

HOUSE OF REPRESENTATIVES

MONDAY, June 30, 1941

The House met at 8 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

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

Our Father, we thank Thee for the great ideals that shine like stars in our lives. We thank Thee for noble dreams and purposes that challenge us from day to day. Grant us strength and courage to put more of our ideals and aspirations into practice. Help us to live the life of goodness and truth each day. Grant us strength to follow in the way of the Carpenter of Nazareth who said, "I am the Way, the Truth and the Life."

Bless our assembling together this night. Help each Legislator to play his part well in the dispatch of the business before this House. May none go away dissatisfied at the close of the day but each feeling within himself that he has done his best for his God and his State. Hear our prayer, we beseech Thee. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, June 26, 1941.

The Clerk proceeded to read the Journal of Thursday, June 26, 1941, when, on motion of Mr. POWERS, unanimously agreed to, the further reading was dispensed with and the Journal approved.

COMMUNICATION

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

THE WHITE HOUSE
WASHINGTON

June 26, 1941.

My dear Mr. Speaker:

The President has received a copy of the resolution adopted by the House of Representatives of the Commonwealth of Pennsylvania, commemorating the life of the late Daniel Carter Beard, National Scout Commissioner. He sincerely appreciates having a copy of this fitting tribute to the memory of such a fine character as "Uncle Dan" Beard, and hopes you will be good enough to let the Members of the House know how pleased he is that they should have taken this action in recognition of his leadership in Scouting.

Very sincerely yours,
(Signed) M. A. LE HAND
Private Secretary

Honorable Elmer Kilroy,
Speaker of the
House of Representatives,
Harrisburg,
Pennsylvania.

COMMUNICATIONS AND PETITIONS

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

DEALER IN FARM PRODUCE

A communication from the Pennsylvania Grocers Association, Philadelphia, favoring passage of Senate Bill No. 1117, redefining the term "Dealer in Farm Produce."

Referred to the Committee on Agriculture.

STATE-AID HOSPITALS

A communication from the Homeopathic Hospital of Philadelphia urging immediate passage of legislation appropriating funds to state-aided hospitals.

Referred to the Committee on Appropriations.

COSMETICIANS AND HAIR ARTISTS

A communication from the Cosmeticians and Hair Artists Association of Pennsylvania, favoring passage of House Bill No. 1877.

Referred to the Committee on Appropriations.

SCHOOLS

A telegram from the United Business Men Association, Philadelphia, addressed to the Speaker, favoring passage of House Bills Nos. 1015, 600 and 394, un-American activities of some public school teachers.

A telegram from the Youths Arts Forum, Philadelphia, addressed to the Speaker, urging defeat of House Bill No. 413.

Referred to the Committee on Education.

POLITICAL PARTIES

Telegram from Committee for People's Rights, Philadelphia; and Communist Party of Eastern Pennsylvania, urging defeat of House Bill No. 602.

Referred to the Committee on Elections.

REAL ESTATE BROKERS

A communication from William P. Hayes & Son, Erie, favoring passage of House Bill No. 1877, a supplemental appropriation to the Bureau of Professional Licensing.

Referred to the Committee on Insurance.

MINE FOREMEN

A communication from the United Mine Workers of America, Pittsburgh, urging defeat of Senate Bill No. 362, changing the proportion of mine foremen; and urging passage of House Bill No. 1932, relative to fire bosses.

Referred to the Committee on Mines and Mining.

TRUCK RESTRICTIONS

A communication and resolution from the Pennsylvania Motor Truck Association, Harrisburg, urging need for uniform laws for the motor truck industry.

Referred to the Committee on Motor Vehicles.

CLINIC IN BEAUTY CULTURE SCHOOL

A communication from the Pennsylvania Association of Beauty Culture Schools and the Adelpia School of Beauty Culture, favoring passage of House Bill No. 1813, providing for a clinic in Beauty Culture Schools.

Referred to the Committee on Professional Licensure.

RAILROADS

A communication from the Brotherhood of Railroad Trainmen, Philadelphia, addressed to the Speaker, urging

passage of House Bill No. 97 (Flagman on Light Engines); House Bill No. 75 (Full Crew Bill); and House Bill No. 110 (Train Limit Bill).

Referred to the Committee on Railroads and Railways.

FEDERAL UNION OF DEMOCRACIES

Telegrams and communications from citizens of Pennsylvania urging adoption of the Woodring Resolution, memorializing Congress to commit the United States in principle to the creation of a Federal Union of Democracies.

Referred to the Committee on Rules.

SCHOOLS

A communication from The Public Education and Child Labor Association of Pennsylvania congratulating the House of Representatives in recommitting Senate Bill No. 302, changing qualifications of certain children for exemption from compulsory attendance provisions.

A communication from the Eightieth Division Veterans Association, Philadelphia Post, addressed to the Speaker, favoring passage of House Bills Nos. 395, 413 and 792.

A telegram from the Pennsylvania State Employes, A. F. L. Local No. 6, Harrisburg, addressed to the Speaker, favoring passage of House Bill No. 413, without Levy or Brown amendments.

Referred to the Committee on State Government.

TAXING LIFE INSURANCE

A communication from Warren M. Ziegler, Philadelphia, addressed to the Speaker, urging passage of Senate Bill No. 379, excluding proceeds of life insurance from certain taxation.

Referred to the Committee on Ways and Means.

SUPPORT LAW

A petition from residents of Snyder County, urging repeal of certain section of Support Law, and urging support of House Bill No. 115, relative to prohibiting furnishing bond by relief recipients.

Referred to the Committee on Welfare.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. BAUGHER for himself for the remainder of the week after tonight's session.

Mr. Polaski for Mr. BRETH for the week on account of illness.

Mr. Marshall M. Cohen for Mr. HARRIS for tonight's session.

Mr. SARGE for himself for Tuesday.

MR. ROYER IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1813, entitled:

An Act to amend section seven of the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regu-

lating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties," permitting beauty culture schools, in certain cases, to charge for materials used by students in giving treatments to the public.

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. 1854, entitled:

An Act to further amend section three hundred eleven 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," by protecting and regulating the retirement rights of county employes in counties of the second class who are required to enter active service with the military or naval forces of the United States.

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

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1880, entitled:

An Act to add section three hundred twenty-eight to article three of the act approved the second day of May, one thousand nine hundred 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," defining the pension rights and obligations of certain employes of second class counties when by operation of law such employes become State employes.

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. 1816, (Senate Bill No. 1040), entitled:

An Act to further amend section one of the act, approved the eighth day of July, one thousand nine hundred and nineteen, (P. L. 737), entitled "A Supplement to an act, entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor,' approved the eighth day of June, Anno Domini one thousand nine hundred and seven; authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation; and making an appropriation for two years from the first day of June, Anno Domini one thousand nine hundred and nineteen towards its maintenance," giving preference to applications for admission of sons of persons who served during any war in which the United States shall have engaged.

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 consider-

ation of House Bill No. 1160, (Senate Bill No. 401), entitled:

An Act repealing and abandoning as a State highway, State highway route 15181 in Chester County; and providing for the reversion thereof to the township.

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. 1843, (Senate Bill No. 484), entitled:

An Act defining the rate of interest and fixing the rate and the time from which interest shall begin to run on any award for damages for the taking of property in the construction or improvement of highways.

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. 1898, (Senate Bill No. 934), entitled:

An Act requiring recorders of deeds to accept and record deeds prior to registry, where registry is required, and to have the same registered; and fixing fees therefor.

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. 1808, (Senate Bill No. 463), entitled:

An Act to amend sections one and three of the act, approved the tenth day of April, one thousand nine hundred and twenty-nine (P. L. 478), entitled "Conferring authority on the Department of Highways, or any county or township, to enter upon private property adjacent to any public road or highway and place thereon snow fence, between November first and April first of the succeeding year; providing the method of ascertaining damages and payment of same by the authorities responsible for the maintenance of the said public road or highway to the owner of adjacent property; and repealing certain acts," by including the Pennsylvania Turnpike Commission.

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. 1845, (Senate Bill No. 1015), entitled:

An Act authorizing and directing the county treasurers of the several counties in the Commonwealth of Pennsylvania to provide and maintain an index or indexed record of the several sales of property in their several counties for delinquent taxes, and providing that the reasonable cost thereof shall be borne by the several counties.

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. 1553, (Senate Bill No. 557), entitled:

An Act to amend section sixty-five of 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," by changing a certain route.

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. 1842, (Senate Bill No. 1102), entitled:

An Act to further amend the act, approved the eleventh day of March, one thousand nine hundred and nine (P. L. 13), entitled "An act for the protection of the public health, by prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, of eggs unfit for food, as therein defined, and prohibiting the use of such eggs in the preparation of food products; providing penalties for the violation thereof, and providing for the enforcement thereof," by providing for the licensing by the Department of Agriculture of persons, copartnerships, associations and corporations engaged in the business of breaking eggs and separating the contents thereof for any purpose; regulating the opening of eggs unfit for food; and providing for the denaturing of such eggs; authorizing the Department of Agriculture to take samples of eggs for the purpose of analysis; further regulating the right to sell or otherwise deal with eggs subjected to incubation; providing that certain violations of the act shall be punishable in summary proceedings; prescribing penalties, and repealing certain legislation.

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. 491, (Senate Bill No. 145), entitled:

An Act to amend further section fourteen of an act, approved the seventh day of August, one thousand nine hundred thirty-six (P. L. 106), entitled "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works, and improvements, carrying into effect of such plans, assistance, aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power of eminent domain; providing for the setting off of benefits; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, and the Department of Highways," as re-enacted and amended, by conferring additional powers on the Department of Highways.

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. 1859, (Senate Bill No. 344), entitled:

An Act to amend further section five of the act, approved the thirteenth day of June, one thousand eight hundred and thirty-six (P. L. 551), entitled "An act relating to roads highways and bridges" as amended by permitting the maximum width of a public road to be two hundred feet when the right of way is acquired by the Federal Government and providing for the cost of relocating public service facilities.

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 Lancaster, Mr. Royer, for presiding.

BILLS SIGNED BY SPEAKER

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

HOUSE BILL No. 90.

An Act providing for the correction of the designation and title of veterans of the Spanish American War in all present legislation affecting said veterans by designating such organizations as United Spanish War Veterans Incorporated.

HOUSE BILL No. 291.

An Act making appropriations for aid to free public non-sectarian county libraries, and for the purchase and transportation of books.

HOUSE BILL No. 389.

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

HOUSE BILL No. 529.

An Act to further amend section 571 of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled, "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," by providing that the tax collector shall give but one bond for the collection of township county and institution district taxes and changing the conditions of such bond.

HOUSE BILL No. 567.

