in the same manner and to the same extent as to his own employe

Section 204 No agreement composition or release of damages made before the date of any accident except the agreement defined in article three of this act shall be valid or shall bar a claim for damages for the injury resulting therefrom and any such agreement other than that defined in article three herein is declared to be against the public policy of this Commonwealth The receipt of benefits from any association society or fund shall not bar the recovery of damages by action at law nor the recovery of compensation under article three hereof and any release executed in consideration of such benefits shall be void

Section 205 Every employer who has elected not to be bound by article three of this act shall insure his liability to pay damages to injured workmen and their dependents which may be recovered against such employer by suit or otherwise in the State Workmen's Insurance Fund or in any insurance company or mutual association or company authorized to insure liability in this Commonwealth unless such employer shall be exempted by the department as hereinafter set forth An employer desiring to exempt from insuring his liability to pay damages shall make application to the department showing his financial ability to pay such damages as in the judgment of the department would be an amount that would accrue as a result of the ordinary risks of the particular employment wherein the employer seeks exemption Whereupon the department if satisfied of the applicant's financial ability shall upon the payment of a fee of twenty-five dollars (\$25.00) issue to the applicant a permit authorizing such exemption From a refusal of the department to issue such permit an appeal shall lie to the Court of Common Pleas of Dauphin County In any such appeal the only question shall be whether the department abused its discretion in refusing such permit The department shall establish a period of twelve (12) calendar months to begin and end at such times as the department shall prescribe which shall be known as the annual exemption period Unless previously revoked all permits issued under this section shall expire and terminate on the last day of the annual exemption period for which they were issued Permits issued under this act shall be renewed upon the filing of an application and the payment of a renewal fee of twenty-five dollars (\$25.00) The department may from time to time require further statements of the financial ability of such employer and if at any time such employer appear no longer able to pay damages shall revoke its permit granting exemption in which case the employer shall immediately subscribe to the State Workmen's Insurance Fund or insure his liability in any insurance company or mutual association or company as aforesaid

Every employer liable under this section of the act to pay damages shall post and maintain in a conspicuous place in and about his place of business a notice that he

has secured the payment of damages of his employes and their dependents in accordance with the provisions of this section Such notice shall be in such form as shall be prescribed by the department and among other things shall set forth the name of the employer the name of the employer's insurance carrier or that he has been exempted by the department from carrying insurance as the case may be

If any employer shall fail to comply with the provisions of this section with respect to posting and maintaining the notice required by this act such employer shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs of prosecution

If any employer fails to comply with the provisions of this section with respect to insuring or securing all exemption from insurance or in any applications filed under this section shall furnish the department with a false or fraudulent statement of outstanding incurred liability for damages or any other false or fraudulent statement such employer shall be guilty of a misdemeanor and upon conviction thereof for every such failure or false or fraudulent statement shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) and costs of prosecution or imprisonment for a period of not more than one year or both at the discretion of the court Every day's violation and every false or fraudulent statement shall constitute a separate offense It shall be the duty of the department to enforce this section but this shall not prohibit any citizens from being a prosecutor for violations of this law The department shall investigate all violations brought to its notice and shall institute prosecution for violation thereof All fines recovered under the provisions of this section shall be paid by the clerk of the court to the department and by it paid into the State Treasury

In any proceeding against an employer under this section a certificate of non-insurance issued by the official Workmen's Compensation Rating and Inspection Bureau and a certificate of the department showing that the defendant has not been exempted from obtaining insurance under this section shall be prima facie evidence of the facts therein stated Any employer who fails to secure his employes to pay compensation under article three of this act or if he has rejected article three of this act and fails to secure his employes in the payment of damages sustained by such employes in the manner set forth in this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than three hundred dollars (\$300.00) and not to exceed one thousand dollars (\$1000.00) or imprisonment for six months either or both at the discretion of the court

For the purpose of this section minor children working for their parents shall be conclusively presumed to be emancipated

Article III

Elective Compensation

Section 301 (a) When employer and employe shall by agreement either express or implied as hereinafter provided accept the provisions of article three of this act compensation for personal injury to or for the death of [such] any employe by an accident in the course of his employment shall be paid in all cases by the employer without regard to negligence according to the schedule contained in sections three hundred and six and three hundred and seven of this article provided that no compensation shall be paid when the injury or death is intentionally self inflicted [or is caused by the employe's violation of law] but the burden of proof of such fact shall be upon the employer

(b) The right to receive compensation under this act shall not be affected by the fact that a minor is employed for is permitted to be employed in violation of the laws of this Commonwealth relating to the employment of minors or that he obtained his employment by misrepresenting his age by his parent or parents

(c) The terms "injury" and "personal injury" as used in this act except as used in article two shall be construed to mean only violence to the physical structure of the body and such disease or infection as naturally results therefrom and wherever death is mentioned as a cause for compensation under this act it shall mean only death resulting from such violence and its resultant effects and occurring within [three] five hundred weeks after the accident The term "injury by an accident in the course of his employment" as used in this article shall not include an injury caused by an act of a third person intended to injure the employe because of reasons personal to him and not directed against him as an employe or because of his employment but shall include all other injuries sustained while the employe is [actually] engaged in the furtherance of the business or affairs of the employer whether upon the employer's premises or elsewhere and shall include all injuries caused by the condition of the premises or by the operation of the employer's business or affairs thereon sustained by the employe who though not so engaged is injured upon the premises occupied by or under the control of the employer or upon which the employer's business or affairs are being carried on the employe's presence thereon being required by the nature of his employment

Section 302 (a) In every contract of hiring made after December thirty-first one thousand nine hundred and fifteen and in every contract of hiring renewed or extended by mutual consent expressed or implied after said date it shall be conclusively presumed that the parties have accepted the provisions of article three of this act and have agreed to be bound thereby unless there be at the time of the making renewal or extension of such contract an express statement in writing from either party to the other that the provisions of article three of this act are not intended to apply and unless a true copy of such written statement accompanied by proof of service thereof upon the other party setting forth under oath or affirmation the time place and manner of such service be filed with the department within ten days after such service and before any accident has occurred Every contract of hiring oral written or implied from circumstances now in operation or made or implied on or before December thirty-first one thousand nine hundred and fifteen shall be conclusively presumed to continue subject to the provisions of article three hereof either party shall on or before said date in writing have notified the other party to such contract that the provisions of article three hereof are not intended to apply and unless there shall be filed with the department a true copy of such notice together with proof of service within the time and in the manner hereinabove prescribed Provided however That the provisions of this section shall not be so construed as to impair the obligation of any contract now in force or invalidate any acceptance or rejection of the provisions of article three of the Workmen's Compensation Act heretofore in force but such prior acceptance or rejection shall continue unimpaired under this act until notice is given as provided in section three hundred four hereof In the employment of minors article three shall be presumed to apply unless the said written notice be given by or to the parent or guardian of the minor It shall not be lawful for any officer or agent of this Commonwealth or for any county city borough town or township therein or for any officer or agent thereof or for any other governmental authority created by the laws of this Commonwealth to give such notice of rejection of the provisions of this article to any employe of the Commonwealth or of such governmental agency

(b) After December thirty-first one thousand nine hundred and fifteen an employer who permits the entry upon premises occupied by him or under his control of a laborer or an assistant hired by an employe or contractor for the performance upon such premises or a part of the employer's regular business entrusted to that employe or contractor shall be conclusively presumed to have agreed to pay to such laborer or assistant compensation

in accordance with the provisions of article three unless the employer shall post in a conspicuous place upon the premises where the laborer's or assistant's work is done a notice of his intention not to pay such compensation and unless there be filed with the department within ten days thereafter and before any accident has occurred a true copy of such notice together with proof of the posting of the same setting forth upon oath or affirmation the time place and manner of such posting and after December thirty-first one thousand nine hundred and fifteen any such laborer as assistant who shall enter upon premises occupied by or under control of such employer for the purpose of doing such work shall be conclusively presumed to have agreed to accept the compensation provided in article three in lieu of his right of action under article two unless he shall have given notice in writing to the employer at the time of entering upon such employer's premises for the purpose of doing his work of his intention not to accept such compensation and unless within ten days thereafter and before any accident has occurred there shall have been filed with the department a true copy of such notice accompanied by proof of service thereof upon such employer setting forth under oath or affirmation the time place and manner of such service And in such cases where article three binds such employer and such laborer or assistant it shall not be in effect between the intermediate employer or contractor and such laborer or assistant unless otherwise expressly agreed

Section 303 Such agreement shall constitute an acceptance of all the provisions of article three of this act and shall operate as a surrender by the parties thereto of their rights to any form or amount of compensation or damages for any injury or death occurring in the course of the employment or to any method of determination thereof other than as provided in article three of this act Such agreement shall bind the employer and his personal representatives and the employe his or her wife or husband widow or widower next of kin and other dependents

Section 304 Any agreement between employer and employe for the operation or non-operation of the provisions of article three of this act may be terminated prior to any accident by either party upon [thirty] sixty days' notice to the other in writing if a copy of such notice with proof of service be filed in the department as provided in section three hundred and two of this article

Section 305 Every employer liable under this act to pay compensation shall insure the payment of compensation in the State Workmen's Insurance Fund or in any insurance company or mutual association or company authorized to insure such liability in this Commonwealth unless such employer shall be exempted by the department from such insurance An employer desiring to be exempt from insuring [the whole or any part of] his liability for compensation shall make application to the department showing his financial ability to pay such compensation whereupon the department if satisfied of the applicant's financial ability shall upon the payment of a fee of twenty-five dollars (\$25.00) issue to the applicant a permit authorizing such exemption From a refusal of the department to issue such permit an appeal shall lie to the court of common pleas of Dauphin County In any such appeal the only question shall be whether the department abused its discretion in refusing such permit Whenever an application for an exemption shall be filed by or on behalf of more than one employer every such employer applicant shall be required to pay the fee prescribed by this section in order to obtain a permit The department shall establish a period of twelve (12) calendar months to begin and end at such times as the department shall prescribe which shall be known as the annual exemption period Unless previously revoked all permits issued under this section shall expire and terminate on the last day of the annual exemption period for which they were issued Permits issued under this act shall be renewed upon the filing of an application and the payment of a re-

newal fee of twenty-five dollars (\$25.00) The department may from time to time require further statements of the financial ability of such employer and if at any time it should appear to the department that such employer [appear] is no longer able to pay compensation shall revoke its permit granting exemption in which case the employer shall immediately subscribe to the State Workmen's Insurance Fund or insure his liability in any insurance company or mutual association or company as aforesaid

Every employer liable under this act to pay compensation shall post and maintain in a conspicuous place in and about his place of business a notice that he has secured the payment of compensation to his employes and their dependents in accordance with the provisions of this section Such notice shall be in such form as shall be prescribed by the department and among other things shall set forth the name of the employer's insurance carrier or that he has been exempted by the department from carrying insurance as the case may be

If any employer shall fail to comply with the provisions of this section with respect to posting and maintaining the notice required by this act such employer shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs of prosecution

If any employer fails to comply with the provisions of this section with respect to insuring or securing an exemption from insurance or in any applications filed under this section shall furnish the department with a false or fraudulent statement of outstanding incurred liability for compensation or any other false or fraudulent statement such employer [shall be guilty of a misdemeanor and] upon conviction thereof in a summary proceeding shall for every such failure [shall] or false or fraudulent statement be sentenced to pay a fine or not less than one hundred dollars (\$100) nor more than [five] three hundred dollars [(\$500)] (\$300) and costs of prosecution [or] and upon failure to pay such fine and costs shall be sentenced to undergo imprisonment for a period of not more than [six] three months [or both at the discretion of the court] Every day's violation and every false or fraudulent statement shall constitute a separate offense It shall be the duty of the department to enforce the provisions of this section and it shall investigate all violations that are brought to its notice and shall institute prosecutions for violations thereof [All fines recovered under the provisions of this section shall be paid by the clerk of the court to the department and by it paid into the State Treasury]

In any proceeding against an employer under this section a certificate of non-insurance issued by the official Workmen's Compensation Rating and Inspection Bureau and a certificate of the department showing that the defendant has not been exempted from obtaining insurance under this section shall be prima facie evidence of the facts therein stated

For the purposes of this section minor children working for their parents shall be conclusively presumed to be emancipated

Section 306 The following schedule of compensation is hereby established for injuries resulting in total disability

(a) For the first five hundred weeks after the seventh day of total disability sixty-six and two-thirds per centum of the wages of the injured employe as defined in section three hundred and nine but the compensation shall not be more than eighteen dollars per week nor less than [nine] twelve dollars per week [and shall not exceed in the aggregate the sum of seventy-five hundred dollars] Provided That if at the time of the injury the employe receives wages of less than [nine] twelve dollars per week then he shall receive the full amount of such wages per week as compensation but in no event less than [five] nine dollars per week Provided further That if total disability shall continue for a period of four weeks or more the employe also shall be entitled to receive compensation for the first seven days of total dis-

ability Should total disability become permanent then in addition to the compensation provided for five hundred weeks and beginning at the expiration of the five hundred weeks the sum of thirty dollars per month shall be payable during such permanent total disability prior to death Provided further however That such monthly payments shall cease if the person receiving compensation accepts other public funds contributed to by the employer which equal or exceed the amount of compensation payments Nothing in this clause shall require payment of compensation after disability shall cease [should partial disability be followed by total disability the period of five hundred weeks mentioned in this clause of this section shall be reduced by the number of weeks during which compensation was paid for such partial disability]

(b) For disability partial in character (except the particular cases mentioned in clause (c) sixty-six and two-thirds per centum of the difference between the wages of the injured employe as defined in section three hundred and nine and the earning power of the employe thereafter but such compensation shall not be more than [fifteen] eighteen dollars per week This compensation shall be paid during the period of such [partial] disability [not however beyond three hundred weeks after the seventh day of disability] but not for more than four hundred weeks Such compensation shall begin upon the termination of total disability if any total disability resulted from the injury and upon the termination of compensation for permanent injuries compensable under section three hundred six (c) if the partial disability shall result from injuries other than the permanent injury compensated for under clause (c) of this section If the partial disability shall continue for a period of four weeks or more the employe shall also be entitled to receive compensation for the first seven days of partial disability Should total disability be followed by partial disability the period of [three] four hundred weeks mentioned in this clause shall be reduced by the number of weeks during which compensation was paid for total disability [The term "earning power" as used in this section shall in no case be less than the weekly amount which the employe receives after the accident] In cases of partial disability the actual earnings of an employe after the date of injury may along with other evidence be received as evidence of the extent of his earning power but if such employe has no such earnings the referee may in the interest of justice fix such earning power as shall be reasonable having due regard to the character of his previous employment and the nature of his injury and his partial disability

(c) For all disability resulting from permanent injuries of the following classes the compensation shall be exclusively as follows

For the loss of a hand sixty-six and two third per centum of wages during [one hundred and seventy-five] two hundred forty-four weeks

For the loss of an arm sixty-six and two-thirds per centum of wages during [two] three hundred and [fifteen] twelve weeks

For the loss of a foot sixty-six and two-thirds per centum of wages during [one] two hundred and fifty] five weeks

For the loss of a leg sixty-six and two-thirds per centum of wages during two hundred and [fifteen] eighty-eight weeks

For the loss of an eye [sixty-six and two-thirds] or for the removal of a cataract from the lens of an eye causing the loss of binocular vision sixty-six and two-thirds per centum of wages during [one hundred and twenty-five] two hundred weeks

For the complete loss of hearing in one ear sixty-six and two-thirds per centum of wages during forty weeks For the loss of hearing in both ears sixty-six and two-thirds per centum of wages during one hundred and fifty weeks

For the loss of a thumb sixty-six and two-thirds per centum of wages during [sixty] seventy-five weeks

For the loss of a first finger commonly called index

finger sixty-six and two-thirds per centum of wages during [thirty-five] fifty weeks

For the loss of a second finger sixty-six and two-thirds per centum of wages during [thirty] forty weeks

For the loss of a third finger sixty-six and two-thirds per centum of wages during [twenty] twenty-five weeks

For the loss of a fourth finger commonly called little finger sixty-six and two-thirds per centum of wages during fifteen weeks

For the loss of a great toe sixty-six and two thirds per centum of wages during sixty weeks

For the loss of a first toe sixty-six and two-thirds per centum of wages during sixty weeks

For the loss of a second toe sixty-six and two-thirds per centum of wages during thirty weeks

The loss of less than the first phalange of the toe thumb or of any finger shall be considered equivalent to the loss of one-half of such toe thumb or finger and shall be compensated at the same rate as for the loss of a toe thumb or finger but for one-half of the period provided for the loss of a toe thumb or finger Provided however That the accident involves injury to part of the bone of the phalange