An Act to reenact and amend the title and the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 748) entitled "An act for the registration and regulation of certain individuals and entities selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them or in the business of buying securities directly from individuals who are not registered thereunder providing for the revocation and suspension of registrations conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and prescribing fees and penalties" by providing for the registration and regulation of persons and entities engaged in

the business of investment advisers and of solicitors of investment advisers and for the revocation and suspension of such registrations conferring additional jurisdictions upon the courts of common pleas and further regulating the business of buying and selling securities.

HOUSE BILL No. 581.

An Act making an appropriation to the Department of Agriculture for laboratory research in the prevention of the transmission and in the cure of mastitis and Bang's disease in cattle.

HOUSE BILL No. 892.

An Act authorizing a commission to study recreational facilities available in first class cities; imposing powers and duties on said commission;

HOUSE BILL No. 940.

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

HOUSE BILL No. 1066.

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital, of Philadelphia, Pennsylvania.

HOUSE BILL No. 1083.

An Act making an appropriation to the Trustees of Temple University at Philadelphia Pennsylvania.

HOUSE BILL No. 1106.

An Act making an appropriation to the Woman's Medical College of Pennsylvania, located at East Falls, Philadelphia, Pennsylvania.

HOUSE BILL No. 1167.

An Act to amend section three hundred seventeen of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," changing the provisions of said act as to the right of residents to hunt and trap without a license.

HOUSE BILL No. 1175.

An Act to amend section six hundred fifteen 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" excepting certain repairs to school buildings from requirement of approval by State Council of Education.

HOUSE BILL No. 1263.

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

HOUSE BILL No. 1483.

An Act to repeal the act approved the sixteenth day of January, one thousand seven hundred and ninety-nine

(3 Sm. Laws, page 338), entitled "An act to declare Franklin Creek, a public highway."

HOUSE BILL No. 1559.

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

HOUSE BILL No. 1660.

An Act to amend section seven hundred and thirty 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, assessments, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collector and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of 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," by authorizing the furnishing of certain confidential information to other states and the United States.

Whereupon,

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

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned

bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1315.

An Act to amend the title and the act approved the seventh day of May, one thousand nine hundred thirty-seven (P. L. 589), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the first class as State highways, and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction; regulating the replacement of certain facilities of public utility companies; prohibiting the making of any opening in said street after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of the act," by adding new sections; making certain changes in the designation of certain streets taken over as State highways, and adding thereto certain additional streets; providing for the taking, opening, relocation, widening, or change of grade of such state highways by the Commonwealth at the expense of the Commonwealth and the city, or either of them; designating the city as agent for the Commonwealth in such taking opening relocation widening or change of grade and the determination of damages arising therefrom; authorizing agreements for the taking, opening, relocation, widening, change of grade, construction, reconstruction, repair, and maintenance of such State highways; appropriating money in the Motor License Fund for the purposes of the act as amended.

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

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

Amend Section 2, page 23, by inserting after line 19 the following new paragraph:

"Section 18 The net expenditure of Commonwealth funds from the Motor License Fund or otherwise for the purposes of this act over and above the amounts paid by any city to the Commonwealth shall not exceed the sum of twelve million dollars (\$12,000,000) in any one year."

On the question,

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

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

YEAS—203

Achterman,	Foor,	Malloy,	Royer,
Allmond,	French,	Marks,	Rush,
Auker,	Gallagher,	Maxwell,	Sarge,
Baker,	Gates,	McClanaghan,	Sarraf,
Balthaser,	Gerard,	McClester,	Scanlon,
Baughner,	Gillan,	McDermott,	Serrill,
Bentley,	Gillette,	McDowell,	Shaffer,
Bentzel,	Goodwin,	McFall,	Shaw,
Boles,	Greenwood,	McGrath,	Shepard,
Boney,	Gross,	McIntosh,	Simons,
Boorse,	Gryskewicz,	McKinney,	Skale,
Bower,	Gyger,	McLanahan,	Snyder,
Bradley,	Habbyshaw,	McLane,	Sollenberger,
Bretherick,	Haberien,	McMillen,	Sorg,
Brown,	Haines,	McSurdy,	Stambaugh,
Brunner, C. H.,	Hall,	Melchiorre,	Stank,

Brunner, P. A.,	Hamilton,	Mihm,	Stine,
Burns,	Hare,	Modell,	Stockham,
Burriss,	Harkins,	Monks,	Tarr,
Cadwalader,	Heatherington,	Mooney,	Tate,
Chervenak,	Helm,	Moran,	Taylor,
Chudoff,	Hering,	Moul,	Thompson, E. F.,
Cochran,	Herman,	Muir,	Thompson, R. L.,
Cohen, M. M.,	Hershan,	Munley,	Trout,
Cohen, R. E.,	Hewitt,	Nagel,	Turner,
Cook,	Hirsch,	Nunemacher,	Van Allsburg,
Cooper,	Holland,	O'Brien,	Verona,
Cordier,	Huntley,	O'Connor,	Vincent,
Corrigan,	Imbrie,	O'Dare,	Vogt,
Croop,	James,	O'Mullen,	Voldow,
Cullen,	Jefferson,	O'Neill,	Voorhees,
Dalrymple,	Jones, G. E.,	Owens,	Wagner,
Dennison,	Jones, P. N.,	Petrosky,	Watkins,
DiGenova,	Keenan,	Pettit,	Weingartner,
Dix,	Kenehan,	Polaski,	Weiss,
Dolon,	Kline,	Polen,	Welsh, E. B.,
D'Ortona,	Knoble,	Powers,	Welsh, M. J.,
Duffy,	Kolaniewicz,	Prosen,	Wilkinson,
Early,	Komorowski,	Rank,	Williams,
Eckels,	Kruse,	Rausch,	Winner,
Elder,	Lee, E. A.,	Readinger,	Wolf,
Elliott,	Lee, T. H.,	Reagan,	Wood, L. H.,
Ely,	Leisey,	Reese, D. P.,	Wood, N.,
Falkenstein,	Leonard,	Reese, R. E.,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy,
Flynn,	Lyons,	Rosenfeld,	Speaker.

NAYS—0

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

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

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

HOUSE BILL No. 1121,

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

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

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

Amend Section 1, page 2, by striking out in lines 5 and 6 the words and figures "four million eight hundred thousand dollars (\$4,800,000)" and inserting in lieu thereof the words and figures "five million five hundred nine thousand five hundred forty-five dollars (\$5,509,545)".

On the question,

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

MESSAGE AND BILL LAID ON TABLE

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

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1858, (Senate Bill No. 263),

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.

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. 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.

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 amendment.

The amendment was read by the Clerk as follows:

Amend section 1, (section 17) page 2, line 4, by striking out the word "testimentary" and inserting in lieu thereof the word: "testamentary".

The amendment was agreed to.

The section was agreed to as amended.

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

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of 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 officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation re-

quired 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.

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. 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.

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. 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.

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. 1781, (Senate Bill No. 555), entitled:

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 the Boards of Trustees of Pension Fund for the Blind, and repealing laws relating to moth-

ers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by regulating the use or disclosure of public assistance lists and records, and adding to penal provisions

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

Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE RECALLED FROM GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1470, as follows.

An Act providing for practical arts and vocational agriculture 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 employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation

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

Section 1 The Superintendent of Public Instruction shall have power to investigate the need for and to establish supervise and conduct practical arts and vocational agriculture home economics and industrial and commercial schools and classes through public school districts and in cooperation with employment offices for the training retraining instruction and occupational adjustment of out-of-school unadjusted persons over sixteen years of age who have left school and who due to changing conditions are in need of training retraining and instruction and occupational adjustment in order to enter or reenter employment or to continue in employment and for such purposes shall have power to employ the necessary teachers supervisors and coordinators to conduct such special schools classes and adjustment offices in an effective manner and to pay from the appropriation made by this act and from other available state funds appropriated to aid school districts in the establishment and maintenance of such schools departments or classes and from Federal funds provided for the development and further development of vocational education and for the salaries of said teachers supervisors and coordinators

Section 2 No practical arts or vocational agriculture homemaking industrial or commercial school or class established by a school district under the provisions of this act shall be deemed to replace supplant or discontinue any vocational agriculture home economics industrial or commercial school or class established by a school district under the provisions of the act approved the first day of May one thousand nine hundred and thirteen (P. L. 138) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" and the amendments thereto unless a school district presents evidence satisfactory to the Superintendent of Public Instruction that it is no longer able to share the expense incident to the payment of salaries of teachers in such schools and classes as required by said act and nothing herein contained shall be construed to alter amend repeal or suspend any of the provisions of said act of May first one thousand nine hundred and thirteen and its amendments

Section 3 If during the first fiscal year any appropriation allocated by the Department of Public Instruction for that year is not expended such remaining portion of the appropriation may be allocated to other school districts or to districts which have exceeded the amounts

allocated to them on the basis of the need and in such amounts as the Superintendent of Public Instruction may direct Salaries of teachers of classes and activities authorized by this act for which no Federal contribution is made shall be paid from state funds

Section 4 The sum of seventy-five thousand dollars (\$75,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction for the two fiscal years beginning June first one thousand nine hundred forty-one to carry out the provisions of this act for the payment of salaries of teachers supervisors and coordinators for necessary traveling and hotel expenses and for the payment of all other necessary and proper expenses incidental to carrying into effect the provisions of this act

Section 5 This act shall become effective immediately upon final enactment and shall remain in force until May thirty-first one thousand nine hundred forty-three

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—203

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

NAYS—0

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

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

BILL PASSED OVER

There being no objection House Bill No. 1513, Printer's No. 1088, was passed over at the request of Mr. DENNISON.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 934, entitled:

An Act for the preservation of eyesight and the prevention of blindness declaring a policy in reference thereto conferring powers and imposing duties on the Department of Health and prescribing qualifications for persons administering such work.

On the question,

Shall the bill pass finally?

BILL RECOMMENDED

Mr. SARRAF. Mr. Speaker, I move that this bill be recommended to the Committee on Public Health for the purpose of further study.

The motion was agreed to.

BILLS ON THIRD READING

BILLS PASSED OVER

There being no objection House Bill No. 1653, Senate Bill No. 587, Printer's No. 242, and House Bill No. 1474, Senate Bill No. 365, Printer's No. 197, were passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 259, as follows:

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

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

Section 1 Section four hundred eleven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale

manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State Government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" as last amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (P. L. 1762) is hereby further amended to read as follows

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

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

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

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

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?

(The Clerk proceeded to call the roll).

Mr. MORAN. Mr. Speaker.

The SPEAKER. For what purpose does the gentleman rise?

Mr. MORAN. Mr. Speaker, I would like to have the sponsor explain the bill before we vote on it.

The SPEAKER. There is nothing in order at the present time but the calling of the roll.

Mr. MORAN. Mr. Speaker, due to the haste in which

this bill was presented to the House I think we should have enough time to consider it. I think it is no more than right that the bill be explained in order that the Members of the House understand what they are voting on.

The SPEAKER. Will the House give its unanimous consent to have the sponsor explain this bill? Will the gentleman permit himself to be interrogated?

Mr. KENEHAN. No, Mr. Speaker.

The SPEAKER. The sponsor refuses to be interrogated.

Mr. MORAN. Mr. Speaker, if I am in order I ask for a division on this measure.

The SPEAKER. There is nothing in order but the calling of the roll. The sponsor refuses to be interrogated.

QUESTION OF INFORMATION

Mr. MORAN. Mr. Speaker, I arise to a question of information.

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

Mr. MORAN. Is it possible, Mr. Speaker, to suspend the rules under the present set-up?

The SPEAKER. For what purpose?

Mr. MORAN. In order that the bill may be explained, Mr. Speaker, to the Members of the House, so that they will know what they are voting on. Mr. Speaker is there anybody in the House who knows what the bill is?

The SPEAKER. Apparently not.

Mr. MORAN. Mr. Speaker, that is all the more reason why it should be explained.

The SPEAKER. Will the gentleman from Allegheny, Mr. Moran, explain it to the Members?

Mr. MORAN. I will not, Mr. Speaker; if the author cannot explain it, how am I going to explain it?

On the question recurring,

Shall the bill pass finally?

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

YEAS—41

Boney.	Hirsch.	Maxwell.	Rausch.
Bradley.	Kenehan.	McDermott.	Readinger.
Brunner P. A.	Kilne	McLane.	Scanlon
Corrigan.	Kolankiewicz.	McSurdy.	Skale.
DiGenova.	Komorofski.	Monks.	Stank.
Dolon	Lesko.	O'Brien.	Vogt.
Falkenstein.	Levy.	O'Mullen.	Weiss.
Finestone.	Lichtenwalter.	O'Neill.	Weish E. B.
Gallagher.	Lovett.	Petrosky.	Wolf.
Gryskewicz.	Malloy.	Polaski.	Woodring.
Hersch.	Marks.	Powers.	Kilroy.

Speaker

NAYS—113

Achterman.	Ely.	James.	Rhea.
Auker	Fisher.	Jones. G. E.	Rooney.
Baker.	Fiss.	Knoble.	Rose S.
Balthaser.	Fleming.	Krise	Rose. W. E.
Baughner.	Fletcher.	Lee. E. A.	Royer.
Bentley.	Foor.	Lee. T. H.	Sarge.
Bentzel.	French.	Letsey.	Serrill.
Boorse.	Gates.	Leonard.	Shaw.
Bower.	Gerard.	Longo.	Shepard.
Bretherick.	Gillan.	Lyons.	Simons.
Brown.	Gillette.	McClester.	Sollenberger.
Brunner. C. H.	Goodwin.	McFall.	Stambaugh.
Burriss.	Greenwood.	McIntosh.	Stine.
Cadwalader.	Gross.	McLanahan.	Taylor.
Chudoff.	Gyger.	Modell.	Thompson. R. L.
Cochran.	Habbyshaw.	Mooney.	Trout.
Cohen. M. M.	Haberlen.	Moran.	Van Alisburg.
Cohen. R. E.	Haines.	Moul.	Vincent.

Cook,	Hamilton,	Muir,	Voidow,
Cooper,	Hare,	Nagel,	Wagner,
Cordier,	Harkins,	C' Connor,	Weingartner,
Croop,	Heatherington,	Owens,	Welsh, M. J.,
Dennison,	Helm,	Pettit,	Wilkinson,
Dix,	Hering,	Polen,	Winner,
D'Ortona,	Herman,	Prosen,	Wood, L. H.,
Early,	Hewitt,	Rank,	Woodside,
Eckels,	Holland,	Reagan,	Wright,
Elliott,	Imbric,	Reese, D. P.,	Yester,
			Young,

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

PERMISSION TO ADDRESS HOUSE

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

Mr. Speaker, last week I refrained from making any statement concerning the bills that were before the Assembly because of our limited time. I would like, however, to make the statement that I intended speaking at that time.

During the past few months, laws have been introduced; statements and speeches made, designed to protect our Democratic form of Government. A wave of hysteria has swept over us and we seem to feel that unless these laws are passed, our future is doomed. Little, if any, attention has been given to the structure of our government and whether we ourselves possess those essential qualities that give permanence and stability to our form of government. I would like therefore to challenge our faith and our ideals and in order to bring vividly before you this challenge, briefly to give a feeble explanation of the structure of the government.

The corner stone of a new governmental structure was set in place by the Declaration of Independence, the Bill of Rights constituting the foundation and the Constitution the frame work of this building: "We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights, that among these rights are life, liberty, and the pursuit of happiness." In these words from the Declaration of Independence we find our security of the past, our present refuge and our future safety. Any attempt to define those immortal words would be indeed futile, yet every man, woman or child can understand what they mean. We know that truth is the ultimate hope of all human endeavor, whether in the realm of metaphysics with Socrates, Aristotle and Plato; or with the great men of science who searched for truth in the laws of nature or those who searched in the past to solve the mysteries of the heavens, or those who presently persist in the search for truth, and by so doing give to the world the new discoveries for man's comfort and security. The artist, the great masters of music are searching for the same goal. What a remarkable discovery therefore comes to us in the form of truths that are self-evident; That all men are created equal; not Jews, Gentiles, Catholics, Protestants, Blacks or Whites—but all men everywhere; that they are endowed by their creator, not by some sovereign power or dictator, but by their Creator with certain inalienable rights; rights that even the state cannot take away. The state may, through a tyrant restrict the free exercise of these rights, but cannot take them away.

What then are some of the liberties possessed by men

that must be forever protected by the state and how and by what methods are they protected?

Freedom of religion, freedom of press, freedom of speech, the right of the people peaceably to assemble and to petition the government for a redress of grievances. Trial by jury, the right to be secure against unlawful searches and seizures and the forbidding of the taking of life, liberty, or property without due process of law would be meaningless words in a world of hysteria and fear were it not for the fact that our organic law by limitations and prohibitions restrains the National Congress, the Legislatures of the various states, the courts and the state constitutions from trespassing upon the supreme law of the land.

Act VI—This Constitution and the Laws of the United States which shall be made in pursuance thereof—shall be the supreme law of the land.

Noteworthy also is the language of Mr. Justice Brewer in *Miller vs. Oregon* 208 U S 412—"It is the peculiar value of a written constitution that it places an unchanging form of limitations upon legislative action and thus gives a permanence and stability to popular government which otherwise would be lacking."

As members of one of three co-ordinate branches of government entrusted with the sacred duty of protecting the liberties with which man is endowed by his Creator, we should at all times be solicitous about our actions. We should not allow ourselves to become over-zealous and we should at all times be cognizant and mindful of the limitations placed upon us. Our laws should not be vague, uncertain and inexpedient. "Miserable is the servitude when the laws are uncertain," said John Dickinson, philosopher and statesman. Rosseau in discourse on political economy gives us the warning signal: "The more laws are multiplied the more they are despised, and all the new officials appointed to supervise them are only so many more people to break them; and either to share the plunder with their predecessors or to plunder apart on their own."

Mr. Justice Matthews in *Hurtado V. U. S.* says, "It is not every act, legislative in form, that is law. Law is something more than mere will exerted as an act of power. It must not be a special rule for a particular person or a particular case—arbitrary power, enforcing its edicts to the injury of the persons and property of its objects is not law, whether manifested as the decree of a personal monarch or of an impersonal multitude."

During the past few weeks, we have listened to many speeches and have voted upon laws dealing with subversive activities (a term not yet clearly defined). Because of the character and the results to be obtained it is doubtful if we can point to a limitation or prohibition whereby the courts would declare some of these laws unconstitutional. However, many of these laws offend the spirit of the constitution and are unwise, obnoxious and vicious. It is the crowning glory of our entire structure of government that the courts cannot always strike down such laws. See *Sharpless vs. Mayor of Philadelphia*, 21 Pa. 147—"If a law as passed is within the scope of the General Assembly's constitutional powers, the court cannot call it void simply because it is impolitic, inexpedient or contrary to natural justice." The people can resort to a power reserved by them under our democratic form of government to correct such evils. It was for this reason that Justice Mitchell in *Commonwealth vs. Moir* 199 Pa.

534, quoting from Cooly on Constitutional Limitations, Ch. 7, Sec. 4, said "The protection against unwise and oppressive legislation, within constitutional bounds is by appeal to the justice and patriotism of the representatives of the people. If this fail the people in their sovereign capacity can correct the evil, but courts cannot assume their right."

It follows that in the proper exercise of our duties, we should not only carefully guard against the passage of laws that are palpably unconstitutional and therefore subject to judicial review, but we should likewise hold ourselves in check against laws that are within constitutional bounds but which offend the spirit of our supreme law. Our motives should always be imbued with tolerance. Reasonable regulations are necessary in a complex society, but such regulations acting as unwarranted restraints and motivated by fears, fanned by the winds of hate and prejudice should never be tolerated in a free assembly. Under no circumstances should fanciful thinking be enthroned in the place of reason, nor should passion rule in our desire to pass laws we think are necessary for the public weal. I give you in this connection the language of Chief Justice Hughes stated in the famous case of *DeJonge v. Oregon* 299 U. S. 334, 1937—"The greater the importance of safeguarding the community from incitements to the overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press and free assembly in order to maintain the opportunity for free political discussion, to the end that government may be responsive to the will of the people and that changes, is desired, may be obtained by peaceful means. Therein lies the security of the Republic, the very foundation of constitutional government."

Mr. Speaker and Members of the House, before we act further, should we not re-dedicate our own lives to the principles of the equality of man and the right of man to the reasonable free exercise of his God-given liberties. Are we willing to give to the other fellow the right we want for ourselves, though we may violently disagree, or as so ably stated by Mr. Justice Holmes in 279 U. S. 644-654—"If there is any principle of the Constitution that more imperatively calls for attachment than any other, it is the principle of free thought, not free thought for those who agree with us, but freedom of thought for those we hate."

In conclusion, I offer no remedies for our confused world or our torn social order or the state of mind that permeates the Members of the House of Representatives, I do, however, challenge you in this brief presentation to live up to both the letter and spirit of the Declaration of Independence and the Constitution of the United States and of the state of Pennsylvania, and without hate or rancour and by example and precept, as lawmakers strive to be worthy of our liberties, keeping always in mind the immortal preamble to our constitution, the beacon light to guide us in the critical days that are ahead: "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to our selves and our posterity do ordain and establish this constitution for the United States of America."

The Father of our Country, in addressing the members

of the Constitutional Convention as their presiding officer, said these words, "Let us raise a standard to which the wise and honest may repair." Can we be numbered among the wise and honest?