The loss of [more than] one phalange or more of a toe thumb or finger shall be considered equivalent to the loss of the entire toe thumb or finger

For the loss of [or permanent loss of the use of] any two or more such members or the permanent loss of the use of the finger thumb hand arm foot leg toe or eye as hereinbefore provided not constituting total disability sixty-six and two-thirds per centum of wages during the aggregate of the periods specified for each

The loss of the function of the distal joint shall be considered compensable for the period of one-half the number of weeks set forth for the loss of the toe or finger involved The loss of the function of the proximal joint shall be considered to be the loss of the use of the toe or finger and shall be compensable as set forth above for the loss of the toe or finger involved

For serious and permanent disfigurement of the head [or] face or neck of such a character as to produce an unsightly appearance and such as is not usually incident to the employment sixty-six and two-third per centum of wages not to exceed one hundred and fifty] two hundred weeks If by reason of disfigurement an injured employe shall be unable to obtain any employment for which he is otherwise qualified the board may order compensation to be paid in accordance with the provisions of clause (a) or clause (b) of this section

Unless the board shall otherwise determine the loss of both hands or both arms or both feet or both legs or both eyes shall constitute permanent total disability to be compensated according to the provisions of clause (a)

Amputation between the [elbow and the] wrist and the knuckles shall be considered as the equivalent of the loss of a hand and amputation between the [knee] toes and the ankle shall be considered as the equivalent of the loss of a foot Amputation [at or] above the elbow] wrist shall be considered as the loss of an arm and amputation at or above the [knee] ankle shall be considered as the loss of a leg Permanent loss of the use of a hand arm foot leg eye toe finger or thumb for industrial purposes shall be considered as the equivalent of the loss of such hand arm foot leg eye toe finger or thumb

This compensation shall not be more than eighteen dollars per week nor less than [nine] twelve dollars per week Provided That if at the time of injury the employe receives wages of less than [nine] twelve dollars per week then he shall receive the full amount of such wages per week as compensation but in no event less than [five] nine dollars per week

[(d) The period of five hundred weeks mentioned in clause (a) three hundred weeks mentioned in clause (b) and the specific periods, or aggregate specific periods as the case may be) mentioned in clause (c) shall begin to run seven days after disability begins and shall run concurrently]

[(e) (d) No compensation shall be allowed for the first seven days after disability begins except as [herein-

after] provided in [clause (f)] clauses (a) (b) and (e) of this section

[(f)] (e) During the first [sixty days] three months after [disability begins] the date of injury and during such further period as the board may in the manner hereinafter provided require in a particular case the employer shall furnish reasonable surgical [and] medical dental and nursing services hospital treatment artificial appliances medicines and supplies as and when needed unless the employe refuses to allow them to be furnished by the employer. Provided That the injured employe by petition to the board and notice to the employer may be permitted by the board to consult a physician of his own choice at any time during his disability the cost of such consultation to be paid by the employer in accordance with a schedule of charges to be prescribed and approved by the board. Any such request shall be acted upon promptly either with or without a hearing and shall have preference over any other matter or proceeding pending before the board or the referee. Upon application of an injured employe the board may issue its orders requiring the employe to furnish such further services hospital treatment medicines artificial appliances or supplies during such further period and in such additional amounts after the three months' period as the board may in the interest of justice deem advisable. The cost of such services (exclusive of the cost of hospital treatment and artificial appliances) medicines and supplies during the aforesaid three months' period shall not exceed [one hundred and fifty] two hundred dollars [(\$150)] (\$200). If the employer shall upon application made to him refuse to furnish such services hospital treatment appliances medicines and supplies the employe may procure same and shall receive from the employer the reasonable cost thereof [within the above limitations. In addition to the above service medicines and supplies hospital treatment services and supplies shall be furnished by the employer for the said period of sixty days. The cost for such hospital treatment service and supplies shall not in any case exceed the prevailing charge in the hospital for like services to other] [individuals]. If the employe shall refuse [reasonable surgical medical and hospital] such services hospital treatment appliances medicines and supplies tendered to him by his employer he shall forfeit all rights to compensation for any injury or any increase in his incapacity shown to have resulted from such refusal. Provided however That the employe need not submit to surgical treatment which in the opinion of at least two qualified physicians might jeopardize his life. The employer shall also furnish to the employe or pay the cost of transportation to and from the place where such services are rendered and reimbursement for such costs assumed by the employe may be enforced as payments of compensation are enforced.

(f) Should the employe die from some other cause than the injury the liability for compensation shall cease

[(g)] (g) Should the employe die as a result of the injury the period during which compensation shall be payable to his dependents under section three hundred and seven of this article shall be reduced by the period during which compensation was paid to him in his lifetime under this section of this article. No reduction shall be made for the amount which may have been paid or contracted to be paid for medical and hospital services and medicines nor for the expenses of the last sickness and burial. Should the employe die from some other cause than the injury the liability for compensation shall cease.

(g) If an employe receives an injury compensable under this act which of itself would not cause permanent total disability but which combined with a previous major permanent injury does in fact cause permanent total disability or if an employe who has previously suffered a major permanent injury receives an injury compensable under this act which of itself is a permanent injury or which either causes permanent total disability or results in the death of such employe compensation for such further permanent injury total disability or death shall be paid as follows

(1) In the case of further permanent injury not resulting in total disability either of itself or in combina-

tion with any prior major permanent injury the amount provided by clause (c) of this section for the particular type of the later permanent injury

(2) In the case of total disability resulting either from the later injury of itself or from such injury combined with any prior major permanent injury an amount equivalent to the difference between the compensation payable for any prior major permanent injury and the amount payable for total disability under clause (a) of this section

(3) In the case of death resulting from the later injury or from a combination of any prior major permanent injury and the later injury the amount payable under section three hundred seven of this act in cases of death

The employer of any such employe shall be responsible for compensating the injured employe for the second injuries and in the manner prescribed in this subsection but shall be relieved from the payment of compensation to such employe to the extent such compensation is paid under this subsection out of the second injury reserve account of the State Workmen's Insurance Fund

Such employer in order to obtain the benefits of this subsection shall file with the board a petition of agreed facts in the manner provided in section four hundred eleven of this act and thereafter the procedure shall be the same as in other cases except that the board may in its discretion act on such petition without a hearing

For the purposes of this subsection a "major permanent injury" shall mean all permanent injuries set forth in clause (c) of section three hundred six exclusive of loss of or loss of use of one or more fingers or toes not amounting to loss of or loss of use of hand or foot

[(h)] (h) Hernia shall be considered as a physical weakness or ailment which ordinarily develops gradually and shall not be compensable unless incontrovertible proof is offered that the hernia was at once precipitated by sudden effort or severe strain and that first the descent of the hernia followed the cause without intervening time second there was actual pain in the hernial region at the time of descent third the above manifestations were of such severity that the same were noticed at once by the claimant necessitating immediate cessation of work and communicated to the employer or a representative of the employer within forty-eight hours after the occurrence of the accident

Section 307 In case of death compensation shall be computed on the following basis and distributed to the following persons

1 If there be no widow nor widower entitled to compensation compensation shall be paid to the guardian of the child or children or if there be no guardian to such other persons as may be designated by the board as hereinafter provided as follows

[(a)] (a) If there be one child twenty-five per centum of wages of deceased but not in excess of six dollars per week

[(b)] (b) (a) If there be either one or two children thirty-five per centum of wages of deceased but not in excess of [nine] twelve dollars per week

[(c)] (c) (b) If there be three children forty-five per centum of wages of deceased but not in excess of [eleven and a half] fourteen dollars per week

[(d)] (d) (c) If there be four children [fifty-five] sixty per centum of wages of deceased but not in excess of [fourteen] sixteen dollars per week

[(e)] (e) (d) If there be five or more children [sixty-two and one-half] sixty-five per centum of wages of deceased but not in excess of [sixteen and a half] eighteen dollars per week

[(f)] (f) (e) If there be six or more children sixty-six and two-thirds per centum of wages of deceased but not in excess of eighteen dollars per week

2 To the widow or widower if there be no children forty-four per centum of wages but not in excess of [eleven] twelve dollars per week

3 To the widow or widower if there be one child [fifty-three] fifty-nine per centum of wages but not in excess of [thirteen and a half] fifteen dollars per week

4 To the widow or widower if there be two children

[sixty-two and one-half] sixty-five per centum of wages but not in excess of sixteen dollars per week

4½ To the widow or widower if there be three or more children sixty-six and two-thirds per centum of wages but not in excess of eighteen dollars per week

5 If there be neither widow widower nor children entitled to compensation or if the widow widower or children are not receiving the maximum compensation payable under this act then to the father or mother if dependent to any extent upon the employe at the time of the accident twenty-five per centum of wages but not in excess of [five] ten dollars per week Provided however That in the case of a minor child who has been contributing to his parents the dependency of said parents shall be conclusively presumed And provided further That if the father or mother was totally dependent upon the deceased employe at the time of the accident the compensation payable to such father or mother shall be forty-five per centum of wages but not in excess of [ten] fifteen dollars per week but the provisions of this paragraph in connection with other provisions of this section shall not be deemed to require the payment of compensation in excess of eighteen dollars per week in any one case

6 If there be neither widow widower children nor dependent parent entitled to compensation or if the widow widower children or dependent parent are not receiving the maximum compensation payable under this act then to the brothers and sisters until the age of eighteen if actually dependent upon the decedent for support at the time of his death fifteen per centum of wages for one brother or sister and five per centum additional for each additional brother or sister with a maximum of twenty-five per centum such compensation to be paid to their guardian or if there be no guardian to such other person as may be designated by the board as hereinafter provided but the provisions of this paragraph in connection with other provisions of this section shall not be deemed to require the payment of compensation in excess of eighteen dollars per week in any one case

7 Whether or not there be dependents as aforesaid the reasonable expense of burial not exceeding two hundred dollars which shall be paid by the employer or insurer directly to the undertaker (without deduction of any amounts theretofore paid for compensation or for medical expenses)

Compensation shall be payable under this section to or on account of any child brother or sister only if and while such child brother or sister is under the age of [sixteen] eighteen unless such child brother or sister is dependent by reason of disability in which case such compensation shall be paid to or on account of such child brother or sister until he or she reaches the age of twenty-one No compensation shall be payable under this section to a widow unless she was living with her deceased husband at the time of his death or was then actually dependent upon him [and receiving from him a substantial portion of her] for support No compensation shall be payable under this section to a widower unless he be incapable of self-support at the time of his wife's death and be at such time dependent upon her for support [If members of decedent's household at the time of his death the] The terms "child" and "children" shall include stepchildren and adopted children and children to whom he stood in loco parentis if members of decedent's household at the time of his death and shall include posthumous children Should any dependent of a deceased employe die or remarry or should the widower become capable of self-support the right of such dependent or widower to compensation under this section shall cease Provided however That upon remarriage of any widow other than a nonresident alien widow the compensation of such widow shall continue as hereinbefore provided for [one-third of the period during which compensation then remains payable to her Provided further That if upon investigation and hearing it shall be ascertained that the widow or widower is living with a man or woman as the case may be in meretricious relationship and not mar-

ried or the widow living a life of prostitution the board] may order the termination of compensation payable to such widow or widower] two years from the date of such remarriage If the compensation payable under this section to any person shall for any cause cease the compensation to the remaining persons entitled thereunder shall thereafter be the same as would have been payable to them had they been the only persons entitled to compensation at the time of the death of the deceased

The wages upon which death compensation shall be based shall not in any case [be taken to exceed twenty-seven dollars per week nor] be less than [fifteen] eighteen dollars and fifty cents per week

This compensation shall be paid during [three] five hundred weeks except that in the case of a widow if she shall remain unmarried compensation shall continue after said period of five hundred weeks at the rate of five dollars per week for life and in the case of children entitled to compensation under this section the compensation of each child shall continue after said period of [three] five hundred weeks until such child reaches the age of [sixteen] eighteen at the rate of [seventeen and one-half] twenty-five per centum of wages but not in excess of [four] five dollars per week if there is one child [twenty-seven and one-half] thirty-five per centum of wages but not in excess of [six and a half] eight dollars per week if there are two children [thirty-eight and one-half] fifty per centum of wages but not in excess of [nine] ten dollars per week if there are three children [fifty] seventy-five per centum of wages but not in excess of [eleven and a half] fifteen dollars per week if there are four children [fifty-five per centum of wages but not in excess of twelve dollars and seventy-five cents per week if there are five children and sixty per centum of wages but not in excess of fourteen dollars per week if there are six children] or more

The board may if the best interest of a child or children shall so require at any time order and direct the compensation payable to a child or children or to a widow or a widower on account of any child or children to be paid to the guardian of such child or children or if there be no guardian to such other person as the board as hereinafter provided may direct If there be no guardian or committee of any minor dependent or insane employe or dependent on whose account compensation is payable the amount payable on account of such minor dependent or insane employe or dependent may be paid to any surviving parent or to such other person as the board may order and direct and the board may require any person other than a guardian or committee to whom it has directed compensation for a minor dependent or insane employe or dependent to be paid to render as and when it shall so order accounts of the receipts and disbursements of such person and to file with it a satisfactory bond in a sum sufficient to secure the proper application of the moneys received by such person

Section 308 Except as hereinafter provided all compensation payable under this article shall be payable in periodical instalments as the wages of the employe were payable before the accident

All compensation payable under this article shall be made payable only to employes or their dependents or their guardians or such other persons as may be designated by the board

Any person copartnership association or corporation who or which violates any of the provisions of this section shall upon conviction thereof in a summary proceeding be sentenced to pay for each violation a fine of not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00)

Section 309 Wherever in this article the term "wages" is used it shall be construed to mean [the average weekly wages of the employe ascertained as follows]

[(a) If at the time of the accident the wages are fixed by the week the amount so fixed shall be the average weekly wage]

[(b) If at the time of the accident the wages are fixed by the month the average weekly wage shall be the

monthly wage so fixed multiplied by twelve and divided by fifty-two]

[(c) If at the time of the accident the wages are fixed by the year the average weekly wage shall be the yearly wage so fixed divided by fifty-two]

[(d) If at the time of the accident the wages are fixed by the day hour or by the output of the employe the average weekly wage shall be the wage most favorable to the employe computed by dividing by [thirteen] the total wages of said employe earned in the employe of the employer in the first second third or fourth period of thirteen consecutive calendar weeks in the fifty-two weeks immediately preceding the accident or in case the employe receives wages monthly or semi-monthly by dividing by thirteen the total wages of said employe earned in the employ of the employer in the first second third or fourth period of three consecutive calendar months in the year immediately preceding the accident]

[If the employe has been in the employ of employer less than thirteen calendar weeks (or three calendar months if the employe receives wages monthly or semi-monthly) immediately preceding the accident his average weekly wage shall be computed under the foregoing paragraph taking "total wages" for such purpose to be the amount he would have earned had he been so employed by employer the full thirteen calendar weeks (or three calendar months) immediately preceding the accident and had worked when work was available to other employes in a similar occupation unless it be conclusively shown that by reason of exceptional causes such methods of computation does not ascertain fairly the "total wages" of employe so employed less than thirteen calendar weeks (or three calendar months)]

[(e) In occupations which are exclusively seasonal and therefore cannot be carried on throughout the year the average weekly wage shall be taken to be one-fiftieth of [the total wages which the employe has earned from all occupations during the twelve calendar months immediately preceding the accident unless it be shown that during such year by reason of exceptional causes such method of computation does not ascertain fairly the earnings of the employe in which case the period for calculation shall be extended so far as to give a basis for the fair ascertainment of his average weekly earnings]

[The terms "average weekly wage" and "total wages" as used in this section shall include board and lodging received from the employer and when so received the board shall be rated at fifty cents per day and board together with lodging shall be rated at one dollar per day but such terms shall not include gratuities received from the employer or others nor shall such terms include amounts deducted by the employer under the contract of hiring for labor furnished or paid for by the employer and necessary for the performance of such contract by the employe nor shall such terms include deductions from wages due the employer for rent and supplies necessary for the employe's use in the performance of his labor]