SENATE MESSAGE

TIME OF NEXT MEETING

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

In the Senate, June 30, 1941.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, July 7, 1941, at 3:30 o'clock p. m. (Eastern Standard Time), and when the House of Representatives adjourns this week, it reconvene on Monday, July 7, 1941, at 8:00 o'clock p. m. (Eastern Standard Time).

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

On the question,

Will the House concur in the resolution of the Senate?

It was unanimously concurred in.

Ordered, That the Clerk inform the Senate accordingly.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. WEISS asked and obtained permission for the Committee on Municipal Corporations to meet during the session of the House, for the purpose of considering Senate Bills Nos. 254, 259 and 377.

PERMISSION TO ADDRESS HOUSE

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

Mr. Speaker, I request a few minutes of the House's time to report to its members the results of our conferences with the Governor last week and last night.

Before our last meeting with him, which was last evening, Senator Shapiro and I, as well as our Republican colleagues, the gentleman from Dauphin, Mr. Woodside, and Senator Geltz, were convinced that agreement on various points of difference was within sight.

Suddenly, without warning, the Governor threw the whole matter into great confusion by the introduction of an entirely new factor—the "Little WPA" program. This had never been discussed as one of the points of compromise in our meetings with him and his insistence upon adoption of this highly controversial matter at this late date seems completely unwarranted.

It looks very much as though the Governor did not want to reach an agreement. It seems as though he wants to make it impossible for this side of the House to reach any compromise and if he has not broken faith with us, he has come so close to it that the difference is microscopic.

I said last week that I trembled for the future of Pennsylvania during the coming years. After this latest exhibition of sophomoric tactics I must again confess my deep concern for the administration of this Commonwealth.

It is particularly hard to understand in view of the courteous and pleasant treatment we received in our

earlier interviews and an apparent willingness on his part to concede certain matters to us if we were willing to compromise our program to a certain extent.

Maybe it's the heat. Or maybe the Governor is mentally exhausted by the work of the past six months. But whatever the cause, the situation, which was so hopeful a few days ago has again been tied up in knots due entirely to the Governor's injection of new demands.

I had hoped to make a more cheerful announcement to the House this evening. But I must state the facts as they are, unhappy as they may be. We do not know at this point when we shall be able to end this session. And unless the Governor recedes from his present absurd and unwarranted position, I fear very much that we shall be here a considerable length of time after my birthday.

PERMISSION TO ADDRESS HOUSE

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

Mr. Speaker, after the conferences which were held in the Governor's office and the Executive Mansion I think it is not the act of a statesman, nor a leader, nor even a first grade politician to make the statements on the floor of the Senate and of the House that were made in connection with the conferences, and I as one of the conferees will not enter into that type of discussion.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1216, as follows:

An Act to amend sections two and six of the act approved the twenty-seventh day of June one thousand nine hundred and thirty-nine (P. L. 1184) entitled "An act requiring all employable persons receiving public assistance with certain exceptions to perform certain work or be refused further assistance conferring powers and imposing duties on county boards of assistance and on certain State and local officers and employes and on charitable institutions persons copartnerships associations corporations and State and Federal employment officers and requiring payments to the Commonwealth on account of certain work performed" by further defining the work to be done and rate of pay to be received by employables

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

Section 1 Sections two and six of the act approved the twenty-seventh day of June one thousand nine hundred and thirty-nine (P. L. 1184) entitled "An act requiring all employable persons receiving public assistance with certain exceptions to perform certain work or be refused further assistance conferring powers and imposing duties on county boards of assistance and on certain State and local officers and employes and on charitable institutions persons copartnerships associations corporations and State and Federal employment officers and requiring payments to the Commonwealth on account of certain work performed" are hereby amended to read as follows

Section 2 All employable persons receiving assistance except those receiving assistance as dependent children or their mothers or as aged persons or blind persons shall be required to perform such suitable work as may be assigned to them by the county board of assistance Any such person refusing to perform any such suitable work without reason deemed sufficient by the county board shall be refused further assistance until he or she shall comply with the provisions of this act

Suitable work shall be deemed to be only work or

occupation which said person is accustomed to perform or work of a similar nature and character

Section 6 During any week any such employable shall work in return for assistance received he shall be required to work only such number of hours as he would work if paid a compensation by the employer equal to such assistance at the prevailing rate of pay in the locality where the work is being done Such work shall be performed during the week for which the assistance is being or is to be received The [county board] State board of assistance shall in all cases be the judge of the prevailing rate of pay in the locality for the particular type of work

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. LOVETT. Mr. Speaker, I do not rise at this time to oppose the amendments to this bill, but I do want to say that this particular type of legislation has no place on the statute books of the state of Pennsylvania. If this kind of laws were enacted over in Russia I would say all right, but this type of legislation in my mind has no place on the statute books anywhere in a democracy.

On the question recurring,
Shall the bill pass finally?

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

Messrs. Melchiorre, McClanaghan and Monks asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—113

- | | | | |
|----------------|----------------|--------------|------------------|
| Achterman, | French. | McClanaghan, | Reese, R. E., |
| Baker. | Gallagher, | McDermott, | Reynolds, |
| Balthaser, | Gerard | McFail, | Rooney, |
| Baughner, | Goodwin. | McIntosh, | Rose, S., |
| Bentley, | Gryskewicz, | McLanahan, | Rush, |
| Bentzel. | Haberlen. | McLane, | Sarrafi, |
| Boles. | Hamilton. | McSurdy, | Scanlon, |
| Bradley. | Harkins. | Melchiorre. | Shaffer, |
| Brown. | Heatherington. | Mihm, | Shaw. |
| Brunner, P. A. | Hering. | Modell, | Shepard. |
| Chervenak, | Herman. | Monks, | Skale. |
| Chudoff. | Hersch. | Mooney. | Stank. |
| Cochran. | Hirsch. | Moran, | Stine. |
| Cohen, M. M., | Holland. | Moul, | Tarr. |
| Cohen R. E., | Jefferson. | Munley. | Tate. |
| Corrigan. | Jones, P. N., | Nagel. | Thompson, E. F., |
| Croop. | Keenan. | Nunemacher. | Vincent. |
| Cullen. | Kenehan. | O'Connor. | Voldow. |
| DiGenova. | Kilne | O'Mullen, | Watkins. |
| Dolan. | Kolankiewicz, | O'Neill, | Weiss. |
| D'Ortona. | Komorofski. | Owens, | Welsh, E. B., |
| Early. | Leonard. | Petrosky. | Welsh, M. J., |
| Elliott. | Lesko. | Pettit, | Williams. |
| Falkenstein, | Levy. | Polaski. | Wolf |
| Finestone. | Longo. | Polen, | Woodring, |
| Finerty. | Lovett. | Powers, | Wright. |
| Fletcher. | Malloy. | Prosen. | Yester. |
| Flynn. | Marks. | Rausch, | Young. |
| | Maxwell. | Readinger. | Kilroy. |

Speaker.

NAYS—67

- | | | | |
|-------------|------------|----------------|------------------|
| Auker. | Gillan. | Lee, T. H., | Sollenberger. |
| Boorse. | Greenwood. | Leisey, | Sorg. |
| Bretherick. | Gross. | Leydic. | Stambaugh, |
| Cadwalader. | Gyger. | Lichtenwalter. | Stockham. |
| Cook. | Habbyshaw. | Lyons. | Taylor. |
| Cooper. | Haines. | McClester, | Thompson, R. L., |
| Cordier. | Hall. | McMillen. | Trout. |
| Dalrymple. | Hare. | Muir. | Turner. |
| Dennison. | Helm. | Rank. | Van Allsburg. |
| Dix. | Hewitt. | Reese, D. P., | Wagner. |
| Eckels. | Huntley. | Rhea. | Weingartner. |

Fisher,	Imbrie,	Rose, W. E.,	Wilkinson,
Fiss,	James,	Royer,	Winner,
Fleming,	Jones, G. E.,	Sarge,	Wood, L. H.,
Foor,	Knoble,	Serrill,	Wood, N.,
Gates,	Krise,	Simons,	Woodside,
	Lee, E. A.,	Snyder,	Yeakel,

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.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

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

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

BILLS SIGNED BY SPEAKER

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

SENATE BILL No. 212.

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

SENATE BILL No. 782.

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

ment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" further providing for assessment of regulatory expenses upon public utilities.

SENATE BILL No. 788.

An Act to amend sections one and two of the act approved the eighth day of May one thousand nine hundred and twenty-nine (P. L. 1647) entitled "An act relating to the registration of motor vehicles and the licensing of certain operators thereof and providing for the suspension of the registration of any motor vehicle or of the operator's license of any operator of a motor vehicle by the Secretary of Revenue for violation of the provisions of the public [service] utility company law authorizing the rescission of such suspension and providing for the disposition of fees" by extending the provisions thereof to contract carriers by motor vehicle.

SENATE BILL No. 789.

An Act to amend section eleven of the act approved the thirty-first day of March one thousand nine hundred and thirty-seven (P. L. 160) entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission defining in part the powers and duties of such commission abolishing The Public Service Commission of the Commonwealth of Pennsylvania terminating the terms of the members thereof and transferring to the Pennsylvania Public Utility Commission the records employes property and equipment of The Public Service Commission of the Commonwealth of Pennsylvania authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings legal or otherwise instituted before by or against The Public Service Commission of the Commonwealth of Pennsylvania providing that all certificates of public convenience contracts orders and rules and regulations of the latter commission shall remain effective until repealed changed or modified by the Pennsylvania Public Utility Commission and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania" by expressly providing for administration of the Public Utility Law of June first one thousand nine hundred and thirty-seven (P. L. 1053) by the Public Utility Commission and directing said commission to certify certain questions of fact as to the purity of water to the Department of Health

Whereupon,

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

SENATE MESSAGES

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 1098

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. 1098.

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

HOUSE BILL 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. 1661.

An Act to amend section three of the act, approved the tenth day of May, one thousand nine hundred thirty-nine (P. L. 111), entitled "An act relating to, and providing for, the promotion and development of business, industry and commerce in the Commonwealth; conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth; abolishing the Pennsylvania State Publicity Commission, terminating the terms of its members and conferring its powers upon, and transferring and appropriating the balance of its current appropriation to, the Department of Commerce; and repealing certain laws," providing for the promulgation or adoption and administration by the Department of Commerce of voluntary plans to control the output of mineral resource industries located preponderantly within the Commonwealth.

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

HOUSE BILL No. 251 TAKEN FROM TABLE

Mr. O'NEILL. Mr. Speaker, I move that House Bill No. 251, together with the communication from the Governor which was laid on the table June 26, 1941, be taken from the table.

The motion was agreed to.

The communication was read by the Clerk as follows:

COMMUNICATION FROM THE GOVERNOR

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

RESOLUTION RECALLING APPROVAL OF
HOUSE BILL No. 251

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 26, 1941.
To the Honorable, the House of Representatives of the
Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 251, Printer's No. 106, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

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

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

The SPEAKER. How did the gentleman from Lackawanna, Mr. O'Neill vote on the final passage of this bill?

Mr. O'NEILL. Mr. Speaker, I voted in the majority.

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

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

On the question,

Will the House agree to the motion?

It was agreed to.

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

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Messrs. O'NEILL and MUNLEY. Mr. Speaker, we 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 section 1 (section 11) page 3, line 10 by striking out at the beginning of the line, with slanted light-faced brackets, the word: "[employer]".

Amend section 1 (section 11), page 3, line 10 by inserting after the word "others" and before the word "liable" the following: "except employers."

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.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1727, as follows:

An Act providing that proceedings acts and bonds issued by Authorities incorporated under the Municipality Authorities Act as amended and supplemented shall not be invalid by reason of certain circumstances

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

Section 1 No proceedings heretofore taken and no acts heretofore done by Authorities incorporated under the Municipality Authorities Act approved June 28, 1935 (P. L. 463) as amended and supplemented and no bonds heretofore issued by such Authorities shall be invalid by reason of the fact that any member of the Board or any

officer of said Authority was at the time of such proceedings the taking of such action or the issuance of such bonds a member or officer of the governing body of the incorporating municipality or municipalities or an officer thereof provided that such proceedings acts or bonds are otherwise valid. The provisions of this act shall not validate any proceedings acts or bonds issued by any Authority the validity of such proceedings acts or bonds issued which is now the subject of any action in any court of this Commonwealth.

Section 2 This act shall become effective immediately upon 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. RUSH. Mr. Speaker, I rise in opposition to House Bill 1727, Printer's No. 957, and I would like to know whether it would be proper to discuss in connection with House Bill No. 1727 House Bill No. 1728 at the same time, because they are companion bills.

The SPEAKER. If there is no objection the gentleman will be privileged to discuss both bills at this time. The Chair hears none.

Mr. RUSH. Mr. Speaker, House Bill No. 1727, Printer's No. 957, is an act that is drawn up for the purpose of holding that bonds that have been sold by municipal authorities shall not be invalidated by any proceeding heretofore taken. The act provides as follows:

"The provisions of this act shall not validate any proceedings, acts or bonds issued by any authority, the validity of such proceedings, acts, or bonds issued which is now the subject of any action in any court of this Commonwealth."

Mr. Speaker, in order properly to discuss these bills I should like to go back into a little history of the Municipal Authorities Act. That has a great bearing upon these bills and I think it is because of certain acts that have taken place that these bills have been introduced.

The 1935 Municipal Authorities Act allowed the creating of municipal authorities in the state of Pennsylvania for various purposes which are enumerated in the act, among which was the building of roads, bridges, and tunnels and so on and so forth.

The act was further amended in 1939 to include the construction of water works or water systems. In 1939 the act was so amended that it would allow these authorities secretly to purchase water companies, and because of that amendments to that act we have today in the state of Pennsylvania many water companies that have been purchased, where stocks and bonds have been issued and the purchase price for those water companies or water systems was much greater than the cost for which those same water companies or water systems could be reproduced today. As a result, we have in the courts of Pennsylvania at the present time and in my own county of Delaware cases pending where they are trying to declare these bonds and stocks invalid, and they are trying to recover money that has been expended over and above what the cost of that water company should be.

Mr. Speaker, I have a report that has been compiled by the Public Utility Commission, showing that there are today in the state of Pennsylvania some forty municipalities which have created municipal authorities, a

great number of which have purchased water companies, and in almost every instance the price paid for those water companies has been greatly in excess of what those same companies could be reproduced for today. Therefore the moneys of those communities have been misspent. As I said before, Mr. Speaker, there have been proceedings instituted in two counties in Pennsylvania where they are going to try to invalidate those stocks and bonds and the citizens are going to try to recover the money that has been spent for the stocks and bonds. I know there is going to be an argument presented here saying that the cost of the litigation will be terrible unless such an act is passed as we have before us. I say to you that the cost to the citizens of Pennsylvania, instead of being greater if this bill is passed, the citizens of those communities where the purchase price, has been greater than the water companies can be reproduced for today will pay a much greater price than would be paid if this act were not passed.

House Bill No. 1728 is a companion bill, which will allow the creating of authorities of the municipal governments, such as members of city council, borough council, or township council, to be members of the authority, and I believe that is the case in some thirty-eight municipal authorities in the state of Pennsylvania today, most of which have been created since the passage of that amendment in 1939. We have just recently, in the courts of Beaver County, had a decision handed down where the members of the council of Beaver Falls were ousted as members of the authority, and that case has been appealed to the Supreme Court. We have in Delaware County at the present time a case pending where the Mayor has been ousted and no doubt the other members of council will be ousted from their positions.

House Bill 1728 provides

"Any member of the governing body or any officer of any municipality or municipalities empowered to create Authorities under the Municipal Authorities Act may be a member of the board or governing body or an officer of any authority heretofore or hereafter so created, the said offices shall not be deemed to be incompatible."

Mr. Speaker, in the decision handed down by Judge Brown of Beaver County he states that in every case where the members of the creating authority have legislated creating positions and then appointed themselves to those positions, and they can under the Municipal Authorities Act pay themselves salaries, that the offices are incompatible, and in every instance, not only in this state but in every other state of the United States, that decision has been sustained that members of the creating body cannot legislate creating positions appointing themselves to positions and paying themselves salaries, thereby circumventing the Constitution which does prohibit an elected officer from having his salary increased during his term of office. If House Bill 1728 is passed I am afraid that the actions in the lower courts when appeals are heard in the Supreme Court, will have a direct bearing upon the decision of the Supreme Court because the Supreme Court will then say that this Legislature says it is alright for the members of creating bodies to be members of the authority. In the case in Beaver Falls an appeal has been taken to the Supreme Court and an appeal has been taken in Delaware County to the Supreme Court. If this General Assembly passes House

Bill 1728, Printer's No. 958, we are saying to the Supreme Court that we think it is alright for a municipal government to legislate creating a job and then appoint themselves to that job and if need be pay themselves an additional salary. In the case in Delaware County the Chester Municipal Authority was created by the Mayor and members of council and they appointed themselves as the municipal authority and paid themselves a salary of twelve hundred dollars a year. I have no objection to the members of these municipal authorities receiving a salary because some of them have a big job and I think the work they do entitles them to some salary. However, I do not think it is right for the mayor and the members of council to create an authority and name themselves as members of that authority and then proceed, as they do now and have done before under the Municipal Authorities Act of Pennsylvania to expend the taxpayer's money and do that job secretly.

Mr. Speaker, it has been alleged in Delaware County and admitted by the defendants that there were two hundred and fifty thousand dollars profit made on the taxpayers' money in the purchase of the water company in Chester, eighty-five thousand dollars of which was admitted by John J. McClure to have been received by him. His business partner, William Purdy, admitted that he had received eighty-five thousand dollars. A former member of this House of Representatives, Mr. Thomas Curran, has admitted that he received twenty thousand dollars. A deputy Attorney General, Mr. John Diggins, admitted that he received twenty thousand dollars. Mr. John Connelly in Philadelphia said he received a sum of money so that two hundred and fifty thousand dollars of the taxpayers' money that was spent there represented a profit. There is an additional three hundred and seventy-five thousand dollars that has not been accounted for, and the case is now before the courts in Delaware County. If we pass these House Bills 1727 and 1728 then we are saying that the actions of these men have been alright or we approve of the actions there, and say "just go ahead."

Mr. Speaker, I admit there are other municipal authorities in Pennsylvania that have not been accused of any wrong doing. I also happen to know that there has been pressure brought to bear on many of the Members of the House of Representatives here from boroughs, townships and the officials back home, asking them to vote for these bills, but I submit to you, that we have never allowed in the history of this commonwealth a body to legislate creating positions and then appointing themselves to those positions, and especially allowing them to pay themselves an additional salary. I think these two bills are vicious and I say they should be defeated.

Mr. Speaker, I am asking the Members of the House to vote "no" on House Bills 1727 and 1728. Let us say to the people of Pennsylvania that we do not approve of the acts that have taken place all over the state of Pennsylvania and I am asking again the Members to vote "no" on these two bills.

Mr. HARKINS. Mr. Speaker, I just wish to make clear a few points in connection with these bills. These two bills are purely procedural bills, merely changes in the law. They are merely statements as to the one bill that the office of a member of a municipal authority and the office of a councilman are not incompatible.

That, Mr. Speaker, is a subject to which this legislature is properly qualified to act upon.*

House Bill 1727 is a bill which merely states that no acts or proceedings of any of these municipal authorities shall be invalidated because of the fact that the members of that municipal authority also were members of the Council in the same municipality.

I am afraid, Mr. Speaker, that because there may have been some misdeeds committed in a few municipalities, that all municipal authorities in the state of Pennsylvania may suffer unless these bills are passed.

I am not afraid, Mr. Speaker, that these bills will justify any wrong doing of any description. These bills are not bills that will operate in the past; they are bills which will operate from the time they are passed, and the only one which would not operate in retrospect is the bill that would validate the proceedings of the municipal authorities, but only validate them, Mr. Speaker, or rather only prevent them from being invalid because some of the members of the authority were members of the Council.

Let me make clear that these bills will not validate any wrongful act, conspiracy or act of fraud. These bills of course will not prevent any fraud in the future if the people are dishonest, but it is not the purpose of these bills, Mr. Speaker, to do that. These bills are merely changes in the substantive law as I have set forth before. If there have been any criminal acts done in the past those criminal acts can still be punished and these bills will not interfere with the punishment of those persons who have committed wrongful or criminal acts. I ask that these bills be supported.

Mr. LONGO. Mr. Speaker, I rise to ask the members of the House to support House Bills 1727 and 1728. As a representative, privileged to represent the City of Bethlehem in Northampton County, I am familiar with the authorities and especially the Water Authority of that city.

We have a project in the city of Bethlehem involving millions of dollars. The mayor of the city and the councilmanic body act as directors of its water authority. They have appointed themselves as directors, without compensation.

The project, being a vast one, is practically completed and in a few weeks the residents of the city of Bethlehem hope to enjoy the benefits and advantages of having spring water, coming a distance of 35 miles, into the home and table of every resident therein.

If Mr. Rush's argument is to be accepted as the proper interpretation of the bills now before the House, the damage resulting therefrom would cause irreparable damage and place the financial structure of the authority in jeopardy and chaos. Bonds have been issued by this authority, which bonds have been purchased by many financial institutions and individuals.

The lower court in the counties of Delaware-Beaver have concluded that where the members of council with its mayor have appointed themselves as directors, their holding of such office would be incompatible. Should the Supreme Court affirm this decision, what effect would this have on the bonds issued by these directors, who in most cases have performed their duties as public officers should, with trust and fidelity?