[Where the employe is working under concurrent contracts with two or more employers and the defendant employer has knowledge of such employment prior to the accident his wages from all such employers shall be considered as if earned from the employer liable for compensation the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the accident except that if the injured employe was at the time of the injury a minor and his disability shall continue after he shall have reached the age of twenty-one years his average weekly wage for the purpose of determining the compensation payable under this act shall be determined on the basis of the earnings that such minor if not disabled probably would earn at the age of twenty-one (21) years In determining such probable earnings due consideration shall be given to the employe's aptitude education and experience fitting him for any employment not only in the trade or business in which he was engaged at the time of the injury but in any other trade or business In determining such probable earnings the referee and the board shall have the right to receive into evidence as competent testimony the earnings of other employes of similar aptitude education and

experience engaged in a similar trade or business and findings based upon such testimony shall be final The term "wages" shall include board and lodging received from the employer Whenever the employe receives board and lodging as a part of his wages the board shall be rated at fifty cents per day and board together with lodging shall be rated at one dollar per day for the purpose of computing wages In reasonable occupations the employe's weekly wages shall be taken to be one-fiftieth of the total wages which he has earned from all occupations during the year immediately preceding the accident unless it be shown that during such year by reason of exceptional causes such method of computation does not ascertain fairly the earnings of the employe in which case the period for calculation shall be extended so far as to give a basis for the fair ascertainment of his average weekly earnings In continuous employments if immediately prior to the accident the rate of wages was fixed by the day or hour or by the output of the employe his weekly wages shall be taken to be five and one-half times his average earnings at such rate for a working day and using as a basis of calculation his earnings during so much of the preceding six months as he worked for the same employer Provided however That if the employe regularly and habitually worked more than five and one-half days per week the weekly wage shall be found by multiplying his average earnings for working day by six six and one-half or seven according to the customary number of working days constituting an ordinary week in his occupation or trade Where the employe is working under concurrent contracts with two or more employers his wages from all employers shall be considered as if earned from the employer liable for compensation

In cases where the employe has been in the employ of the employer less than one full week and by reason of the shortness of time during which the employe has been in the employment of the employer or the nature or terms of the employment it is impracticable to ascertain the average weekly wages as hereinbefore provided the average weekly amount which during the six months previous to the injury has been earned by other persons employed by the same employer under similar contracts of hiring or if there are no persons so employed by other persons employed by other employers under similar contracts of hiring under similar conditions shall be taken as the basis for the ascertainment of the weekly wages of such employe

Section 310 Compensation under this article to alien dependent widows and children not residents of the United States shall be two-thirds of the amount provided in each case for residents and the employer may at any time commute all future instalments of compensation payable to alien dependents not residents of the United States by paying to such alien dependents the then value thereof calculated in accordance with the provisions of section three hundred and fourteen of this article Alien [widows children] widowers parents brothers and sisters not residents of the United States shall not be entitled to any compensation

Non-resident alien dependents may be officially represented by the consular officers of the nation of which such alien or aliens may be citizens or subjects and in such cases the consular officers shall have the right to receive for distribution to such non-resident alien dependents all compensation awarded hereunder and the receipts of such consular officers shall be a full discharge of all sums paid to and received by them

Section 311 Unless the employer shall have actual knowledge of the occurrence of the injury or unless the employe or someone in his behalf or some of the dependents or someone in their behalf shall give notice thereof to the employer within [fourteen] thirty days after the accident no compensation shall be due until such notice be given [and unless such notice be given within ninety days after the occurrence of the injury no compensation shall be allowed] or knowledge obtained but if the employe or other beneficiary shall show that his delay in giving notice was due to his mistake or ignorance of fact or of law or to his physical or mental inability or to fraud misrepresentation or deceit or to any other reason-

able cause or excuse then compensation shall be allowed unless the employer shall show that he did not know and by reasonable diligence could not have learned of the accident and that he was prejudiced by the delay in which case he shall be relieved to the extent of such prejudice

Section 312 The notice referred to in section three hundred and eleven hereof shall be substantially in the following form

To (name of employer)

You are hereby notified that an injury of the following character (.....) was suffered by (name of employe injured) who was in your employment at (place) while engaged as (kind of employment) on or about the (.....) day of (.....) Anno Domini (.....) and that compensation will be claimed therefor

Date Signed (.....)

But no variation from this form shall be material if the notice be sufficient to inform the employer that a certain employe by name received an injury the character of which is described in ordinary language in the course of his employment on or about a time specified and at or near a place specified

Section 313 The notices referred to in section three hundred and two and section three hundred and eleven hereof may be served personally upon the employer or upon the manager or superintendent in charge of the works or business in which the accident occurred or by sending them through the registered mail to the employer at his or its last known residence or place of business or if the employer be a corporation either foreign or domestic then upon the president vice-president secretary or treasurer thereof [Notice served upon] Knowledge of the occurrence of the injury on the part of any of said agents shall be [notice to] the knowledge of the employer

Section 314 At any time after an injury the employe if so requested by his employer must submit himself for examination at some reasonable time and place to a physician or physicians legally authorized to practice under the laws of such place who shall be selected and paid by the employer If the employe shall refuse upon the request of the employer to submit to the examination by the physician or physicians selected by the employer the board may upon petition of the employer order the employe to submit to an examination at a time and place set by it and by the physician or physicians selected and paid by the employer or by a physician or physician designated by it and paid by the employer and if the employe shall without reasonable cause or excuse disobey or disregard such order he shall be deprived of his right to compensation under this article The board may at any time after such first examination upon petition of the employer order the employe to submit himself to such further examinations as it shall deem reasonable and necessary at such times and places and by such physicians as it may designate and in such case the employer shall pay the fees and expenses of the examining physician or physicians and the reasonable traveling expenses and loss of wages incurred by the employe in order to submit himself to such examination The refusal or neglect without reasonable cause or excuse of the employe to submit to such examination ordered by the board either before or after an agreement or award shall deprive him of the right to compensation under this article during the continuance of such refusal or neglect and the period of such neglect or refusal shall be deducted from the period during which compensation would otherwise be payable

The employe shall be entitled to have a physician or physicians of his own selection to be paid by him participate in any examination requested by his employer or ordered by the board

Section 315 In cases of personal injury all claims for compensation shall be forever barred unless within [one year] two years after the accident the parties shall have agreed upon the compensation payable under this article or unless within [one year] two years after the accident one of the parties shall have filed a petition as provided in article four hereof [In cases of death all claims for

compensation shall be forever barred unless within one year after the death the parties shall have agreed upon the compensation under this article or unless within one year after the death one of the parties shall have filed a petition as provided in article four hereof Where however payments of compensation have been made in any case said limitations shall not take effect until the expiration of one year from the time of the making of the most recent payment prior to date of filing such petition] In cases of death all claims for compensation shall be forever barred unless within two years after the date of death the parties shall have agreed upon the compensation under this article or unless within two years after the date of death one of the parties shall have filed a petition as provided in article four hereof Where however payments of compensation have been made in any case or an employer has failed to report to the department the occurrence of an injury to his employe as required by law said limitations shall not take effect until the expiration of two years from the time of the making of the last payment or the filing of such report as the case may be

Section 316 The compensation contemplated by this article may at any time be commuted by the board at its then value when discounted at five per centum interest with annual rests disregarding the probability of the beneficiary's death upon application of either party with due notice to the other if it appear that such commutation will be for the best interest of the employe or the dependents of the deceased employe and that it will avoid undue expense or undue hardship to either party or that such employe or dependent has removed or is about to remove from the United States or that the employer has sold or otherwise disposed of the whole or the greater part of his business or assets [Provided however That unless the employer agrees to make such commutation the board shall require the employe or the dependents of the deceased employe to furnish proper indemnity safeguarding the employer's rights] Except as provided in section three hundred and ten hereof and in this section no commutation or compensation shall be made

Any person partnership association or corporation who or which shall commute or attempt to commute any compensation directly or indirectly in violation of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or to undergo imprisonment for a period of not more than six (6) months or both in the discretion of the court No person partnership association or corporation shall be entitled to receive credit for any moneys paid in violation of this section and any such payment shall be considered as a gratuity

Section 317 At any time after the approval of an agreement or after the entry of the award a sum equal to all future instalments of compensation may (where death or the nature of the injury renders the amount of future payments certain) with the approval of the board be paid by the employer to any savings bank trust company or life insurance company in good standing and authorized to do business in this Commonwealth and such sum together with all interest thereon shall thereafter be held in trust for the employe or the dependents of the employe who shall have no further recourse against the employer The payment of such sum by the employer evidenced by the receipts of the trustee noted upon the prothonotary's docket shall operate as a satisfaction of said award as to the employer Payments from said fund shall be made by the trustee in the same amounts and at the same periods as are herein required of the employer until said fund and interest shall be exhausted In the appointment of the trustee preference shall be given in the discretion of the board to the choice of the employe or the dependents of the deceased employe Should however there remain any unexpended balance of any fund after the payment of all sums due under this act such balance shall be repaid to the employer who made the original payment or to his legal representatives

Section 318 The right of compensation granted by this article of this act shall have the same preference (with-

out limit of amount) against the assets of an employer liable for such compensation as is now or may hereafter be allowed by law for a claim for unpaid wages for labor. Provided however That no claim for compensation shall have priority over any judgment mortgage or conveyance of land recorded prior to the filing of the petition award or agreement as to compensation in the office of the prothonotary of the county in which the land is situated. Claims for payments due under this article of this act shall not be assignable and (except as provided in section five hundred and one of article five hereof) shall be exempt from all claims of creditors and from levy execution or attachment which exemption may not be waived.

Section 319 Where a third person is liable to the employe or the dependents for the injury or death the employe shall be subrogated to the right of the employe or the dependents against such third person less reasonable attorney's fees and other proper disbursements but only to the extent of the compensation payable under this article by the employer. Any recovery against such third person in excess of the compensation theretofore paid by the employer shall be paid forthwith to the employe or to the dependents and shall be treated as an advance payment by the employer on account of any future instalments of compensation.

Section 320 (a) If the employe at the time of the accident is a minor under the age of eighteen years employed or permitted to work in violation of any provision of the laws of this Commonwealth relating to minors of such age compensation either in the case of injury or death of such employe shall be [one hundred and ten per centum of] double the amount that would be payable to such minor if legally employed. The amount by which such compensation shall exceed that provided for in case of legal employment may be referred to as "additional compensation".

(b) The employer and not the insurance carrier shall be liable for the additional compensation. Any provision in an insurance policy undertaking to relieve an employer from such liability shall be void.

(c) Where death or the nature of the injury renders the amount of future payments certain the total amount of the additional compensation subject to discount as in the case of commutation shall be immediately due and payable. It shall be deposited subject to the approval of the board in any savings bank trust company or life insurance company in good standing and authorized to do business in this Commonwealth.

Where the amount of the future payments of compensation is uncertain the board shall upon the approval of the agreement or the entry of an award determine as nearly as may be the total amount of payment to be made and the additional compensation so calculated shall immediately upon such determination become due and payable by the employer. The amount may be redetermined by the board and any increase shall then become due and payable and any excess which shall be shown to have been paid shall be returned to the person paying the same. Upon determination of the amount due it shall be deposited as above provided. Payments of compensation out of deposits shall be made to the employe or dependents as payments of other compensation are made. Provided however That the board may in its discretion and upon inquiry as in cases of commutation accelerate such payments.

(d) The provisions of the foregoing paragraph (c) shall not apply to employers who are exempted by the department from the necessity of carrying insurance.

(e) Possession of an employment certificate duly issued and transmitted to the employer in accordance with the provisions of the child labor law and receipt thereof duly acknowledged by him shall be conclusive evidence to such employer of his legal right to employ the minor for whose employment such certificate has been issued.

(f) The possession of an age certificate duly issued and transmitted to the employer by the school authorities of the school district in which a minor resides shall be conclusive evidence to the employer of the minor's age as certified therein.

(g) If neither party has elected not to be bound by the provisions of article three of the act to which this act is an amendment in the manner prescribed by section three hundred and two of said act they shall be held to have agreed to be bound by the provisions of this act and to have waived any other right or remedy at law or in equity for the recovery of damages for injuries occurring under the circumstances herein described.

Article IV

Procedure

Section 401 The term "Referee" when used in this article shall mean Workmen's Compensation Referee.

The term "Fund" when used in this article shall mean the State Workmen's Insurance Fund of this Commonwealth.

The term "Employer" when used in this article shall mean the employer as defined in article one of this act or his duly authorized agent or his insurer if such insurer has assumed the employer's liability or the fund if the employer be insured therein.

Section 402 All proceedings before the board or any referee and all appeals to the board shall be instituted by petition addressed to the board. All petitions shall be in writing and in the form prescribed by the board.

Section 403 All petitions all copies of agreements for compensation and all papers requiring action by the board shall be mailed or delivered to the department at its principal office.

Section 404 The department shall immediately upon their receipt properly file and docket all petitions agreements for compensation findings of fact by the board or any referee awards or disallowances of compensation or modifications thereof and all other reports or papers filed with it under the provisions of this act or the rules and regulations of the board.

Section 405 Immediately upon receiving from the board or any referee any award or disallowance of compensation or any modification thereof or any other decision the department shall serve a copy thereof on all parties in interest.

Section 406 All notices and copies to which any party shall be entitled under the provisions of this article shall be served by mail or in such manner as the board shall direct. For the purposes of this article any notice or copy shall be deemed served on the date when mailed properly stamped and addressed and shall be presumed to have reached the party to be served but any party may show by competent evidence that any notice or copy was not received or that there was an unusual or unreasonable delay in its transmission through the mails. In any such case proper allowance shall be made for the party's failure within the prescribed time to assert any right given him by this act.

The department the secretary and every referee shall keep a careful record of the date of mailing every notice and copy required by this act to be served on the parties in interest.

Section 407 On or after the seventh day after any accident shall have occurred the employer and employe or his dependents may agree upon the compensation payable to the employe or his dependents under this act but any agreement made prior to the seventh day after the accident shall have occurred or permitting a commutation of payments contrary to the provisions of this act or varying the amount to be paid or the period during which compensation shall be payable as provided in this act shall be wholly null and void. It shall be unlawful for any employer to accept a receipt showing the payment of compensation when in fact no such payment has been made.

All agreements made in accordance with the provisions of this section shall be in writing and signed by all parties in interest.

It shall be unlawful for any employer to procure or to cause to be procured the signature of any employe or of the dependents of any employe or of other persons in interest to any agreement or supplemental agreement which is not complete in every material respect and any

employer so doing shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of one hundred dollars (\$100.00) for each offense

All agreements for compensation and all supplemental agreements for the modification suspension reinstatement or termination thereof and all receipts executed by any injured employe of whatever age or by any dependent to whom compensation is payable under section three hundred and seven and who has attained the age of sixteen years shall be valid and binding unless modified or set aside as hereinafter provided

Section 408 All agreements for compensation may be modified suspended reinstated or terminated at any time by a supplemental agreement approved by the department if the incapacity of an injured employe has increased decreased recurred or temporarily or finally terminated or if the status of any dependent has changed

Section 409 Whenever an agreement or supplemental agreement shall be executed between an employer and an employe or his dependents as provided by this act such agreement shall be executed in triplicate Two copies thereof signed by all parties in interest shall be mailed or delivered to the department within thirty days after execution by the employer It shall be the duty of the department to examine the agreement to determine whether it conforms to the provisions of section four hundred and seven to notify the parties thereto of its validity or invalidity under the aforesaid section within thirty days after the copies of the agreement have been mailed or delivered to it and if the agreement be approved to send to the employe together with such notification of its approval a copy of the agreement Provided however That any payment made in accordance with any agreement prior to the receipt of notice of invalidity shall discharge pro tanto the liability under article three of this act of the employer making such payments

Whenever an agreement or a supplemental agreement is disapproved by the department the employer shall pay to the employe compensation on the basis of such agreement to such extent as the agreement would if approved require Compensation on the basis of such agreement shall be paid until such time as the employer's liability for compensation is finally determined under the provisions of this act Any payments made by an employer in accordance with such agreement shall discharge pro tanto his liability for such compensation as may be subsequently determined to be due the employe under the provisions of this act

Any employer who shall fail to mail or deliver to the department two copies of any agreement or supplemental agreement within thirty days after such agreement or supplemental agreement is executed by the claimant shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of twenty-five dollars (\$25.00) for each such failure

Section 410 If after any accident the employer and the employe or his dependent concerned in any accident shall fail to agree upon the facts thereof and the compensation due under this act the employe or his dependents or the department for and on behalf of such employe or his dependents whenever an agreement or supplemental agreement has been disapproved by the department or it shall otherwise deem it to be in the interests of justice to do so may present a claim for compensation to the board All allegations contained in the claim petition must be separately and specifically admitted or denied by the defendant Claimant shall have a right upon a petition to the referee and his order thereon to inspect the premises where the claimant's alleged injury was received

Whenever any claim for compensation is presented to the board other than claims of nonresident alien dependents and is finally adjudicated in favor of the claimant the amounts of compensation actually due at the time the first payment is made after such adjudication shall bear interest at the rate of six per centum per annum [from the day such claim is presented] beginning fourteen days after the date of the accident and such in-

terest shall be payable to the same persons as the compensation is payable

In case any claimant shall die before the final adjudication of his claim the amount of compensation due such claimant to the date of death shall be paid to the dependents entitled to compensation or if there be no dependents then to the estate of the decedent

Section 411 Whenever the employer and the employe or his dependent shall on or after the seventh day after any accident agree on the facts on which a claim for compensation depends but shall fail to agree on the compensation payable thereunder they may petition the board to determine the compensation payable Such petition shall contain the agreed facts and shall be signed by all parties in interest The board shall fix a time and place for hearing the petition and shall notify all parties in interest

As soon as may be after such hearing the board shall award or disallow compensation in accordance with the provisions of this act

Section 412 If any party shall desire the commutation of future instalments of compensation he shall present a petition therefor to the board

Section 413 The board or a referee designated by the board may at any time review and modify or set aside an original or supplemental agreement upon petition filed by either party with the board or in the course of the proceedings under any petition pending before such board or referee if it be proved that such agreement [was procured by the fraud coercion or other improper conduct of a party or was founded upon a mistake of law or of fact Provided That except in the case of eye injuries an agreement can only be reviewed modified or set aside if a petition is filed with the board within one year after the date of the most recent payment of compensation made prior to the filing of such petition] in any material respect is incorrect

The board or referee designated by the board may at any time modify reinstate suspend or terminate an original or supplemental agreement or an award upon petition filed by either party with such board upon proof that the disability of an injured employe has increased decreased recurred or has temporarily or finally ceased or that the status of any dependent has changed Such modification reinstatement suspension or termination shall be made as of the date upon which it is shown that the disability of the injured employe has increased decreased recurred or has temporarily or finally ceased or upon which it is shown that the status of any dependent has changed Provided That except in the case of eye injuries an agreement or an award can only be reviewed modified or reinstated [during the time such agreement or award has to run if for a definite period and except in the case of eye injuries no agreement or award shall be reviewed or modified or reinstated unless] if a petition is filed with the board within one year after the date of the [most recent] last payment of compensation [made prior to the filing of such petition] with or without an agreement

The board or referee to whom any such petition has been assigned may subpoena witnesses hear evidence make findings of fact and award or disallow compensation in the same manner and with the same effect and subject to the same right of appeal as if such petition were an original claim petition

The filing of a petition to terminate or modify a compensation agreement or award as provided in this section shall operate as a supersedeas and shall suspend the payment of compensation fixed in the agreement or by the award [in whole or] to such extent as the facts alleged in the petition would if proved require except that the filing of a petition relative to a change in or termination of the disability of an injured person shall not act as a supersedeas unless such petition contains an affidavit by a physician that he has examined the claimant a percentage estimate of the extent of disability and that the petitioner in his opinion is entitled to the relief prayed for in the petition Payment must be made

up to date of the filing of the petition to terminate and in the case of a petition to modify in accordance with the per centum of liability admitted in such petition. In any such action to terminate or modify the burden of proof shall be upon the party filing such petition. No petition to terminate or modify an existing agreement or award shall be filed while said agreement or award is being adjudicated.

Section 414 Whenever a claim petition or other petition is presented to the board the board shall by general rules or special order either direct it to be heard by one or more members of the board or assign it to a referee for hearing. Provided however That petitions presented under sections four hundred and eleven and four hundred and twelve shall be heard by one or more members of the board.

The department shall serve upon each adverse party a copy of the petition together with a notice that such petition will be heard by the board or the referee to whom it has been assigned (giving his name and address) as the case may be and if the petition shall have been assigned to a referee shall mail the original petition to such referee together with copies of the notices served upon the adverse parties.

Section 415 At any time before an award or disallowance of compensation or order has been made by a referee to whom a petition has been assigned the board may order such petition heard before it or one or more of its members or any reassign it to any other referee. Unless the board shall otherwise order the testimony taken before the original referee shall be considered as though taken before the board or substituted referee.

Section 416 Within ten days after a copy of any petition has been served upon any adverse party he may file with the secretary of the board if the petition has been directed to be heard by the board or with the referee if the petition has been assigned to a referee an answer in the form prescribed by the board.

Every fact alleged in a petition not specifically denied by an answer so filed by an adverse party shall be deemed to be admitted by him. But the failure of any adverse party or of all of them to deny a fact so alleged shall not preclude the board or referee before whom the petition is heard from requiring of its or his own motion proof of such fact.

Section 417 As soon as may be after the twelfth day after notice that a petition has been directed to be heard by the board has been served upon the adverse parties thereof the board shall fix a time and place for hearing the petition. If a petition be assigned to a referee he shall twelve days after notice that such petition has been assigned to him has been served upon the adverse parties fix a time and a place for hearing the petition. Such hearing shall not be less than [seven] five nor more than fourteen days after the mailing of notice thereof by the referee. The secretary of the board if the petition has been directed to be heard by the board or by one or more of its members or the referee to whom the petition has been assigned shall serve upon all parties in interest a notice of the time and place of hearing and shall serve upon the petitioner a copy of any answer of any adverse party.

Section 418 The board if a petition is directed to be heard by it or by one or more of its members or the referee to whom a petition is assigned for hearing may subpoena witnesses order the production of books and other writings and hear evidence and shall make in writing and as soon as may be after the conclusion of the hearings such findings of fact conclusions of law and award or disallowance of compensation or other order as the petition and answers and the evidence produced before it or him and the provisions of this act shall in its or his judgment require. The findings of fact made by the board in any petition heard by it or by one or more of its members or upon a hearing de novo shall be final except as hereinafter provided and the findings of fact made by a referee to whom a petition has been assigned or any question of fact has been referred under the

provisions of section four hundred and nineteen shall be final unless an appeal is taken as provided in this act or unless the board shall under the provisions of section four hundred and twenty-five of this article grant a hearing de novo or a rehearing.

Section 419 The board may refer any question of fact arising under any petition including a petition for commutation heard by it to a referee to hear evidence and report to the board the testimony taken before him or such testimony and findings of fact thereon as the board may order. The board may refer any question of fact arising out of any petition assigned to a referee to any other referee to hear evidence and report the testimony so taken thereon to the original referee.

Section 420 The board or a referee if it or he deem it necessary may of its or his own motion either before during or after any hearing make an investigation of the facts set forth in the petition or answer. The board or referee with the consent of the board [may] shall whenever it shall be deemed in the interest of justice to do so appoint one or more impartial physicians or surgeons to examine the injuries of the plaintiff and report thereon or he may employ the services of such other experts as shall appear necessary to ascertain the facts. The report of any physician surgeon or expert appointed by the board or by a referee shall be filed with the board or referee as the case may be and shall be a part of the record and open to inspection as such. The board shall fix the compensation of such physicians surgeons and experts which when so fixed shall be paid [out of the sum appropriated to the Department of Labor and Industry for the maintenance of the department and shall be taxed as part of the costs of the proceedings to be repaid to such department by either party or both as the board may direct. If any sum so taxed shall not be paid by the party directed to repay the same may be collected as costs are now collectible] by the employer to the physician surgeon or expert. If any employer shall fail to pay such cost promptly the physician surgeon or expert may proceed to collect the same in the manner provided in this act for the collection of awards of compensation.

The claimant shall be permitted to engage the services of medical surgical or other experts of his own choosing to examine his injuries and to testify with regard thereto before the referee. The compensation of such experts totaling up to one hundred dollars (\$100) shall be paid by the employer upon petition to the referee filed by the claimant when in the opinion of such referee it shall appear to be reasonably necessary that such services are required by the claimant for the proper presentation of his claim.

Section 421 All hearings before the board or one or more members thereof or before a referee shall be public.

Section 422 Neither the board nor any of its members nor any referee shall be bound by the technical rules of evidence in conducting any hearing or investigation but all findings of fact shall be based only upon [sufficient] competent evidence [to justify same].

If any party or witness resides outside of the Commonwealth or through illness or other cause is unable to testify before the board or a referee his or her testimony or deposition may be taken within or without this Commonwealth in such manner and in such form as the board may by special order or general rule prescribe. The records kept by a hospital of the medical or surgical treatment given to an employe in such hospital shall be admissible as evidence of the medical and surgical matters stated therein but shall not be conclusive proof of such matters.

Section 423 Any party in interest may within twenty days after notice of a referee's award or disallowance of compensation shall have been served upon him take an appeal to the board on the ground (1) that the award or disallowance of compensation is not in conformity with the terms of this act or that the referee committed any other error of law (2) that the findings of fact and award or disallowance of compensation was unwarranted.

by [sufficient competent] the evidence or was procured by fraud coercion or other improper conduct of any party in interest. The board may upon cause shown extend the time provided in this article for taking such appeal or for the filing of an answer or other pleading.

In any such appeal the board may disregard the findings of fact of the referee and may examine the testimony taken before such referee and if it deem proper may hear other evidence and may substitute for the findings of the referee such findings of fact as the evidence taken before the referee and the board as hereinbefore provided may in the judgment of the board require and may make such disallowance or award of compensation or other order as the facts so founded by it may require.

Section 424 Whenever an appeal shall be based upon an alleged error of law it shall be the duty of the board to grant a hearing thereon. The board shall fix a time and place for such hearing and shall serve notice thereof on all parties in interest.

As soon as may be after such hearing the board shall either sustain or reverse the referee's award or disallowance of compensation or make such modification thereof as it shall deem proper.

Section 425 Whenever an appeal shall be taken on the ground that the referee's award or disallowance of compensation was unwarranted by the evidence or because of fraud coercion or other improper conduct by any party in interest the board may in its discretion grant a hearing de novo before the board or one or more of its members or assign the petition for rehearing to any referee designated by it or sustain the referee's award or disallowance of compensation. If the board shall grant a hearing de novo it shall fix a time and place for same and shall notify all parties in interest.

As soon as may be after any hearing de novo by the board it shall in writing state its findings of fact and award or disallow compensation in accordance with the provisions of this act.

Section 426 The board upon petition of any party and upon cause shown at any time before the court of common pleas of any county of this Commonwealth to which an appeal has been taken under the provisions of section four hundred and twenty-seven of this article shall have taken final action thereon may grant a rehearing of any petition upon which the board or referee has made an award or disallowance of compensation or other order or ruling or upon which the board has sustained or reversed any action of a referee. The time for taking appeals shall be suspended pending the determination of the first petition for rehearing in those cases in which such petition is filed within twenty days from notice of decision of the Workmen's Compensation Board but such rehearing shall not be granted more than [one year] two years after the board has made such award disallowance or other order or has sustained or reversed any action of the referee. If the board shall grant a rehearing of any petition from [the board's] its action on which an appeal has been taken to and is pending in the court of common pleas of any county of this Commonwealth under the provisions of section four hundred and twenty-seven of this article the board shall file in such court a certified copy of its order granting such rehearing and it shall thereupon be the duty of such court to cause the record of the case to be remitted to the board. Provided however That nothing contained in this section shall limit or restrict the right of the board or a referee designated by the board to review modify set aside reinstate suspend or terminate an original or supplemental agreement or an award in accordance with the provisions of section four hundred thirteen of this article.

Section 427 Any party may appeal from any action of the board on matters of the law to the court of common pleas of the county in which the accident occurred or of the county in which the adverse party resides or has a permanent place of business or by agreement of the parties to the court of common pleas of any other county of this Commonwealth. Such appeal must be brought within twenty days after notice of the action of the

board has been served upon such party unless any court of common pleas to which an appeal lies shall upon cause shown extend the time herein provided for taking the appeal. The party taking the appeal shall at the time of taking the appeal serve upon the adverse party a written notice thereof setting forth the date of the appeal and the court in which the same is filed and shall file either with his notice of appeal or within thirty days thereafter such exceptions to the action of the board as he may desire to take and shall specify the findings of fact if any of the board or of the referee sustained by the board which he alleges to be unsupported by competent evidence.

Upon filing of the notice of an appeal the prothonotary of the court of common pleas to which the appeal has been taken shall issue a writ of certiorari directed to the board commanding it within ten days after service thereof to certify to such court its entire record in the matter in which the appeal has been taken. The writ so issued shall be mailed by the prothonotary to the department at Harrisburg together with a copy of the exceptions. The board shall within ten days after such service certify to such court its entire record in the matter in which the appeal has been taken including the notes of testimony.

Any court before whom an appeal is pending from any action of the board may remit the record to the board for more specific findings of fact if the findings of the board or referee are not in its opinion sufficient to enable it to decide the question of law raised by the appeal.

If the court of common pleas of any county of this Commonwealth shall affirm an award or order of the board or of a referee sustained by the board fixing the compensation payable under this act the court shall enter judgment for the total amount stated by the award or order to be payable whether then due and accrued or payable in future instalments. If such court shall sustain the appellant's exceptions to a finding or findings of fact and reverse the action of the board founded thereon the court shall remit the record to the board for further hearing and determination in which the procedure shall be the same as that hereinbefore provided in this article in the case of a petition presented to the board except that the board may order that any part of the testimony taken in the original proceedings [shall] may be considered as though taken in such further hearing.

The prothonotary of any court of common pleas to which an appeal has been taken from the board shall send to the board a certificate of the judgment of the court as soon as rendered with a copy of any opinion which may be filed in the case and within five days shall give notice of such judgment and the date thereof by registered mail to each attorney-at-law appearing in the case at the address given by the attorney in the pleadings and if no attorney-at-law has appeared by registered mail to the party or parties not represented by counsel. At the end of the period hereinafter allowed for an appeal from the judgment of the court the record of the board shall be remitted to it by the prothonotary unless an appeal shall have been taken to the Superior Court as hereinafter provided. If such appeal shall be taken the record shall be remitted to the board by the prothonotary on its return from the appellate court.

Any party may appeal to the Superior Court from the judgment of the court of common pleas within thirty days after entry of said judgment irrespective of the amount involved. Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the Superior Court and the record so certified shall contain all that was before the court of common pleas. Any appeal from the action of the board to a court of common pleas and from it to the Superior Court shall take precedence over all other civil actions. The judgment of the Superior Court shall be final unless an appeal therefrom is allowed by the Supreme Court as in the case of other judgments of [that tribunal] the Superior Court.

Section 428 At any time after the approval of a com-

pensation agreement or after an award or order has been made by the board or referee the department the employe or dependents entitled to compensation thereunder may file a certified copy of the agreement and the order of the board approving the same or of the award or order with the prothonotary of the court of common pleas of any county and the prothonotary shall enter the total amount of compensation stated in the agreement award or order to be payable to the employe or his dependents when then due and accrued or payable in future instalments as a judgment against the employer or other party liable under such agreement or award. Such judgment shall be a lien against property of the employer or other party liable under such agreement or award and execution may issue thereon forthwith.

Wherever after an accident any employe or his dependents shall have entered into a compensation agreement with his employer or shall file a claim petition with the board he may file a certified copy thereof with the prothonotary of the court of common pleas of any county. The prothonotary shall enter the amount stipulated in any such agreement or claimed in any such petition as judgment against the employer. If the agreement be approved by the department or compensation awarded as claimed in the petition the amount of compensation stipulated in the agreement or claimed in the petition shall be a lien as of the date when the agreement or petition was filed with the prothonotary. Pending the approval of the agreement or the award of compensation no other lien which may be attached to the employer's property during such time shall gain priority over the lien of such agreement or award but no execution shall issue on any compensation judgment before the approval of the agreement or the award of compensation on the said petition.

If the agreement be disapproved or after hearing compensation shall be disallowed the employer may file with the prothonotary of any county in which the petition or agreement is on record as a judgment a certified copy of the disapproval of the agreement or disallowance of compensation and it shall be the duty of such prothonotary to strike off the judgment.

If the amount of compensation claimed be disallowed but another amount awarded the compensation judgment shall be a lien to the extent of the award as of the date of filing the petition with the prothonotary with the same effect as to other liens and the same disability to issue execution thereon as if the compensation claimed had been allowed. In such cases the prothonotary shall make such modification of the record as shall be appropriate.

If the compensation payable under any agreement or award upon which judgment has been entered under the provisions of this section shall be modified suspended reinstated or terminated by a supplemental agreement executed under the provisions of section four hundred and eight or by an award or order made under the provisions of section four hundred and thirteen any party to such judgment at any time after such agreement has been approved by the department or after the expiration of the time allowed for an appeal from the award or order may file with the prothonotary of the court of common pleas of any county in which the judgment is on record a certified copy of such supplemental agreement award or order and it shall thereupon be the duty of the prothonotary to modify suspend reinstate or satisfy such judgment in accordance with the terms of such supplemental agreement award or order.

Execution may issue by first filing with the prothonotary an affidavit that there has been a default in payments of compensation due on any judgment for compensation entered prior to the approval of the compensation agreement or an award on petition as soon as such agreement shall have been approved by the department or such award made as evidenced by the approval of the board of the award or by a certified copy thereof.