Certainly the men who have performed their duty according to law, as they in good faith believed it to be,

should not be penalized for the criminal acts and criminal conspiracies of men who actually conspired to cheat and defraud the taxpayers' of their respective districts. If the men in Delaware County have done a wrong they should be prosecuted in the criminal courts. Only there can they receive their just due.

I sympathize with the gentleman of Delaware County. It is a sad state of affairs, yet the men of that councilmanic body were elected by the people of that district, they have their way of doing business, whether honest or dishonest, yet that condition may be corrected by the citizens of that political subdivision at the next election.

In conclusion, I again ask the members of this House to support the two bills now before us. Protect the people and institutions who acted honestly and in good faith when they purchased the bonds issued by a group of public officials who have discharged their duties with respect and honor to themselves and the district which they represent. There are more than 40 authorities in the state of Pennsylvania, yet only two of them were infested with fraud. Let the criminal courts decide the fate and future of those men.

Confusion will be prevented by the passage of House Bills 1727 and 1728.

Mr. RUSH. Mr. Speaker, I know something of the situation of that authority in Bethlehem and I want to say that that has been one authority in the state of Pennsylvania where there has been no question as to their actions. However, we have a number of other authorities in the state of Pennsylvania that perhaps may not be as honest as the one in Bethlehem. I have here in my hand a newspaper dated March 2nd, where the deal was denied in the Scranton water plant, and I might say for your information and for the information of the Members of the House that the very same people who are involved in the deal in Delaware County, the Federal Water Service Company and the C. W. McNear Company of Chicago, were involved in the deal in Scranton, where there was a profit of \$84,500 made by one man, a profit of \$85,000 made by another man and a profit of \$20,000 made by two other men. I do not know whether these figures have any significance or not but it is the same amount of profit that was made in the deal in Delaware County.

I also have here a copy of another newspaper where the authority in Montgomery County had a similar deal set up, and because of the expose in Delaware County the deal was called off. There are four similar instances where the money of the taxpayers' in these various municipalities would have been misspent and they would have paid for them for the rest of their lives in increased water rates. Mr. Speaker, there must be a reason because there are certain individuals who are interested in having these acts passed at the present time. I might say for their information that I have been approached in connection with these bills and in connection with House Bill 1322, which was introduced to correct some of the situation and an amendment to the Municipal Authorities Act, and I was told if these bills went through it would have an effect on the building of the Delaware River tunnel in my own county of Delaware. I happen to know that the individuals who are members of that authority and the person who is counsel for that authority are very much interested in having these bills

enacted. Now, why? Certainly we have enough people in the state of Pennsylvania who can be appointed to operate these authorities without having members of the municipal government as members of those authorities. It was said to me in some of the conferences in connection with the amendments to this act that there was no one in the boroughs or in the townships who were capable of operating these authorities except those persons who were elected as township or borough or city commissioners. I want to say, Mr. Speaker, that in Chester we have many hundreds of people who are just as capable of operating these authorities and also operate them just as efficiently as the members of council, and they will be operated in such a way that the citizens of those cities can find out something about what is going on, which cannot be found out at the present time. As I said before, I can see no good reason why there should be so much interest displayed in passing legislation that will keep the members of these authorities on the authorities, when they are also members of the township, borough, or city governments. There must be a reason for it. As I said before, Mr. Speaker, I have a report from the Public Utility Commission which shows that in almost every instance where there were water companies purchased that the price paid had been anywhere from one hundred thousand to one million dollars more than what those same companies or water services could be reproduced to pay. If that is not a waste of the taxpayers' money, if those taxpayers in those communities will not have to pay that for the rest of their lives, then I miss my guess. Let us not say to the half million citizens of Pennsylvania that will be affected by this legislation today that the action is alright, go ahead and pay this money when you so desire, it is perfectly alright because this legislature said so. Mr. Speaker, I ask the Members of this House again to vote these two bills down.

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—146

Achterman,	Goodwin,	Lyons,	Sarraf,
Auker,	Greenwood,	Malloy,	Serrill,
Baker,	Gross,	Marks,	Shaffer,
Balthaser,	Gryskewicz,	McClanaghan,	Shaw,
Baughner,	Cyger,	McClester,	Shepard,
Bentley,	Habbyshaw,	McDermott,	Simons,
Bentzel,	Haberlen,	McFall,	Skale,
Boles,	Haines,	McIntosh,	Snyder,
Boorse,	Hall,	McKinney,	Sollenberger,
Bower,	Hare,	McLanahan,	Stambaugh,
Bradley,	Harkins,	McLane,	Stank,
Bretherick,	Heatherington,	McMillen,	Stockham,
Brunner, C. H.,	Hering,	McMurry,	Tate,
Brunner, P. A.,	Herman,	Melchorre,	Taylor,
Burriss,	Hersch,	Monks,	Thompson, E. F.,
Cadwalader,	Hewitt,	Moran,	Thompson, R. L.,
Cochran,	Holland,	Moul,	Trout,
Cohen, M. M.,	Huntley,	Muir,	VanAllsburg,
Cooper,	Imbrie,	O'Brien,	Voldow,
Corrigan,	James,	O'Connor,	Wagner,
Croop,	Jefferson,	O'Mullen,	Watkins,
Dalrymple,	Jones, G. E.,	Owens,	Weingartner,
Dennison,	Keenan,	Pettit,	Welsh, E. B.,
DiGenova,	Kline,	Polaski,	Welsh, M. J.,
Early,	Knoble,	Polen,	Wilkinson,
Eckels,	Kolankiewicz,	Powers,	Winner,
Ely,	Krise,	Frosen,	Wolf,
Falkenstein,	Lee, E. A.,	Rank,	Wood, L. H.,
Finestone,	Lee, T. H.,	Rausch,	Wood, N.,
Finnerty,	Leisey,	Readinger,	Woodring,

Fliss, Fleming, Fletcher, Foor, Gates, Gerard, Gillette,	Leonard, Lesko, Levy, Leydic, Lichtenwalter, Longo, Lovett,	Reagan, Reese, D. P., Rhea, Rose, S., Rose, W. E., Royer, Sarge,	Woodside, Wright, Yeakel, Yester, Young, Kilroy, Speaker.
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NAYS—19

Chervenak, Cordier, Dix, Dolon, Elliott,	Flynn, French, Gallagher, Hamilton, Hirsch,	Jones, P. N., Kenehan, Maxwell, Munley, O'Neill,	Petrosky, Reese, R. E., Rush, Tarr, Vincent, Weiss,
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1728, as follows:

An Act relating to the compatibility of office of members of the Boards and officers of the Authorities incorporated under the Municipal Authorities Act as amended and supplemented

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

Section 1 Any member of the governing body or any officer of any municipality or municipalities empowered to create Authorities under the Municipality Authorities Act approved June 28, 1935 (P. L. 463) as amended and supplemented may be a member of the Board of governing body or an officer of any Authority heretofore or hereafter so created the said offices shall not be deemed to be incompatible

Section 2 All acts or parts of acts inconsistent herewith are hereby repealed

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

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

On the question,

Shall the bill pass finally?

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

YEAS—144

Achterman, Auker, Baker, Balthaser, Baughner, Bentley, Bentzel, Boles, Boney, Boorse, Bower, Bradley, Bretherick, Brunner, C. H., Brunner, P. A., Burriss, Cadwalader, Cochran, Cohen, M. M., Cook, Cooper, Corrigan, Croop, Dairymple, Dennison, DiGenova, Early,	Gates, Gerard, Gillette, Greenwood, Gross, Gyger, Habbyshaw, Haberien, Haines, Hall, Hare, Harkins, Heatherington, Helm, Hering, Herman, Hersch, Hewitt, Holand, Imbrie, James, Jefferson, Jones, G. E., Keenan, Kline, Knoble, Kolankiewicz,	Longo, Lyons, Malloy, Marks, Maxwell, McClanaghan, McClester, McDermott, McFall, McIntosh, McKinney, McLanahan, McLane, McMillen, McSurdy, Melchiorre, Monks, Mooney, Moran, Moul, Mulr, O'Brien, O'Connor, O'Mullen, Owens, Polaski, Powers,	Sarge, Lyons, Sarra, Serrill, Shaffer, Shaw, Shepard, Simons, Skale, Snyder, Sollenberger, Sorg, Stambaugh, Stank, Stine, Stockham, Tate, Taylor, Thompson, R. L., Trout, Voidow, Wagner, Watkins, Welsh, E. B., Welsh, M. J., Wilkinson, Wolf, Wood, L. H.,
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Eckels, Ely, Falkenstein, Finestone, Finnerty, Fliss, Fleming, Fletcher, Flynn, Foor,	Krise, Lee, E. A., Lee, T. H., Lelsey, Leonard, Lesko, Levy, Leydic, Lichtenwalter, Royer,	Prosen, Rank, Rausch, Readinger, Reese, D. P., Reynolds, Rhea, Rose, W. E., Royer,	Wood, N., Woodring, Woodside, Wright, Yeakel, Yester, Young, Kilroy, Speaker.
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NAYS—18

Chervenak, Cordier, Dix, Dolon, French,	Hamilton, Hirsch, Jones, P. N., Kenehan, Lovett,	Munley, O'Neill, Petrosky, Reese, R. E.,	Rush, Tarr, Vincent, Weiss,
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 1804, (Senate Bill No. 1023), entitled:

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

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. MORAN. Mr. Speaker, I would like to have this bill explained please.

The SPEAKER. The sponsors are Senators. Whom does the gentleman wish to interrogate?

Mr. MORAN. Mr. Speaker, I do not want to interrogate anybody. I want somebody to explain the bill. There ought to be somebody in the House who is able to explain this bill.

The SPEAKER. If the gentleman has any particular member in mind he desires to interrogate, the Chair will request such member to explain the bill.

Mr. MORAN. Mr. Speaker, it is customary when a bill comes from the Senate to the House that somebody in the House is able to explain the bill; that somebody is

delegated to explain the bill. I do not know that we ever brought a Senator over here to explain their own bill, so some Member of the House ought to be able to do so.

The SPEAKER. The Senators are not entitled to the privilege of the floor.

Mr. MORAN. Then, Mr. Speaker, someone in the House ought to be able to explain it.

The SPEAKER. Is there any Member of the House who wishes to explain this bill? The Chair hears no response.

Mr. MORAN. Mr. Speaker, I would like to ask again if any Member of the House can explain this bill?

The SPEAKER. The answer apparently is "no."

Mr. MORAN. For the information of the House, if I may be permitted, I would like to say that this bill is a convoy bill, to allow convoys to take automobiles over the highways, that is, convoys which carry about four automobiles on the highways. Just so we know what we are voting on. If this bill passes they will not be permitted on the highways.

POINT OF ORDER

Mr. O'BRIEN. Mr. Speaker, I rise to a point of order.

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

Mr. O'BRIEN. Mr. Speaker, is there anything in order other than the calling of the roll?