Execution shall in all cases be for the amount of compensation and interest thereon due and payable up to the date of the issuance of said execution with costs and further execution may issue from time to time as further compensation shall become due and payable until full

amount of the judgment with costs shall have actually been paid.

Section 429 If any party against whom a compensation agreement award or other order fixing the compensation payable under this act has been filed of record in any county of this Commonwealth in accordance with the provisions of section four hundred and twenty-eight of this article or against whom judgment has been entered by the prothonotary of the court of common pleas or any county on any award or order of the board or a referee shall at any time present to the board receipts or copies thereof certified by any referee showing the payment of compensation as required by the agreement or award in full to the date of presentation to the referee the board shall issue a certificate to such party in the form prescribed stating the extent to which the judgment on the agreement or award has been reduced. Upon the presentation of such certificate to the prothonotary of the court of common pleas of any county in which such agreement or award has been filed of record as a judgment or in which judgment on an award has been entered by the prothonotary of the court of common pleas it shall be the prothonotary's duty to mark such judgment satisfied to the extent of the payment so certified and upon the presentation to such prothonotary of a certificate issued by the board under the provisions of section three hundred and seventeen of this act it shall be the duty of the prothonotary to mark such judgment fully satisfied.

Section 430 The lien of any judgment entered upon any award shall not be divested by any appeal. If however the party appealing from the award shall file with the board a bond in such amount and in such form as the rules and regulations of the board shall direct the appeal shall pending its decision excuse the payment of so much of the compensation as is contested therein but if the final decision on appeal shall sustain the award it shall be the duty of the employer by whom such award is payable to make payments of compensation as from the date of the original award. If on appeal the award is sustained as to a part it shall be the duty of the employer by whom such part is payable to make payments as from the date of the original award. In case the award is annulled on appeal it shall be the duty of the prothonotary of any county in which such award has been entered as a judgment to mark it satisfied.

Section 431 The cost of the prothonotary for entering the amount of compensation as provided in this act or making a modification of the record or marking the judgment satisfied shall be allowed taxed and collected as upon a confession of judgment on a judgment note.

Section 432 It shall be the duty of the prothonotary of each court of common pleas and of the Supreme and Superior Court of the Commonwealth to make a monthly report to the board of the disposition of all appeals taken to such court under the provisions of this article.

Section 433 A document on file in the department or with the board or any referee or part of the record of any proceedings taken under Article III and IV of this act shall be proved by a copy thereof certified by the department under the seal of the department or certified by the chairman of the board and attested by the secretary of the board under seal of the board as the case may be.

Section 434 A final receipt given by an employe or dependent entitled to compensation under a compensation agreement or award reciting that the disability or dependency has terminated shall be prima facie evidence of the termination of the employer's liability to pay compensation under such agreement or award. Provided however That the board or a referee designated by the board may at any time within [two years from the date to which payment is made as evidenced by such final receipt] six hundred weeks from the date of the injury set aside a final receipt upon petition filed with the board if it be [conclusively] proved that [such receipt was procured by fraud coercion or other improper conduct of a party or is founded upon mistake of law or of fact] at the time of the execution of the receipt the injured employe was not in fact able to return to work without loss of earning power or that the employe had a condition which re-

sulted from the accident which condition existed at the time the compensation agreement was executed and which was not covered by such agreement or that the employe had an existing disability at the time the final receipt was taken

Payments shall be made by the employer or insurance carrier on every agreement or award other than for a definite period until a final receipt has been filed with and approved by the department or until a petition to terminate or modify has been filed under section four hundred and thirteen

Section 435 Any hospital institution physician surgeon or other person who has furnished surgical medical dental or nursing services hospital treatment artificial appliances medicines or supplies for which the employer is made liable under the provisions of this act shall be deemed a party in interest and have standing with consent of the claimant before the board or any referee designated by the board and the courts of this Commonwealth to present a claim for remuneration for such services hospital treatment artificial appliances medicine and supplies and have the same heard and determined and shall be entitled to receive an award for such remunerations Any such claimant shall be entitled to enforce any such award in the same manner as claimants of compensation are entitled to enforce awards of compensation

Section 436 The board or a referee designated by the board or any court of this Commonwealth in granting an award of compensation to an injured employe or his dependents or in affirming or modifying and affirming such an award or in reversing the disallowance of such an award shall in addition to such compensation include in such an award or judgment expert's fees if any rendered in any such proceeding payment of which may be enforced in the same manner as the payment of an award may be enforced under the provisions of this act

Section 437 Any claimant may appear in person or be represented by a counsel learned in the law

Article V

General Provisions

Section 501 No claim or agreement for legal services or disbursements in support of any demand made or suit brought under the provisions of article two of this act shall be an enforceable lien against the amount to be paid as damages or be valid or binding in any respect unless the same be approved in writing by the judge presiding at the trial or in case of settlement without trial by a judge of the common pleas court of the county in which the accident occurred

No claim or agreement for legal services or disbursements in support of any claim for compensation or in preparing any agreement for compensation under article three of this act shall be an enforceable lien against the amount to be paid as compensation or be valid or binding in any other respect unless the same be approved by the board Any such claim or agreement shall be filed with the department which shall as soon as may be notify the person by whom the same was filed of the board's approval or disapproval thereof as the case may be

After the approval as herein required if the employer be notified in writing of such claim or agreement for legal services and disbursements the same shall be a lien against any amount thereafter to be paid as damages or compensation Provided however That where the employe's compensation is payable by the employer in periodical instalments the board shall fix at the time of approval the proportion of each instalment to be paid on account of legal services and disbursements

Section 502 If any provision of this act shall be held by any court to be unconstitutional such judgment shall not affect any other section or provision of this act [except that articles two and three are hereby declared to be inseparable and as one legislative thought] and if either article be declared by such court void or inoperative in an essential part so that the whole or such article must fall the other article shall fall with it and not stand alone]

Section 503 All fines and except as otherwise provided in this act all fees received collected or recovered under

the provisions of this act shall be paid to the department and by it paid into the State Workmen's Insurance Fund and such fines and fees are hereby appropriated for the same purposes for which all other moneys are credited to such fund

Section [503] 504 Nothing in this act shall affect or impair any right of action which shall have accrued before this act shall take effect [except that because litigation is now pending as to the constitutionality of the compensation schedules contained in the amendment of this act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1552) the department is hereby authorized to approve agreements or supplemental agreements and the board and referees are hereby authorized to make awards effectuating agreements compromising disputes between employers and employes or their dependents as to the amount of compensation payable in cases arising out of accidents occurring between January first one thousand nine hundred and thirty-eight and the effective date of this reenactment of this act if such agreements or supplemental agreements provide for or the parties to cases pending before the board or referees have agreed to the payment of compensation at the rate and for the periods specified in this reenactment of this act]

Section [504] 505 The following acts are hereby specifically repealed

The act approved the third day of June one thousand nine hundred fifteen (P. L. 777) entitled "A supplement to an act entitled 'The Workmen's Compensation Act of one thousand nine hundred and fifteen' to exempt domestic servants and agricultural workers from the provisions thereof" and its amendments

The act approved the fourteenth day of May one thousand nine hundred twenty-five (P. L. 714) entitled "A supplement to an act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled '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 and providing procedure for the determination of liability and compensation thereunder' providing for the payment of compensation to volunteer firemen or their dependents"

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

Section 2 The provisions of this act shall become effective ten days after its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WOODSIDE, Mr. Speaker, just a word. Confusion confounded among the gentlemen on their program on the other side on this bill, not because the gentleman from Philadelphia, Mr. Levy changed his vote, because maybe I had a sneaking suspicion about why he did that, but here we started out with a workmen's compensation act in order to give some foundation for its passage and to overcome the arguments that led to the same confusion and the same things that occurred and happened in 1937. We started out with a Communistic program, and then we turned around and abandoned that,—and I think wisely. Then we started out with a compulsory program, and we defeated that,—you haven't abandoned it—some of you must have some idea that there must be some other excuse, there must be some other reason or some other bill on second reading.

The answer was given two months ago on the floor of the Senate. There is only one other thing that I am going to point out, and that is if you are going to get number 1639 back again,—and there is some indication

of intent on the part of some of the people on the other side to do that, we now have the situation in which you would re-enact the 1937 act and amend it as to compensation, and we just voted down an act which would repeal those articles and would repeal a large part of this provision of articles three which we are now voting on to reenact.

In other words, these bills, either separately or jointly are not in position to carry out any sort of program and should not even be voted on today.

I realize, Mr. Speaker, that the gentlemen on the other side cannot justify this to the workingmen of Pennsylvania by passing House Bill 1002 unless they have some answer to what might happen again, and so they floundered around. They have three different offerings on three different days, one yesterday, one today and still another tomorrow, and I submit, Mr. Speaker, that none of them is sound.

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—142

Achterman,	Flynn,	Lovett,	Reese, R. E.,
Auker,	French,	Lyons,	Regan,
Baker,	Gallagher,	Malloy,	Reynolds,
Balthaser,	Gates,	Marks,	Rhea,
Bentley,	Gerard,	Maxwell,	Rooney,
Bentzel,	Goodwin,	McClanaghan,	Rose, S.,
Boles,	Greenwood,	McDermott,	Rose, W. E.,
Boney,	Gross,	McFall,	Rush,
Bradley,	Gryskewicz,	McLanahan,	Sarrafi,
Breth,	Haberlen,	McLane,	Scanlon,
Brunner, C. H.,	Haines,	McMillen,	Schwab,
Brunner, P. A.,	Hamilton,	McSurdy,	Shaffer,
Burns,	Harkins,	Melchiorre,	Shepard,
Burriss,	Harmuth,	Mihm,	Skale,
Cadwalader,	Harris,	Monks,	Stine,
Chervenak,	Heatherington,	Mooney,	Tarr,
Cochran,	Herman,	Moran,	Tate,
Cohen, M. M.,	Hersch,	Moul,	Thompson, E. F.,
Cohen, R. E.,	Hirsch,	Munley,	Thompson, R. L.,
Cooper,	Holland,	Nagel,	Trout,
Cordier,	Jefferson,	Nunemacher,	Vincent,
Croop,	Jones, P. N.,	O'Brien,	Vogt,
Cullen,	Keenan,	O'Connor,	Voldow,
Dairymple,	Kenehan,	O'Dare,	Watkins,
Dennison,	Kilne,	O'Mullen,	Weiss,
DiGenova,	Kolankiewicz,	O'Neill,	Welsh, E. B.,
Dolon,	Komoroski,	Owens,	Welsh, M. J.,
D'Ortona,	Krise,	Petrosky,	Wilkinson,
Duffy,	Lee, E. A.,	Pettit,	Williams,
Early,	Lee, T. H.,	Polaski,	Wolf,
Elliot,	Leonard,	Polen,	Woodring,
Falkenstein,	Lesko,	Powers,	Wright,
Finestone,	Levy,	Prosen,	Yester,
Finnerty,	Leydic,	Rank,	Young,
Fisher,	Lichtenwalter,	Rausch,	Kilroy,
Fleming,	Longo,	Readinger,	Speaker.

NAYS—22

Bretherick,	Habbyshaw,	Muir,	VanAllsburg,
Cook,	Hare,	Reagan,	Wagner,
Dix,	Helm,	Serrill,	Weingartner,
Ely,	Hewitt,	Stockham,	Woodside,
Fiss,	McClester,	Turner,	Yeakel,
Foor,	McKinney,		

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

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

REASONS FOR VOTE

Mr. HARE filed the following reasons for his vote:

I voted against this bill for the reason that it increases the maximum rates to the point where many of the coal operators would have to reject the measure and thus leave thousands of the miners in Somerset County and the Commonwealth without protection. We would have a repetition of the chaos of 1937 were this bill to become a law.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 990, as follows:

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

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

Section 1 Section one hundred and eight of the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566) entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder imposing duties on the Department of Labor and Industry the Workmen's Compensation Board Workmen's Compensation Referees and deans of medical schools creating a medical board to determine controverted medical issues establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases making an appropriation and prescribing penalties" is hereby amended to read as follows

Section 108 The term "occupational disease" as used in this act shall mean only the following diseases

(a) Poisoning by arsenic lead mercury or manganese their preparations or compounds in any occupation involving direct contact with handling thereof or exposure thereto

(b) Poisoning by phosphorus its preparations or compounds in any occupation involving direct contact with handling thereof or exposure thereto

(c) Poisoning by methanol carbon bisulphide hydro carbon distillates (naphthas and others) or halogenated hydro carbons or any preparations containing these chemicals or any of them in any occupation involving direct contact with handling thereof or exposure thereto

(d) Poisoning by benzol or by nitro amido or amino derivatives of benzol (dinitro-benzol anilin and others) or their preparations or compounds in any occupation involving direct contact with handling thereof or exposure thereto

(e) Caisson disease (compressed air illness) resulting from engaging in any occupation carried on in compressed air

(f) Radium poisoning or disability due to radio-active properties of substances or to Roentgen-ray (X-rays) in any occupation involving direct contact with handling thereof or exposure thereto

(g) Poisoning by or ulceration from chromic acid or bichromate of ammonium bichromate of potassium or bichromate of sodium or their preparations in any occupation involving direct contact with handling thereof or exposure thereto

(h) Epitheliomatous cancer or ulceration due to tar pitch bitumen mineral oil or paraffin or any compound product or residue of any of those substances in any occupation involving direct contact with handling thereof or exposure thereto

(i) Infection or inflammation of the skin due to oils cutting compounds lubricants dust liquids fumes gases or vapor in any occupation involving direct contact with handling thereof or exposure thereto

(j) Anthrax occurring in any occupation involving the handling of or exposure to wool hair bristles hides or skins or bodies of animals either alive or dead

(k) Silicosis or anthraco-silicosis (commonly known as Miner's Asthma and hereinafter referred to as anthraco-silicosis) in any occupation involving direct contact with handling of or exposure to dust of silicon dioxide (SiO₂)

(l) Asbestosis in any occupation involving direct contact with handling of or exposure to the dust of asbestos

(m) Any infection or inflammation of the person due to bacterial or parasitic agents in any occupation involving direct contact with handling thereof or exposure thereto

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

On the question,

Shall the bill pass finally?

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

YEAS—137

Achterman,	Finnerty,	Leydic,	Readinger.
Baker,	Fisher,	Longo,	Reese, R. E.
Balthaser,	Fleming,	Lovett,	Regan,
Baughner,	Flynn,	Malloy,	Reynolds,
Bentley,	French,	Marks,	Rhea,
Bentzel,	Gallagher,	Maxwell,	Rose, S.
Botes,	Gates,	McClanaghan,	Rose, W. E.
Boney,	Gerard,	McDermott,	Royer,
Bower,	Goodwin,	McFall,	Rush,
Bradley,	Greenwood,	McIntosh,	Sarrafi,
Breth,	Gross,	McLanahan,	Scanlon,
Brown,	Gryskewicz,	McLane,	Schwab,
Brunner, C. H.,	Haberlen,	McSurdy,	Shaffer,
Brunner, P. A.,	Haines,	Melchlorre,	Shepard,
Burns,	Hamilton,	Mihm,	Stine,
Burriss,	Harkins,	Modell,	Tarr,
Cadwalader,	Harmuth,	Monks,	Tate,
Chervenak,	Harris,	Mooney,	Thompson, R. L.,
Cohen, M. M.,	Heatherington,	Moran,	Trout,
Cohen, R. E.,	Herman,	Moul,	Vincent,
Cooper,	Hersch,	Munley,	Vogt,
Cordier,	Hirsch,	Nagel,	Voldow,
Corrigan,	Holland,	Nunemacher,	Watkins,
Croop,	Jefferson,	O'Brien,	Weiss,
Cullen,	Jones, P. N.,	O'Connor,	Welsh, E. B.,
Dalrymple,	Keenan,	O'Mullen,	Welsh, M. J.,
Dennison,	Kenehan,	O'Neill,	Wilkinson,
DiGenova,	Kilne,	Owens,	Williams,
Dolon,	Kolankiewicz,	Petrosky,	Wolf,
D'Ortona,	Komorowski,	Pettit,	Woodring,
Early,	Krise,	Polaski,	Wright,
Elliott,	Lee, T. H.,	Polen,	Yester,
Falkenstein,	Leonard,	Powers,	Young,
Finestone,	Lesko,	Prosen,	Kilroy,
	Levy,	Rausch,	Speaker.

NAYS—21

Auker,	Habbyshaw,	Lelsey,	Turner,
Bretherick,	Helm,	McKinney,	Van Allsburg,
Cook,	Hewitt,	Muir,	Wagner,
Ely,	Imbrie,	Reese, D. P.,	Weingartner,
Flss,	Lee, E. A.,	Serrill,	Woodside,
Foor,			

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

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

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 448, entitled:

An Act to further amend clause (e) of section seven and to amend the first paragraph of section nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" by redefining eligibility for assistance providing for appeals from certain decisions of the Department of Public Assistance to common pleas courts and imposing powers and duties on common pleas court

The first section was read.

On the question,

Will the House agree to the section?

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

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 1, lines 1 to 6, by striking out the following: "whose philosophy doctrine or" in line 1, and all of lines 2 to 6, both inclusive.

Amend Sec. 1, page 2, line 1, by striking out the words "or the overthrow thereof" and inserting in lieu thereof: "who hereafter advocates and actively participates by an overt act or acts in a movement proposing a change in the form of Government of the United States by means not provided for in the Constitution of the United States."

Amend Sec. 1, page 2; line 8, by inserting after the word "causes" the following: "Provided, That all employees, not having the right to be heard, under any civil service or tenure law, on the question of his dismissal, shall have the right to appeal by petition to the court of common pleas of the county where he resides, which court, after hearing, on such notice to the petitioner and to the persons in charge of the agency by which he is employed, as the court shall designate, shall have power to affirm or reverse the action of such agency, as it shall deem proper. The decision of the court of common pleas shall be final. Said appeal as aforesaid shall operate as a supersedeas of any order. At such hearing, the burden of proof shall be on the Commonwealth or any political subdivision or authority or institution thereof as aforesaid."

On the question,

Will the House agree to the amendments?

Mr. WOODSIDE. Mr. Speaker, it seems to me these amendments and the amendments that I understand will be submitted to the bills to be called up next, provide particularly as follows:

"Those who advocate and actively participate in a

movement proposing a change in the form of government of the United States by means not provided for in the Constitution of the United States—,—it seems to me that those amendments merely say, "You cannot commit treason." You can not commit treason now. If you are going to do an overt act or acts in a movement proposing a change in the form of the government in a manner not provided in the Constitution, it seems to me you are committing an act of treason, and if your bill doesn't mean anything more than that, I don't think it's worth the paper it is written on.

Mr. BROWN. It seems to me, Mr. Speaker, that the gentleman from Dauphin is somewhat excited. I think this language is perfectly clear. May I read it, Mr. Speaker, so that I may try to give the gentleman from Dauphin, Mr. Woodside, the interpretation that I think the court may give to it. I quote:

"Those persons who hereafter advocate and actively participate by an overt act or acts, in a movement proposing a change in the form of the government of the United States by means not provided for in the Constitution of the United States."

I think, first of all, the court would have to find that the movement proposed a change in the form of government of the United States by means not provided for in the Constitution of the United States. If the court should find that to be a fact, the court then would move to find out whether or not the person advocated and actively participated by an overt act or acts. It doesn't necessarily mean treason. It may mean treason, but under the interpretation here I think the court could very well find that a person who lent aid and assistance by financial help or participated by an overt act in any manner, shape or form in this movement could be found under this act not to be entitled to employment in the Commonwealth of Pennsylvania.

I do not think the gentleman from Dauphin, Mr. Woodside, has given the amendment careful consideration. I would be glad to answer any interrogation, but I think it is broad, it is sweeping, and I think most assuredly it will meet all of the requirements that we have in mind concerning this type of legislation.

I should like to say that this is dangerous legislation to begin with, and of course, the original bill had something to do with trying to find out a man's philosophy, which was in my opinion absurd,—we never could find that out. We have come down to this act now and say certain "overt act or acts" of certain people,—and we judge people by their acts instead of their thoughts. If the gentleman from Dauphin has better words for it or better English, I certainly, as one of the originators of this amendment would be very, very happy to receive it.

Mr. WOODSIDE. Mr. Speaker, I have great respect for the gentleman's ability, and I will admit that I only received this amendment two or three minutes ago, and therefore, have not had time to give it as serious consideration as I would like to have given it.

However, it seems to me that what the gentleman says about the language being broad is correct in a sense. I think, however, the language is of such a nature that the courts might very well properly interpret, and would properly interpret it to include only those cases in which the person was actively engaged by overt act in a movement to overthrow the government, and I call your

particular attention to the fact that there is an "and" instead of an "or" in this provision; "Who hereafter advocates and actively participates—." One who advocates or actively participates could not be held responsible but one who advocates must also actively participate,—they must not only actively participate but they must actively participate by an overt act or acts in a movement causing a change in the form of government of the United States by means not provided for in the Constitution of the United States. I myself cannot see how that language could cover any situation which would amount to less than treason.

Mr. BROWN. Mr. Speaker, may I interrogate the gentleman from Dauphin, Mr. Woodside?

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

Mr. WOODSIDE. I will, Mr. Speaker.

Mr. BROWN. Mr. Speaker, if a person participates in a movement, he participates by acts, does he not?

Mr. WOODSIDE. Mr. Speaker, that is one of the things that I was especially wondering about, why there was written into this bill, the term "overt act". It seems to me that the bill without the term "overt act" in it would be sufficient, and it seems to me the court in interpreting that language might try to find some reason for the use of the expression "overt act", that they might read into that that the man had to take a certain active part in the movement other than mere participation in it. I would like the gentleman to explain to me the reason for it. Maybe he has a reason why he used the expression "overt act", why it wouldn't mean exactly the same thing if those words were crossed out; and if it would, why have they been placed there. It seems to me it might lead to certain interpretations that might cause confusion in the mind of the court in arriving at a conclusion, and it is more likely to be confusing with those words in than it would be with those words out.

Mr. BROWN. Mr. Speaker, I won't press the gentleman for an answer to the inquiry I proposed to him.

Mr. WOODSIDE. Mr. Speaker, maybe I jumped the gun on him by firing a question back on the gentleman. I think perhaps what the gentleman had in mind is possibly true.

Mr. BROWN. If that is true, then the person who participates in a movement must do it by some act. He cannot do it by some long range synthetic proposition. He must do it by an act and he must do it by an overt act. He may sit in his house and think; that is not an overt act. I think the gentleman is sufficiently versed in the language of the law to know what an overt act is as distinguished from a passive act. I think the word overt is clear; it has a very technical meaning. It means any outward act that can be noticed. We are accusing people here of certain tendencies, we are seeking to find out whether they are guilty. To prove certain things you must have some kind of act in order to have proof. That is the only reason for putting it in, Mr. Speaker. If the gentleman sees any objection to that then I don't see how you are going to condemn a person excepting by some act which we can see and which we can notice. That is an overt act, which the gentleman well knows.

Mr. WOODSIDE. Mr. Speaker, the gentleman has argued my case to some extent, but at least this is the point which bothers me on this provision, I cannot see why the provision was put in "overt act". I think the

court may well ask "Why do they put in 'by an overt act'?" Now, if you say "Actively participating in a movement" the gentleman has argued that you cannot actively participate in a movement except by an overt act; is that not true?

Mr. BROWN. That is not true, Mr. Speaker. I said you could actively participate by sitting home thinking about something. That is exactly what I said. I can participate in the war by staying home and trying to calculate and figure out the next step. I participate as far as my own conscience is concerned, but I do not become actively engaged until I get into the army. That is just the trouble, Mr. Woodside.

Mr. WOODSIDE. Mr. Speaker, I cannot agree with the gentleman on that proposition, because we have many examples in the law whereby a man must commit an overt act before he can be guilty of any crime or any violation, but we do not use the expression, "by an overt act" in the law. That is a common law appellation, but in this case I cannot see how a man can participate in a movement by just sitting and thinking about it.

Mr. BROWN. Mr. Speaker, has not the gentleman from Dauphin in many cases participated in certain movements in which he committed no particular acts on his part?

Mr. WOODSIDE. If I did, Mr. Speaker, participate in any movement without any act, then it would seem to me that a person who participated in these movements would not be guilty of this crime. If the gentleman from Allegheny means that I thought about things,—why I have on occasions, and I have thought about things that I have not expressed. In fact I wouldn't dare express everything I think on the floor of this House.

Mr. BROWN. But the gentleman does a lot of participating, Mr. Speaker.

Mr. WOODSIDE. By overt acts, Mr. Speaker, I do not consider that I am participating, when I am merely thinking about debate, for instance. If I sit down here and think about this debate, I don't think anybody could go out and say I participated in it by just thinking about it.

The SPEAKER. You have something there, Mr. Woodside.

Mr. LEVY. Mr. Speaker, may I have a copy of the amendment? I have a question which I wish to ask the gentleman from Allegheny on the second amendment.

Mr. Speaker I desire to interrogate the gentleman from Allegheny Mr. Brown.

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

Mr. BROWN. I will, Mr. Speaker.

Mr. LEVY. Mr. Speaker, I refer to the amendment on page two, line 8, by inserting after the word, "causes" the following: "Provided that all employes not having the right to be heard under any civil service or tenure law on the question of dismissal shall have the right to appeal —" and so forth. I would like to ask the gentleman from Allegheny whether this takes in all employes not having the right to be heard under the civil service act under which their positions are created.

Mr. BROWN. That is correct, Mr. Speaker.

Mr. LEVY. Mr. Speaker, I would like to ask Mr. Brown, if to his knowledge for example in the Department of Public Assistance, I understand that in the act creating the personnel of the Department of Public As-

sistance there is no appeal to the courts upon dismissal. In that particular case, Mr. Speaker, you have a civil service set-up where it is not stipulated in the law as to appeal, would that then take in this amendment, Mr. Speaker? Would these amendments take care of that situation.

Mr. BROWN. They would not. We do not attempt to disturb or take care of the manner of appeals of those who hold office by civil service or tenure. This provision only applies to appeals that may be taken by non-civil service employes.

Mr. LEVY. Mr. Speaker, I would like to ask the gentleman from Allegheny, Mr. Brown, whether it is his intention by these amendments to protect the non-civil service employe in regard to the right of appeal and also the civil service employe where the civil service law creating the position does not make mention of the right to appeal from a board of the department?

Mr. BROWN. Mr. Speaker, I would say no. The right of appeal under civil service and under tenure varies in many of the acts of the Commonwealth. It was not our intention to disturb the right of appeal as now given in any civil service act or tenure act. Therefore this provision, as you see in the beginning provides that "all employes not having the right to be heard on civil service or tenure regarding the question of dismissal ---" You will see that this provision is only as to persons who have a non-civil service status.

Mr. LEVY. I thank the gentleman, Mr. Speaker.

Mr. SHEPPARD. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Brown.

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

Mr. BROWN. I will, Mr. Speaker.

Mr. SHEPPARD. I would like to ask the gentleman, Mr. Speaker, whether or not this law in any way affects the rights of a person who is and has been denied employment because of subversive activity? That is, he does not have a job, he is applying for a job and he is refused employment because it is charged that he has participated in some manner or thought about Communism in some manner.

Mr. BROWN. I might say, Mr. Speaker, that we are dealing, as I understand it, with House Bill No. 448, Printer's No. 1033. I think the gentleman is confused, and if that is correct, it has nothing to do with these amendments. I think the gentleman is confusing this with House Bill 413, Printer's No. 1034.

Mr. SHEPPARD. Mr. Speaker, the gentleman says that the bill applies to persons in civil service; does that include all of the persons in civil service in this Commonwealth of Pennsylvania, whether it is Public Assistance or Unemployment Compensation or any other law?

Mr. BROWN. Mr. Speaker, might I say that I think we are somewhat confused here. I think I presented the amendment to House Bill 413 inadvertently. The amendment should be to House Bill No. 448. I have quite a number of amendments here on my desk. I think I have submitted the wrong amendment, and I would like to have those amendments returned. Mr. Speaker, I should like to withdraw the amendments that I submitted to House Bill 413 and offer instead the following amendment to House Bill 448.

The amendment was read by the Clerk as follows:

Amend Sec. 1 (Sec. 7), page 4, line 2, by striking out the words "and the" and inserting in lieu thereof: "at such hearing, the burden of proof shall be on the department. The"

On the question,

Will the House agree to the amendment?

Mr. BROWN. May I say, Mr. Speaker, that insofar as the language is concerned, the language in House Bill 413 and House Bill 448 is identical, with the exception of the question of the rights of employes under civil service and tenure law, so that we do not lose any time there. That is, the same argument that the gentleman from Dauphin Mr. Woodside engaged in, would apply also to House Bill 413.

Mr. WOODSIDE. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Brown.

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

Mr. BROWN. I will, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I notice now that the amendment to the section which we have been debating is only by adding the words, "by an overt act or acts."

The SPEAKER. That is in section two.

Mr. WOODSIDE. Maybe I am a little ahead of time again, Mr. Speaker.

The SPEAKER. The gentleman will proceed.

Mr. WOODSIDE. I want the gentleman, Mr. Speaker, to tell me what case would be covered by participation that would not be covered if the clause, "by an overt act or acts" is added.

Mr. BROWN. Mr. Speaker, there could be many, many instances that could be brought up covering the point on which the gentleman is speaking. A person could be standing in a crowd, a person could be watching a parade, a person might be in a hall participating in a movement. So far as the act of participation is concerned, he is present, he is there, but I do not believe we intend to make the act so broad that that would be the basis of ineligibility for relief.

I think the meaning here is that that person must not only be a participant, but he must be a participant doing an overt act of his own volition. So I think it must be perfectly clear in the participation that it is the person who is actively participating by his acts, that the acts are connected with the movement. Participation may follow. The participation may be only the physical presence at the hall or place of assemblage.

Mr. WOODSIDE. Mr. Speaker, then do I understand the gentleman that if a person attends a Communistic meeting, for example, in which there are some speeches about overthrowing the government, in which there is a regular organization of Communists present, that he would then of course not be guilty of any crime unless he happened to make one of the speeches or got up and made some comment on it, is that correct?

Mr. BROWN. Mr. Speaker, I wouldn't say that. If he were a member and had nothing to say, he would be committing an overt act by membership. Suppose he gave financial aid; he would thereby be participating by so doing, but if he participated by just appearing there, I would say that no one could find a man guilty for just being present, because otherwise all of us would be penalized beyond our power to pay. I have been present my-

self in different movements, but I did not actively participate by any overt acts in the movement going on.

Mr. WOODSIDE. Then, Mr. Speaker, the gentleman will admit that we can speak at times without committing an overt act; the speaking is not always an overt act. Will the gentleman concede that speaking is not always an overt act?

Mr. BROWN. Well, Mr. Speaker, I should say yes, I will admit that. After having served here for seven years, I think I can very well admit that.

Mr. WOODSIDE. Mr. Speaker, if thinking is not an overt act, I think that is another reason why we should not include it.

Mr. BROWN. Mr. Speaker, suppose I should speak to my friend there, suppose I should speak to Mr. Woodside; I am not participating in the movement. I am speaking—

Mr. WOODSIDE. That is the question of participation; that is not the question of the overt act, Mr. Speaker.

Mr. BROWN. The overt act, Mr. Speaker, is in connection with the movement. The question of the participation was by my presence there.

Mr. WOODSIDE. The gentleman's defense is on the ground that he was not participating, and did not commit an overt act if we talked about the weather. If speaking is not an overt act maybe the gentleman would not be participating by putting in the amendment to the act. That is the thing that I think is really dangerous, putting those words in. May I suggest this, if a man attends a communistic meeting you say he is not committing an overt act and should not be found guilty. Suppose you had a Communistic parade of an organization which proposed to overthrow the government; would he be guilty of an overt act by parading if he would not be guilty by attending a meeting?

Mr. BROWN. Mr. Speaker, if his parading is simply the marching down the street, I would say that he would not be guilty. I can tell the gentleman exactly what I mean. There are many youngsters who march down the street with a parade. There are many people along the street who might join or march along with a parade. I think we are getting rather facetious, and I think the gentleman from Dauphin certainly knows the distinction between an overt act which has to do with a definite movement by being present and an act in furtherance of that activity.

Mr. WOODSIDE. That again, Mr. Speaker, is the question of participation in it, but I do not think that is a matter of the overt act. I think we could probably argue this all night, and I don't want to push it any further. I think the putting in of the words "by an overt act or acts" very substantially weakens the act, as the gentleman has admitted.

Mr. BROWN. We did not weaken the act, Mr. Speaker. We tried to extend the act and tried to get before the court something upon which the court could act, and that is the action in furtherance of the movement.

Mr. WOODSIDE. Mr. Speaker, we propose to vote against the amendments on this bill because it weakens the act rather than strengthens it in our opinion.

On the question recurring,

Will the House agree to the amendment?

It was agreed to.

The section was agreed to as amended.

The second section was read.

On the question.

Will the House agree to the section?

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

The amendments were read by the Clerk as follows:

Amend Sec. 2 (Sec. 9), page 4, line 14, by inserting after the word "who" the following: "hereafter".