The SPEAKER. The gentleman is in order in asking for information.

QUESTION OF INFORMATION

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

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

Mr. MORAN. Mr. Speaker, if this bill is passed will it then permit the convoys to continue on the highways or will it not?

The SPEAKER. It will permit them.

Mr. MORAN. That is all I wanted to know, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

Messrs. Fleming, Gates and Moran asked for a verification of the roll.

The roll was verified as follows:

YEAS—118

Achterman,	Foor,	Lovett,	Scanlon,
Baker,	Gallagher,	Lyons,	Serrill,
Baughner,	Gerard,	Malloy,	Shaw,
Bentley,	Gillan,	Marks,	Shepard,
Bentzel,	Gillette,	Maxwell,	Skale,
Boles,	Greenwood,	McClanaghan,	Snyder,
Boorse,	Gyger,	McFall,	Sorg,
Bradley,	Habbyshaw,	McKinney,	Stockham,
Bretherick,	Haberlen,	McLanahan,	Tarr,
Brown,	Haines,	McMillen,	Tate,
Chervenak,	Hare,	Meichiorre,	Thompson, E. F.,
Chudoff,	Harkins,	Modell,	Trout,
Cochran,	Hering,	Monks,	Turner,
Cohen, M. M.,	Herman,	Mooney,	Van Allsburg,
Cohen R. E.,	Hersch,	Moul,	Voldow,
Cook,	Hirsch,	Muir,	Wagner,
Corrigan,	Imbrie,	O'Brien,	Watkins,

Croop,	James,	O'Mullen,	Weingartner,
Gullen,	Jefferson,	Owens,	Wells,
Dalrymple,	Kenehan,	Petrosky,	Welsh, E. B.,
Dennison,	Knoble,	Poiaski,	Wilkinson,
DiGenova,	Kolankiewicz,	Powers,	Winner,
D'Ortona,	Komorofski,	Prosen,	Wood, L. H.,
Eckels,	Lee, E. A.,	Reynolds,	Wood, N.,
Ely,	Lee, T. H.,	Rhea,	Wright,
Falkenstein,	Leonard,	Rose, W. E.,	Yeakel,
Finestone,	Lesko,	Rosenfeld,	Young,
Finnerty,	Levy,	Royer,	Kilroy,
Fiss,	Leydic,	Sarge,	Speaker.
Flynn,	Lichtenwalter,	Sarra,	

NAYS—59

Auker,	French,	Longo,	Reese, D. P.,
Balthaser,	Gates,	McClester,	Reese, R. E.,
Boney,	Goodwin,	McDermott,	Riley,
Bower,	Gross,	McIntosh,	Rush,
Brunner, C. H.,	Gryskewicz,	McSurdy,	Shaffer,
Brunner, P. A.,	Hall,	Moran,	Sollenberger,
Burriss,	Hamilton,	Munley,	Stambaugh,
Cadwalader,	Heatherington,	Nagel,	Stank,
Cooper,	Hewitt,	Nunemacher,	Taylor,
Cordier,	Holland,	O'Connor,	Thompson, R. L.,
Dix,	Huntley,	O'Neill,	Vincent,
Dolon,	Jones, G. E.	Pettit,	Welsh, M. J.,
Early,	Kline,	Polen,	Wolf,
Elliott,	Krise,	Rausch,	Woodring,
Fleming,	Lelsey,	Readinger,	Yester,

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. BENTLEY filed the following reasons for his vote: House Bill No. 1804 (Senate Bill No. 1023) The national emergency and defense program, requiring the utmost use of all of our transportation facilities, as presently constituted, justifies in my opinion the further extension for a two year period of the "convoy" system.

This question is and has been in existence for a number of years. In this respect it differs from the "big truck" bill, which would have permitted the future construction and use of larger vehicles. To this latter I was and am opposed.

BILLS ON THIRD READING

Mr. O'BRIEN asked and obtained unanimous consent to call up out of order House Bill No. 602, Printer's No. 1057, on page 17 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third 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. 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 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.

On the question,

Will the House agree to the bill on third reading?

Messrs. BROWN and HARKINS. Mr. Speaker, we ask unanimous consent to offer amendments at this time.

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

The Clerk read the amendments as follows:

Amend sec. 2, (sec. 976) page 8, lines 9 to 14, both inclusive, by striking out the words "review the" in line 9, all of lines 10, 11, 12 and 13, and the words "competent evidence" in line 14, and inserting in lieu thereof the following "hear the case de novo."

Amend sec. 2, (sec. 976) page 8, line 18, by inserting after the words "certificate" the following: "From any decision of the court of common pleas an appeal may be taken, within two days after the entry thereof, to the Superior Court."

Amend sec. 2, (sec. 976) page 8, line 19, by inserting after the word "court" the following: "of common pleas and of the Superior Court."

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.

Mr. CORDIER asked and obtained unanimous consent to call up out of order House Bill No. 448, Printer's No. 1079, on page 18 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third 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 re-defining 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

On the question,

Will the House agree to the bill on third reading?

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

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

The Clerk read the amendments as follows:

Amend Sec 7, subsection (e), page 3, line 18, by striking out light-faced bracket before the word "and."

Amend Sec. 7, subsection (e), page 3, line 19, by striking out light-faced bracket after the word "final" and inserting immediately thereafter: "except as otherwise herein-after provided."

Amend Sec. 7, subsection (e), page 3, line 23, by striking out the words "as aforesaid."

Amend Sec. 7, subsection (e), page 3, line 25, by inserting after the word "decision": "of a County Board of Assistance or."

Amend Sec. 7, subsection (e), page 3, lines 26 and 27, by striking out the words "in whole or in part" and inserting in lieu thereof: "because he is deemed ineligible under Section 9 of this act as a person who advocates or 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. Such appeal may be made."

Amend Sec. 7, subsection (e), page 3, line 28, by inserting after the word "decision": "of the County Board of Assistance or."

Amend Sec. 7, subsection (e) page 4, line 7, by inserting after the word "assistance": "or County Board of Assistance."

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?

Mr. CORDIER. Mr. Speaker, while I feel that this bill as it was amended on second reading was materially weakened, this amendment will add some strength to it. I shall make some remarks relative to the weakening process when the measure is up for final passage tomorrow. I am asking my colleagues on this side of the House to support this amendment, as it will provide a method of appeal under this act for relief recipients receiving general assistance.

On the question recurring,

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.

Mr. CORDIER asked and obtained unanimous consent to call up out of order House Bill No. 413, Printer's No. 1080, on page 18 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 413, entitled:

An Act prohibiting the employment by the Commonwealth or any political subdivision thereof or by any authority or any institution receiving public funds of persons who hereafter advocate and actively participate in a movement proposing a change of the government of the United States by means not provided for in the Constitution of the United States providing for dismissals under existing laws and permitting appeals to courts of common pleas in cases not covered by civil service or tenure laws.

On the question,

Will the House agree to the bill on third reading?

Mr. BROWN. 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 1, line 12 of title, by inserting after the word "pleas" the following: "and appellate courts."

Amend title, page 1, line 12 of title, by inserting after the word "in" the following: "all such".

Amend title, page 1, last line of title, by striking out all of said line.

Amend Sec. 1, page 2, lines 18 to 20, by striking out the following: "not having the right to be heard under any" in line 18, all of line 19, and the following "missal" in line 20.

Amend Sec. 1, page 2, line 22, by inserting after the word "hearing" the following: "all testimony de novo."

Amend Sec. 1, page 2, lines 26 and 27, by striking out the following "The decision of the court of common pleas shall be final Said appeal" and inserting in lieu thereof: "From the final order of the court of common pleas, any party in interest who feels aggrieved by such order may appeal to the Superior or Supreme Court in accordance with the law now governing appeals to such courts. All appeals."

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.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

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

HOUSE BILL No. 1543.

An Act providing a method for supplying, perfecting and recording birth records of certain persons whose births have not heretofore been made a public record, or whose record of birth is incomplete or incorrect; making such records competent legal evidence; prescribing fees; and imposing certain duties upon the orphans' court.

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

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, at the end of line 6, by inserting after the word "court" the words "and the Bureau of Vital Statistics of the Department of Health."

Amend Section 1, page 3, at the end of line 3, by striking out the word "or" and inserting in lieu thereof the word "and"; also same page, line 9, by inserting after the word "effect" the words "by such priest minister or other officer"; also same page, at the end of line 14, by striking out the word "or" and inserting in lieu thereof the word "and"; also same page, at the end of line 22, by inserting after the word "facts" the words "Provided however that if the information required above is not available the court may require such other information including public or private records as will satisfy it"; also on page 4, at the end of line 2, by inserting after the word "court" the words "In order that the form of petition in the several counties may be uniform the Bureau of Vital Statistics of the Department of Health shall prescribe the form of petition required under Section 1 of this act."

Amend Section 2, page 4, by inserting after line 25 the following paragraph:

"The Orphans' Court is hereby authorized to appoint a standing Master or Masters to whom such petitions may be referred who shall upon such reference hold the hearing specified in this Section and make recommendations to the Orphans' Court for approval or disapproval of the petition with an appropriate form of decree. Such Master or Masters shall be paid by the county such compensation as the Orphans' Court shall fix."

On the question,

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

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

YEAS—203

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

NAYS—0

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

Ordered, That the Clerk inform the Senate accordingly.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

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

SENATE MESSAGES

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. 1203.

An Act making an appropriation to the Jefferson Medical College, of Philadelphia, Pennsylvania, for medical education

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

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

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

HOUSE BILL No. 1259.