Amend Sec. 2 (Sec. 9), page 4, line 15, by inserting after the word "participate" the following: "by an overt act or acts."

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. 413, entitled:

An Act prohibiting the employment by the Commonwealth or any political subdivision thereof of persons whose philosophy proposes the change of the government of the United States by means not provided for in the Constitution of the United States declaring inoperative any contract or civil service law or regulation providing for tenure in employment and repealing inconsistent acts

The first section was read

On the question,

Will the House agree to the section?

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

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 1, lines 1 to 6, by striking out the following: "whose philosophy doctrine or" on line 1, and all of lines 2 to 6, both inclusive.

Amend Sec. 1, page 2, line 1, by striking out the words "or the overthrow thereof" and inserting in lieu thereof: "who hereafter advocates and actively participates by an overt act or acts in a movement proposing a change in the form of Government of the United States by means not provided for in the Constitution of the United States"

Amend Sec. 1, page 2, line 8, by inserting after the word "causes" the following: "Provided, That all employes, not having the right to be heard, under any civil service or tenure law, on the question of his dismissal, shall have the right to appeal by petition to the court of common pleas of the county where he resides, which court, after hearing, on such notice to the petitioner and to the persons in charge of the agency by which he is employed, as the court shall designate, shall have power to affirm or reverse the action of such agency, as it shall deem proper. The decision of the court of common pleas shall be final. Said appeal as aforesaid shall operate as a supersedeas of any order. At such hearing, the burden of proof shall be on the Commonwealth or any political subdivision or authority or institution thereof as aforesaid."

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

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 1, lines 1, 2 and 3, by striking out the words "No person whose philosophy, doctrine or object or who is a member of any organization or group whose philosophy, doctrine or object proposes" and inserting in lieu thereof the following: "Any person who advocates, promotes, or teaches doctrines or principles other than the democratic ideals and principals as outlined or contained in the Constitution of the United States or who participates in any un-American or sub-

versive activity or holds membership in or aids or supports any party, organization or group advocating"

Amend Sec. 1, page 2, line 1, by striking out the words "be permitted to" and inserting in lieu thereof the word: "not"

Amend Sec. 1, page 2, line 5, by inserting after the word "funds" the following: "or is supported thereby"

On the question,

Will the House agree to the amendments offered by the gentleman from Delaware, Mr. Turner?

Mr. BROWN. Mr. Speaker, I desire that the Members vote for the amendment I offered and vote down the amendment offered by the gentleman from Delaware, Mr. Turner. I think the amendments offered by the gentleman from Delaware, Mr. Turner, so far as I have had the opportunity to peruse them, are vague, indefinite, and as the gentleman from Dauphin, Mr. Woodside, said not worth the paper they are written on.

Mr. TURNER. Mr. Speaker, in spite of the admonition placed upon me by the newspapermen who are trying to get away to a picnic, and in spite of the threat that my name will not be given one line in the newspapers, nevertheless I cannot accept the indictment of the gentleman from Allegheny, Mr. Brown, because I feel very sincerely that the amendments offered by the gentleman from Allegheny, Mr. Brown, which I discussed before, merely mean that you must, as the gentleman from Dauphin said, commit treason before you could be dismissed.

Now, we are after the person who is going out and openly advocating and actively participating in overt acts against the government, of course, but the person that we fear and the person that we want to reach is not the person who will stand up and openly advocate the overthrow of the government, but as I said before in a speech in this House, it is the person who advocates or promotes or teaches, and if you permit this session of the Legislature to close with the amendments made by the gentleman from Allegheny, Mr. Brown, you won't catch one of those skunks during the next two years. If that means that what I have stated here and what I propose here is not worth the paper it is written on, then I don't know anything about the American system of government nor do I know anything about protecting that system of government, protecting our children and protecting our people from that group who so insidiously undertake to undermine confidence in our government and are promoting a philosophy contrary to our government.

The thing I cannot understand is "philosophy." The gentleman from Allegheny, Mr. Brown, said we could not tell about philosophy. Why, I can tell about philosophy; I know the philosophy of the gentleman from Allegheny, Mr. Brown, and I know the shade of differences of that philosophy from the philosophy of the gentleman from Philadelphia, Mr. Levy, or the gentleman from Philadelphia, Mr. O'Brien, who has, I think, a different philosophy from that of the gentleman from Philadelphia, Mr. Levy. We know people when we talk to them, we know people when we see them, and when we associate with them; we get to know the philosophy they have; we get to know the kind of thing they advocate; we get to know their turn of mind. If I had not that sort of philosophical viewpoint toward my associates on the other side for the past half dozen years, I don't know how I could ever have lived with them, with the political views they have held in the past half dozen years. So I say to you we want an amend-

ment which seeks to check, which seeks to prohibit, which seeks to rid ourselves of that group that advocates and teaches, but would never get caught out in front of the movement. That is not the place they go. We know they are not going to get caught in the front line trenches of any movement to overthrow the government of the United States. They are going to get underneath; they are going to hide under the Stars and Stripes, they are going to hide under the Constitution of the United States and they are going to have that kind of things on the rostrum while they underneath slyly work upon the feelings of the people. That is what we want to reach.

Maybe this language does seem a bit vague to the gentleman from Allegheny, but I know with his technical and legal mind, he knows that an overt act as defined by the dictionary must be an open act with criminal intent. But a man may advocate and may teach or promote without committing an overt act such as would be contemplated under the law. I cannot for the life of me understand the tenderness of my friends on the other side. I can only say that if the tenderness is as prevalent, if it exists as we fear in the legislature, then I think there is something vitally wrong with the philosophy of my friends on the other side, and I think they ought to give serious consideration to the things that have been going on not only in this country, but everywhere. In New York there is a great community of people of German extraction who absolutely believe in the Hitler policy, who advocate that policy, who teach that policy, who suppress anyone who does not believe as they believe. It is almost unthinkable that it could exist, some 40,000 people in the heart of a great American city, but those things are existing today, and the only way we can get at it is to go behind the overt acts, to the person who teaches, the person who advocates and the person who promulgates. I will say for my Republican colleagues that we will vote against the amendments offered by the gentleman from Allegheny, Mr. Brown.

Mr. BROWN. Mr. Speaker, I am sorry that we do not have the time to go deeply into this matter and make a speech, but I might call to the gentleman's attention that we are writing laws, not making speeches. I can make a speech as to the philosophy or as to the state of mind of many people, but certainly no one would say in a free country that we can begin to legislate against a person's philosophy. That never has been done, it cannot be done today, and when we are writing laws we must first of all write those laws in conformity with the Constitution. Secondly, a law must be capable of a fair interpretation by the tribunal whose duty it is to interpret those laws. I agree with everything the gentleman has said, and if I had time to make a speech, I would make a speech also, but I do not believe it is apropos to this legislation confronting us today. After all, the gentleman is a lawyer and he knows that people cannot be convicted of a crime, and should not be denied employment simply because they have a state of mind different from his. My state of mind is different from his state of mind, and we all might be called un-American in some instances. Certainly that is not the intent of the Constitution when it gives the Legislature the sole authority to pass legislation. As I said before, we have two objects in view in passing any legislation, and only two; we must pass legislation in conformity with the Constitution and we must pass legis-

lation that is clear and can be interpreted. Besides that we have no purpose in passing any legislation.

Mr. LEVY. Mr. Speaker, I was very much amused by the statement of the gentleman from Delaware when he said that in living six years with some of the Members of the House, especially on this side,—and he mentioned the gentleman from Allegheny and two from Philadelphia, that he knew their philosophy and he could certainly speak with some authority on that.

I want to say in answer to the gentleman from Delaware that if he knows my philosophy, he knows that I am not for House Bill 413 as it came out of committee ---

Mr. BAKER. Mr. Speaker, I believe that the amendments are before the House, and not the speech of the gentleman from Delaware. I would like to have the gentleman from Philadelphia talk on those amendments.

The SPEAKER. The question before the House is on the amendments offered by the gentleman from Delaware, Mr. Turner. The gentleman will proceed in order.

Mr. LEVY. Mr. Speaker, I am confining my remarks to the amendments offered by the gentleman from Delaware. I would say to the gentleman from Delaware that if he knew Mr. Levy's philosophy he would know that Mr. Levy is not for House Bill 413 as it came out of the Committee. Rather I would say I am for House Bill 413 as it has been offered to be amended by the gentleman from Allegheny and I say to the gentleman from Delaware, who has differed with me on numerous occasions, that his amendments are conscientious; they come from the heart,—I have no scruples with him personally. I know that when he offers them he offers them in a sense of sincerity regarding his own philosophy, but I only want to say to the gentleman from Delaware and to clear the air that I do not believe we have a Communist in the House, and certainly—Mr. Speaker, I deserve a little courtesy. I have never yelled across from one side of this Hall to another while another member was making an address, and I don't like it.

Now, I would say, Mr. Speaker and members of the House, even though I have the greatest respect for the amendments offered by the gentleman from Delaware I nevertheless cannot agree with them. I think they are too vague, they are too indefinite, because as the gentleman from Allegheny made mention, we are not making speeches; we are making laws. I as a member of this Assembly am not going to vote against one hundred thousand employes in order to catch two Communists,—I am not going to do it, and I don't think any person who loves his country wants to legislate that way. I detest Communism and I hate it. I was proud of our Under-Secretary of the State department the other day in his statement on the Russian-German outbreak on the other side, when he said, "This right,"—speaking of the rights granted us by the American form of government, the right of freedom to worship God as our conscience dictates,—"has been denied to their people by both the Nazi and Soviet Governments. To the people of the United States this and other principles and doctrines of Communistic dictatorship are as intolerable, and as alien to their own beliefs, as are the principles and doctrines of Nazi dictatorship." The Under-Secretary continued by saying "Neither kind of imposed overlordship can or will have any support or any sway in the mode of life or in the system of government of the American people."

I say to the gentleman from Delaware, I subscribe wholeheartedly to the statement by the Under-Secretary of the State Department, and I believe he does. I do not like Communism; I love America just as he does, but, members of this House, I am not going to legislate in order to jeopardize the position of hundreds of employes in the state, who by House Bill 413 without the proper amendments would be placed at the mercy and jeopardy of any fool who wishes to take advantage of the prerogative given by the act of this Assembly. I say to the gentleman from Delaware, yes, it is true, we have different philosophies. I do not agree with the Governor on many occasions. I would say to the gentleman from Delaware, if I were to point out any subversive activity in the Commonwealth of Pennsylvania, I would look to the Secretary of Public Assistance today with his statement in the Press of a few days ago. If you men read the Press, you will notice that the Secretary of Public Assistance has decreed that on July 17th, every person between the age of 20 and 40 will be denied relief that is able bodied and capable of going to work. If there is one decree, one statement of policy that violates the Act of Assembly in the 1937 Public Assistance Law, that is it. I call him subversive, and I don't hear any indictment in the Press against him. I think that is just as subversive as other acts, and yet I am willing to vote to outlaw any subversive doctrines, but I am not going to vote against a lot of innocent children on this Hill, who might be placed in a position of having their philosophy or their doctrine set up by a man, who, in all probability is not responsible. Just because an employe may have a different philosophy, doctrine, or principle from that of his employer is no reason to fire him from the State Department or any other employment.

I say to the gentleman from Delaware in all sincerity, if he has studied the act carefully, and I know he will, or does, or did, I say to him the language is too broad. We are making a law here, gentleman, a law that will be, if passed, the law of the Commonwealth. I say let us not fight Fascism or Communism by inculcating Fascism or Communism. Let us fight it with democracy, let us fight it the American way. Our laws have never betrayed us yet, and I say the only way to fight them is to write into the law the types of teaching that the gentleman wants to get away from,—and I agree with him, but I say it is the wrong way to do it, and I ask the Members to vote down these amendments.

Mr. SHEPARD. Mr. Speaker, I would like to interrogate the gentleman from Delaware, Mr. Turner.

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

Mr. TURNER. I will, Mr. Speaker.

Mr. SHEPARD. Mr. Speaker, I would like to ask the gentleman,—and I am reading a copy of his amendment "Or by any authority or institution receiving or supported by public funds, or persons engaging in un-American activities." I would like to ask the gentleman from Delaware just who is to decide what is un-American activity.

Mr. TURNER. Mr. Speaker, I presume that under any discharge it would be the superior officer, and the right of appeal being there, it would more than likely end up by a determination in the courts.

Mr. SHEPARD. That is all, Mr. Speaker. Of course I have no brief for Communism. Someone has called me

a Red. I do not think that by any stretch of the imagination anybody who looked at me could call me Red. I am not interested in my right to be Red; what I am interested in is my right to be black, and according to some people's reputation I would be called un-American because I am black.

The Daughters of the American Revolution denied Marian Anderson the right to sing in Constitution Hall in Washington, D. C. To forbid her to sing because she is black would be un-American. The Bok Award Committee in Philadelphia gave her the highest honor that could be conferred on a person in Philadelphia. Temple University honored her with an honorary degree.

Now, the philosophy of these two groups of people differs by a long sea mile. Now, who is going to determine? What I am afraid of is that I might fall into the hands of people who have an entirely different philosophy and be penalized on that account. Consequently I think these amendments are entirely too vague in recognition of the rights of minority people who may suffer under an autocratic bureaucracy or some bureau head who has different ideas as to just what is un-American. I do hope and believe that the members of this House, both Democrats and Republicans, will oppose the Turner amendments. I believe the gentleman is sincere, I believe he is interested in preserving Americanism but his amendments are too broad and cover too many different kinds of views and I think they ought to be limited, and limited by the amendments offered by Mr. Brown. Please do not trample my right to be what I am.

Mr. TURNER. Mr. Speaker, I would not for one moment hold any brief for anyone who would change the Reverend Marshall Shepard from what he is. Whatever he is, he is. You may be able to define it, and I may be able to define it, but nevertheless I wouldn't change him for anything. If I thought that by any amendment I might introduce in this House I would take away any whit from the rubicund and cheerful and tonsorial perfection of the gentleman from Philadelphia, or in any way interrupt his slumbers, or to cause him to feel a greater pinch in his shoes, whatever he thinks of me, I would certainly withdraw my amendment and move the adoption of those of the gentleman from Allegheny.

I said something about philosophy and I said something about the differences in philosophy. I was not at that time referring to any particular philosophy which the gentleman from Philadelphia Mr. Levy might hold, if he holds any. I was merely stating that I knew there was a difference between the gentleman from Allegheny, Mr. Brown and the gentleman from Philadelphia, Mr. O'Brien, and the gentleman from Philadelphia, Mr. Levy, that by my association I knew something, I thought, of their mental approach to a subject, but I wonder what the gentleman from Philadelphia Mr. Levy wants us to think. Here is an article from a Philadelphia paper the other day, speaking about a meeting of the Philadelphia local teachers who were ousted by the A. F. of L. because the A. F. of L. said they were Communists. This article said "members of the ousted local at their meeting heard State Representatives J. Harold Levy, Democratic, Philadelphia, condemn bills pending in the Legislature which would dismiss state employes and remove from relief persons advocating 'philosophies providing for the overthrow of the government'. He called the bills 'reactionary'."

I am wondering what the gentleman from Philadelphia, Mr. Levy wants us to think of that when we read it in the newspapers.

Mr. CORRIGAN. Mr. Speaker, I would like to know whether the word "philosophy" is mentioned in these amendments offered by the gentleman from Delaware.

The SPEAKER. The word "philosophy" appears in the amendment offered by the gentleman from Delaware in that it is contained in the lines to be stricken out.

Mr. MELCHIORRE. Mr. Speaker, I think that the House has been debating on this long enough. We have had both sides of it discussed at length, and for that reason I move the previous question.

The motion was seconded by Messrs. Corrigan, Baker, Cochran, Burns, Lesko, O'Mullen, Mihm, Ellwood B. Welsh, Kolankiewicz, DiGenova, Hersch, O'Connor, Sarraf, Maxwell, Breth, Reynolds, McLane, Woodring, Shaffer, Monks and others.

On the question,

Shall the main question be now put?

The SPEAKER. The "noes" appear to have it.

Whereupon, a division was called for one hundred and nine Members voting in the affirmative and fifteen in the negative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Will the House agree to the amendments offered by the gentleman from Delaware, Mr. Turner?

The yeas and nays were required by Mr. Woodside and Mr. Turner and were as follows:

YEAS—44

Auker,	Gross,	Lee, T. H.,	Reese, D. P.,
Bretherick,	Gyger,	Leisey,	Reynolds,
Cadwalader,	Habbyshaw,	Leydic,	Rhea,
Cordier,	Haines,	Lichtenwalter,	Simons,
Dalrymple,	Hersch,	Lyons,	Trout,
DiGenova,	Imbrie,	Marks,	Turner,
Ely,	Kilne,	McKinney,	Watkins,
Fiss,	Knoble,	McSurdy,	Weingartner,
Fleming,	Kolankiewicz,	Melchiorre,	Wilkinson,
Foor,	Krise,	O'Dare,	Woodside,
Greenwood,	Lee, E. A.,	Reagan,	Yeakel,

NAYS—78

Achterman,	Flynn,	McClanaghan,	Prosen,
Baker,	Goodwin,	McDermott,	Rausch,
Balthaser,	Haberlen,	McFall,	Readinger,
Baughner,	Harkins,	McIntosh,	Rush,
Bentzel,	Harmuth,	McClanaghan,	Shaffer,
Boles,	Harris,	McLane,	Shepard,
Breth,	Heatherington,	Monks,	Skale,
Brown,	Herman,	Mooney,	Tarr,
Brunner, P. A.,	Holland,	Moran,	Tate,
Burns,	Jefferson,	Nunemacher,	Thompson E. F.,
Burris,	Jones, P. N.,	O'Brien,	Vincent,
Cochran,	Kenehan,	O'Connor,	Vogt,
Cohen, M. M.,	Komorofski,	O'Mullen,	Welss,
Cohen, R. E.,	Leonard,	Owens,	Welsh, M. J.,
Croop,	Lesko,	Petrosky,	Williams,
Cullen,	Levy,	Pettit,	Woodring,
Dolon,	Longo,	Polaski,	Wright,
Early,	Lovett,	Polen,	Young,
Finestone,	Malloy,	Powers,	Kilroy, Speaker
Finnerty,	Maxwell,		

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

On the question,

Will the House agree to the amendments offered by the gentleman from Allegheny, Mr. Brown?

Mr. HARKINS. Mr. Speaker, I rise to support the amendments offered by the gentleman from Allegheny,

Mr. Brown, for exactly the same reason that I have opposed the amendment offered by the gentleman from Delaware, Mr. Turner, had not the previous question been moved.

Not having been provided by mother nature with so kindly a protective scheme as to make me less easily understood with respect to being labeled a Red, I am very much desirous of seeing that the rights, the fundamental rights and liberties which have been guaranteed us in our Bill of Rights and in our Constitution be maintained, and I suggest that the maintenance of these rights is not that we agree that they be enforced when the enforcement thereof is favorable to us, but the test is their enforcement when it may appear to us that their enforcement benefits and protects someone whom we personally do not like.

So I would suggest, Mr. Speaker, that we read these amendments and the entire context of the bill, relative particularly to section 7 of Article I of the Bill of Rights in our Constitution of Pennsylvania, which records the freedom of the press and the freedom of speech, and therein, Mr. Speaker, I read the following:

"The free communication of thoughts and opinions is one of the invaluable traits of man and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty."

Then the Constitution goes on to discuss the question of libel with respect to the abuse of that liberty. On page 33 of our Pennsylvania Manual in section 26 of Article I, I read under the general heading of "exceptions from the General Powers of Government" the following:

"To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate."

Now, Mr. Speaker, it is because I believe in the Bill of Rights and in the Constitution that I favor these amendments offered by Mr. Brown, because I believe that these amendments will accomplish, in case a person is accused, a fair hearing before the authorities hiring or employing that particular person, and in case the person is dismissed after a hearing it will guarantee to the person so dismissed a fair opportunity to appeal to the court of Common Pleas wherein whose jurisdiction the person resides, the court which is best able to determine the various questions that will be brought before it for solution.

I say, Mr. Speaker, when you deal here with these fundamental rights in which I believe and we all believe and on which the entire future of our form of government is so dependent, we should proceed cautiously, with diligence and with study, and I believe the amendments of Mr. Brown are amendments which are calculated to make the act more enforceable because they clarify the act; they clarify those things which would be left hanging in mid air; they do not say to some judge who may have ideas of his own: "Go out and follow the prejudices and the passions of a particular community." They rather say to the judge before whom the case will be tried: "Consider the action and the entire matter in the light of our past history and in the light of our past traditions" I am sure if these amendments are adopted it will work to the benefit of all concerned.

I feel Mr. Speaker, that the Members on the other side of the House who are particularly anxious to correct these various subversive tendencies of which they speak, will by passing a bill which can be administered practically enable such subversive activities to be rooted out of our Commonwealth.

Mr. MELCHIORRE. Mr. Speaker, I move the previous question.

The motion was seconded by Baker, Maxwell, Sarraf, Cochran, Williams, Monks, Rausch, McDermott, Vogt, O'Mullen, Kolankiewicz, Polaski, Hersch, DiGenova, Breth, Malloy, Reynolds, Tarr, McLane, McFall, Presley N. Jones and others.

On the question,

Shall the main question be now put?

It was agreed to.

On the question recurring,

Will the House agree to the amendments offered by the gentleman from Allegheny, Mr. Brown?

The yeas and nays were required by Mr. Brown and Mr. Heatherington and were as follows:

YEAS—103

Achterman,	Finnerty,	Maxwell,	Readinger,
Baker,	French,	McClanaghan,	Reynolds,
Balthaser,	Goodwin,	McDermott,	Rose, S.,
Baughner,	Gryskewicz,	McFall,	Rush,
Bentley,	Haberlen,	McIntosh,	Sarraf,
Bentzel,	Hamilton,	McLanahan,	Scanlon,
Boles,	Harkins,	McLane,	Schwab,
Boney,	Harmuth,	Melchiorre,	Shaffer,
Breth,	Harris,	Mihm,	Shepard,
Brown,	Heatherington,	Monks,	Skale,
Brunner, P. A.,	Herman,	Mooney,	Stine,
Burns,	Hersch,	Moran,	Tarr,
Burriss,	Hirsch,	Moul,	Tate,
Cochran,	Holland,	Nunemacher,	Thompson, E. F.,
Cohen, M. M.,	Jefferson,	O'Brien,	Vogt,
Cohen, R. E.,	Jones, P. N.,	O'Connor,	Weiss,
Corrigan,	Keenan,	O'Mullen,	Welsh, E. B.,
Croop,	Kenehan,	O'Neill,	Welsh, M. J.,
Cullen,	Kolankiewicz,	Cwens,	Williams,
DiGenova,	Komorowski,	Petrosky,	Wolf,
Dolon,	Leonard,	Pettit,	Woodring,
D'Ortona,	Lesko,	Polaski,	Wright,
Duffy,	Levy,	Polen,	Yester,
Early,	Longo,	Powers,	Young,
Elliott,	Lovett,	Prosen,	Kilroy,
Finestone,	Malloy,	Rausch,	Speaker.

NAYS—30

Auker,	Habbyshaw,	Lichtenwalter,	Rhea.
Bretherick,	Haines,	Marks,	Turner,
Brunner, C. H.,	Hewitt,	McClester,	Wagner,
Cadwalader,	Imbris,	McKinney,	Watkins,
Dalrymple,	Kline,	McSurdy,	Wilkinson,
Fiss,	Krise,	O'Dare,	Woodside,
Foor,	Leq. T. H.,	Reese, D. P.,	Yeakel,
Gyger,	Leisey,		

So the question was determined in the affirmative and the amendment was agreed to.

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

The title was read.

On the question,

Will the House agree to the title?

The SPEAKER. Does the gentleman from Delaware, Mr. Turner, desire to withdraw his amendments to the title?

Mr. TURNER. Yes, Mr. Speaker.

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

The amendments were read by the Clerk as follows:

Amend title, page 1, lines 2 and 3 of the title, by strik-

ing out the words "of persons whose philosophy proposes the" and inserting in lieu thereof: "or by any authority or any institution receiving public funds, of persons who hereafter advocate and actively participate in a movement proposing a."

Amend title, page 1, lines 5 to 7 of title, by striking out the following: "declaring inoperative any con—" in line 5, and all of lines 6 and 7, and inserting in lieu thereof: "providing for dismissals under existing laws, and permitting appeals to courts of common pleas in cases not covered by civil service or tenure laws."

The amendments were agreed to.

The title was agreed to as amended.

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

Ordered, To be transcribed for a third reading.

PERMISSION TO ADDRESS HOUSE

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

Mr. Speaker, in answer to the gentleman from Delaware on the subject of a speech of mine contained in a newspaper, I want to say that tomorrow on a question of personal privilege I will give the gentleman the answer, and I am sure he will get it.

BILLS ON SECOND READING

Mr. LEVY asked and obtained unanimous consent to call up out of order House Bill No. 1481, (Senate Bill No. 236), on page 7 of today's calendar.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1481, (Senate Bill No. 236), entitled:

An Act to amend section six hundred fifty-four of article six 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," providing for appeals from any classification, rule, rate, or schedule of the Insurance Commissioner affecting insurance of employes and employers under the Workmen's Compensation Act of one thousand nine hundred and fifteen and the supplements and amendments thereto and exempting the State Workmen's Insurance Fund from the control of the Rating Bureau and the Insurance Commissioner.

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

Ordered, To be transcribed for a third reading.

Mr. O'BRIEN asked and obtained unanimous consent to call up out of order House Bill No. 602, on page 7, of today's calendar.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 602, entitled:

An Act to amend sections eight hundred one and nine hundred seventy-six of the act approved the third day

of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by further defining parties and political bodies providing procedure for rejection of nomination petitions papers or certificates in certain cases imposing duties on the Governor and the Attorney General and imposing additional duties on county boards of elections the Secretary of the Commonwealth and the courts

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. 1857, entitled:

An Act making an appropriation to the Department of Revenue for the payment of claims against the Commonwealth arising from damage by fire caused by defective wires used for operating airplane beacons.

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

Ordered, To be transcribed for a third reading.

RESOLUTION

RECALLING HOUSE BILL No. 1323 FROM THE GOVERNOR

Messrs. DAVID P. REESE and HABBYSHAW offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 25, 1941.

Resolved, (if the Senate concur), That House Bill No. 1323, Printer's No. 984, entitled "An act authorizing the Department of Property and Supplies, with the consent of the Department of Military Affairs and the approval of the Governor, to sell and convey the property of the Pennsylvania State Arsenal at Harrisburg to the City of Harrisburg in exchange for the conveyance by said city of Wildwood Park to the Commonwealth; providing for the transfer of said park to the Department of Forests and Waters and the use thereof by the department as a State park, and by other departments, boards and commissions for their respective purposes."

be recalled from the Governor for the purpose of amendment.

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

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 1218.

An Act making an appropriation to the Department of

Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one

BILL SIGNED BY SPEAKER

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

SENATE BILL No. 1218.

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one.

Whereupon,

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

BILL INTRODUCED AND REFERRED

By Messrs. HARKINS and WRIGHT.

HOUSE BILL No. 1930.

An Act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire, by gift, the monument erected in Greene County to Sarah Jane Price Ackley; and providing for the control, management, supervision, and maintenance thereof.

Referred to the Committee on Appropriations.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

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

In the Senate, June 25, 1941, Resolved, (if the House of Representatives concur), That Senate Bill No. 506, Printer's No. 288, entitled:

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

rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans court in all matters relating to fiduciaries concerned with the estate of decedents" by further regulating the discharge of charges on real estate

be recalled from the Governor for the purpose of amendment.

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

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL ON THIRD READING

Mr. SHAFFER asked and obtained unanimous consent to call up out of order House Bill No. 1603, (Senate Bill No. 169), Printer's No. 453, on page 14, of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1603, (Senate Bill No. 169), as follows:

An Act to amend the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," abolishing the existing registration commission for cities of the second class and providing that the county commissioners of each county in which any such city is located shall act as a registration commission therefor, providing for the consolidation of the second class city general register with the general register of cities of the third class and boroughs, towns and townships of the county, providing for the transfer of the registration of electors upon change of residence from a third class city, borough, town or township in the same county, changing the period during which changes of enrollment of political party may be made, eliminating preparation and distribution of preliminary street lists, and permitting the destruction of certain records

On the question,

Will the House agree to the bill on third reading?

Mr. SHAFFER. 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 title, page 2, line 12 of title on page 2, by inserting before the word "providing" the following: "further regulating the appointment of employes and assist-

ants by the registration commission, and removing the present appointee."

Amend Sec. 1 (Sec. 4), page 4, by inserting between lines 12 and 13, the following: "(b) The registration commission shall consist of three commissioners who shall be qualified electors of the city, not more than two of whom shall be enrolled members of the same political party, who shall be appointed by the Governor, with the advice and consent of the Senate, and shall hold office for terms of four years, or until their successors qualify, unless sooner removed or otherwise disqualified. Provided, however, That the terms of office of the commissioners first appointed by the Governor under this act, shall commence upon the date of their appointment, and shall expire on the first Monday of January, one thousand nine hundred forty-one. Upon the appointment by the Governor of the registration commission for any such city, the terms of office of the existing registration commission or commissioners of any such city shall terminate.

(c) The Governor shall fill any vacancy in any such commission within ten days after the vacancy shall occur by appointing a qualified elector of the city to hold office during the remainder of the term of the commissioner whose place shall have become vacant.

(d) The Governor may, at any time, remove any commissioner for cause, and may appoint a duly qualified elector of the city as his successor for the remainder of his term.

(e) Each commissioner shall receive compensation at the rate of four thousand five hundred (\$4500) dollars per annum, except the chairman who shall receive five thousand (\$5000) dollars per annum.

(f) As soon after their appointment as may be, the members of each commission shall take the oath of office required by the Constitution of this Commonwealth, and shall organize by selecting from their number a chairman and a secretary, who shall not be members of the same party.]

Amend Sec. 1 (Sec. 4), page 5, line 22, by inserting before the letter "(c)" the following: [(g)]

Amend Sec. 1 (Sec. 4), page 5, line 25, by inserting before the letter "(d)" the following: [(h)]

Amend Sec. 1 (Sec 6), page 6, line 10, by inserting after the word "such" the following: "All appointment of assistants and employes, made by the commission, shall be divided between the majority commissioners and the minority commissioner, so that, as near as mathematically possible, without increasing or decreasing the number of employes actually required, the majority commissioners shall name two-thirds of all registrars, two-thirds of all the inspectors of registration, and two-thirds of all other appointees, and the minority commissioner shall name one-third of all the registrars, one-third of all the inspectors of registration, and one-third of all other appointees. The term of employment of each person now employed under the commission, and having been originally appointed by the commission, shall cease as of the effective date of this act.

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.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1098

Mr. BENTLEY. Mr. Speaker, I desire to offer the report of the Committee of Conference on House Bill No. 1098.

The SPEAKER. The report will lie over for printing under the rules.

REPORTS FROM COMMITTEES

Mr. PAUL A. BRUNNER, from the Committee on Highways, reported as committed, House Bill No. 1924, (Senate Bill No. 712), entitled:

An Act to amend section one and section two of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 899) entitled "An act establishing a State Highway in the County of Lebanon providing for its location construction, improvement and maintenance by the Commonwealth" by amending the State Highway Route established by said act and providing that said State highway shall be located after consultation with the Executive Director of the State Game Commission instead of after consultation with the Adjutant General of the Commonwealth.

Mr. TROUT, from the Committee on Highways, reported as committed, House Bill No. 1927, (Senate Bill No. 796), entitled:

An act to 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 said act" as amended by changing Route 36174 Lancaster County

QUESTION OF PERSONAL PRIVILEGE

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

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

Mr. AUKER. Mr. Speaker, while the gentleman from Philadelphia, Mr. Levy was speaking, I committed inadvertently a breach of parliamentary etiquette. He mentioned that he did not believe there were any Communists in the Hall. I agree with him, as far as the membership is concerned there are no Communists in the Hall but there are some Communists on the floor of the House, not among the membership of the House. However, I was out of place in stating it the way I did. It was due to my deep feeling in regard to this matter of Americanism. I apologize to the gentleman from Philadelphia for making the remarks I did and also to the membership of the House.

CHAIR THANKS MEMBERS

The SPEAKER. The Chair wishes to thank the members for their patience this afternoon and their very good sportsmanship.

The Chair also extends regrets to the Press for the delay in the adjournment of the House which was beyond the control of the Chair or the House.

COMMITTEE MEETINGS

Counties, Thursday, June 26, at 11:30 a. m. in Room 521.
Mines and Mining, Thursday, June 26 at 11:45 a. m. in Room 522.

Professional Licensure, Thursday, June 26 at 11:30 a. m. in Room 246.

The Committee on Rules will meet at the Speaker's Office on Thursday, June 26th at 10 a. m.

ADJOURNMENT

Mr. DOLON. Mr. Speaker, I move that this House do now adjourn until Thursday, June 26, 1941, at 12 m.

The motion was agreed to, and (at 7:47 p. m.) the House adjourned.