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

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

HOUSE BILL No. 1919 MADE SPECIAL ORDER

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 1919, Printer's No. 1058, on page 20, of today's calendar, bills on third reading, be made a special order of business immediately.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1919, as follows:

An Act to amend sections 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 1003 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 of creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and filing of reports by milk dealers and permitting with limitations

the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" by adding the term "handler" as a synonym for the term "milk dealer" defining the terms "handle" and "handler" extending the provisions of the act to those who handle milk by bailment brokerage consignment or purchase authorizing special agents or examiners to conduct hearings on behalf of the Milk Control Commission enabling certain officers employes and agents to administer oaths providing the method and effect of service of certain orders and the posting of rules regulations and certain orders enabling employes of the commission to photograph photostat mark or stamp for identification books and papers that they have inspected providing for action with milk control agencies of other states and of the United States in holding 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 requirements of milk dealers or handlers to file bonds to secure payments 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 of orders and findings of fact of the commission relating to licenses in suit 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

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

Section 1 Section 103 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 therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing

the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts, requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders; of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" is hereby amended to read as follows

Section 103 Definitions Construction The following terms shall be construed in this act to have the following meanings except in those instances where the context clearly indicates otherwise

"Books and records" or "books or records" shall include all pertinent books ledgers journals records papers memoranda correspondence vouchers bills receipts cancelled checks accounts exhibits photographs and other documents

"Commission" means the State agency created by this act to be known as the "Milk Control Commission"

"Consumer" means any person natural corporate statutory or governmental other than a milk dealer or handler who purchases milk for consumption or use by himself or others

"Cooperative" means a cooperative agriculture association or corporation of producers organized under the laws of this Commonwealth or of any other state and engaged in making collective sales or in the marketing of milk for producers under contract with it A cooperative shall not be deemed a milk dealer or handler but shall be deemed a producer except as otherwise provided herein

"Handle" to handle means the doing of any one or several or all of the following acts to buy sell barter acquire store process consign receive transport control as owner buyer seller consignee consignor bailee bailor broker or factor

"Licensee" means a licensed milk dealer or handler

"Market" includes any county city borough incorporated town or township in the Commonwealth or any two or more such counties cities boroughs incorporated towns or townships or any portions thereof or any other land within the territorial limits of the Commonwealth designated by the commission as a marketing area

"Milk" includes fluid milk and cream fresh sour or storage skimmed milk flavored milk or milk drink butter-milk ice cream mix and condensed or concentrated whole or skimmed milk except when contained in hermetically sealed cans

"Milk dealer" or "handler" means any person including any store or subdealer or subhandler as hereinafter defined who purchases or receives or handles on consignment or otherwise milk within the Commonwealth for sale shipment storage processing or manufacture within or without the Commonwealth whether on behalf of himself or others or both A producer who delivers milk to a milk dealer or handler only shall not be deemed a milk dealer or handler [A cooperative agricultural association or corporation] of producers of milk organized under the laws of this Commonwealth or of any other state and engaged in making collective sales of milk for producers under contract with it shall not be deemed a milk dealer but shall be deemed a producer Provided however That if such association or corporation] if a cooperative distributes or makes available on consignment or otherwise milk within this Commonwealth to stores as defined in this act or to consumers as defined in this act it shall be deemed to be a milk dealer or handler as to that part of its business and

shall be governed by the provisions of this act applicable thereto [And provided further That] [s] Such cooperative [agricultural association or corporation] shall be governed by the applicable provisions of this act as to the prices at which it sells markets or bargains to sell or make available on consignment or otherwise milk within this Commonwealth to milk dealers handlers and others

"Person" includes an individual corporation association partnership limited partnership or other unincorporated enterprise owned [by two or more individuals] or conducted by or on behalf of two or more individuals or other persons

"Price" includes the amount paid or to be paid and the proceeds returned or to be returned whether the transaction be one of purchase sale consignment sale or return accounting or otherwise

"Producer" means a person producing milk

"Store" includes a grocery store hotel restaurant soda fountain dairy products store or any similar mercantile establishment which sells or distributes milk

"Subdealer" or "Subhandlers" means any milk dealer or handler handling milk within the Commonwealth who sells or delivers all such milk to consumers or stores in the same containers as those in which he purchased or acquired it from other milk dealers or handlers

Any reference in this act to quantity of milk shall be construed to include its whole milk equivalent

Article or section headings shall not be construed to affect in any manner the scope or meaning of any article or section of this act

The singular shall be construed to include the plural The masculine shall be construed to include the feminine and the neuter and conversely the neuter shall be construed to include the masculine and the feminine

Section 2 Section 301 of the said act is hereby amended to read as follows

Section 301 Regulation of Milk Industry The commission is hereby declared to be the instrumentality of the Commonwealth for the purpose of administering the provisions of this act and to execute the legislative intent herein expressed and it is hereby vested with power to supervise investigate and regulate the entire milk industry of this Commonwealth including the production transportation disposal manufacture processing storage distribution delivery handling bailment brokerage consignment purchase and sale of milk and milk products in this Commonwealth and including the establishment of reasonable trade practices systems of production control and marketing area committees in connection therewith Provided however That nothing contained in this act shall be construed to alter amend or repeal any of the laws of this Commonwealth relating to the regulation of public utilities or to the public health or to the prevention of fraud and deception except as herein otherwise specifically provided

Section 3 Section 304 of the said act is hereby amended to read as follows

Section 304 Hearings Witness Fees The commission [or] any member thereof [may] or any special agent or examiner designated by the commission shall hold such hearings at the Capitol or elsewhere as [it] the commission deems necessary or appropriate to carry out the provisions of this act Provided however That all hearings for the fixing of prices for milk shall be held before one or more members of the commission Each witness required to attend before the commission [or] any member thereof or any such special agent or examiner under the provisions of this section shall be entitled to the fees and mileage customarily paid to witnesses in the courts of Dauphin County All such hearings [of the commission] shall be governed by such rules regulations and orders as shall be adopted and prescribed by the commission

Section 4 Section 305 of the said act is hereby amended to read as follows

Section 305 Subpoenas Oaths In order to enable the commission to carry out the provisions of this act it shall have the power to issue subpoenas requiring the attend-

ance and testimony of or the production of pertinent books and papers by milk dealers or handlers or their employes producers or their employes persons having business dealings with milk dealers or handlers or producers or other persons whom the commission believes to have information books or papers of importance to it in carrying out the purposes and intent of this act [The commission]. Each member of the commission and such officers employes or other employed in the work of the commission designated by the chairman of the commission also shall have the power to administer oaths and affirmations to question witnesses thereunder and to examine such books and papers. The commission may issue commissions letters rogatory or other appropriate processes outside the Commonwealth.

Section 5 Section 307 of the said act is hereby amended to read as follows

Section 307 Adoption of Rules Regulations and Orders Subject to the approval of the Governor where such approval is hereinafter expressly required the commission [may] shall adopt and enforce all rules regulations and orders necessary or [desirable] appropriate to carry out the provisions of this act and not inconsistent with law

Section 6 Section 308 of the said act is hereby amended to read as follows

Section 308 Posting and Service of Rules Regulations and Orders Every general rule regulation or order of the commission shall be posted for public inspection in the main office of the commission at least six days before it shall become effective where it shall remain conspicuously posted until twenty days after its effective date and shall be given such further publicity by advertisement or announcement in a newspaper or otherwise as the commission shall deem advisable. At least three days before it shall become effective copies of such general rule regulation or order shall be mailed to all licensees and producers groups and organizations affected thereby. Provided however That such mailing shall not be construed as a condition upon which the validity of any such rule regulation or order depends. A certified copy of an order applying only to the particular person or persons named therein shall be served on the person or persons affected.

An order herein required to be served shall be (1) served in the manner now or hereafter established by law for the service of writs of summons except that such service need not be made by the sheriff or (2) mailed registered and charges prepaid (a) in the case of an individual to his last known residence or place of business (b) in the case of an unincorporated association or a corporation formed under the laws of this Commonwealth to its principal office and (c) in the case of a corporation formed under the laws of any other state to the office of its duly authorized agent in Pennsylvania or if there be no duly authorized agent in Pennsylvania to its home office in the state of incorporation or in any other state.

The posting in the main office of the commission of any rule regulation or order not herein required to be served and the giving of such further publicity thereto as the commission deems a visible or the proper service of any rule regulation or order required to be served shall constitute due and sufficient notice to all persons affected by such rule regulation or order. A rule regulation or order of the commission when duly posted and so publicized or when properly served as provided in this section shall have the force and effect of law. The commission shall upon request mail to any person a copy of any general rule regulation or order of the commission.

The mailing or service by mail herein required shall be by deposit in a United States Post Office or in any receptacle thereof. Service by registered mail as provided in this section shall be effective notwithstanding the refusal of the addressee to accept or receive an order so served.

Section 7 Section 370 of the said act is hereby amended to read as follows

Section 310 Entry and Inspection Pursuant to the pur-

poses of this act any member of the commission or any employe designated for the purpose shall have access to and may enter and inspect at all reasonable hours all places and equipment where milk or any product thereof is being produced stored bottled processed manufactured sold weighed tested consigned or otherwise handled. Any member of the commission or any designated employe thereof also shall have power at all reasonable hours to inspect photograph photostat mark or stamp for identification audit and copy all books papers records or documents in any place within the Commonwealth for the purpose of ascertaining facts to enable the commission to administer this act. The information obtained regarding any person by any such inspection auditing or copying or by reports or statements required or authorized by this act shall be for the confidential use of the commission and the various administrative departments boards and commissions of the State government and shall not be disclosed by any person except as may be required in the enforcement of law or by order of court and any member or employe of the commission or other person disclosing such information except as herein required shall be subject to the penalties herein provided for a violation of this act. Nothing contained in this act shall prevent the use of any information by the commission in the compiling and dissemination of general statistical data.

Section 8 Section 311 of the said act is hereby amended to read as follows

Section 311 Interstate and Federal Compacts The commission is hereby vested with authority to confer with legally constituted authorities of other states and of the United States with respect to uniform milk control within the states and as between states. The commission is authorized to join with such authorities of other states and with the authorities of the United States to conduct joint investigations to exchange information hold joint hearings and issue joint complementary or concurrent orders and to enter into a compact or compacts for such uniform milk control subject to such Federal approval as may be authorized or required by law.

Section 9 Section 401 of the said act is hereby amended to read as follows

Section 401 Milk Dealers or Handlers Required to be Licensed Except as herein otherwise specifically provided a milk dealer or handler as defined in this act shall not buy [milk] or handle milk whether as a broker factor bailee consignee or otherwise and whether or not by contact or operation of law title passes to the handler from producers or others within this Commonwealth for storage consignment brokerage manufacture processing distribution or sale within or without this Commonwealth or manufacture process handle sell or distribute milk within this Commonwealth unless such dealer or handler be duly licensed as herein provided and it shall be unlawful for a milk dealer or handler to buy or receive milk from or sell or consign milk to or handle as broker factor consignee or otherwise milk for a milk dealer or handler who is not either licensed or exempted as herein provided or in any way to deal in or handle milk which he has reason to believe has previously been dealt in or handled in violation of the provisions of this act.

Section 10 Section 402 of the said act is hereby amended to read as follows

Section 402 Milk Dealers or Handlers Subject to Exemption The commission may by official order exempt from the license requirements provided by this act milk dealers or handlers who purchase or handle milk in a total quantity not exceeding one thousand five hundred pounds in any month and milk dealers or handlers selling milk in any quantity only in markets of a population of one thousand or less for local consumption. The commission may by official order exempt stores or any class thereof from the license requirements provided by this act and shall exempt stores selling milk all of which has been purchased or acquired from a licensed milk dealer or handler. However milk dealers or handlers exempted by this section from the license requirements of this act

shall continue to be subject to all of the other provisions of this act relating to milk dealers or handlers Provided however that in cash sales of milk not exceeding two gallons to any one consumer in any one day at the farms of producers to consumers in containers owned and provided by the consumer the producers so selling milk shall be exempt from the provisions of this act

Section 11 Section 403 of the said act is hereby amended to read as follows

Section 403 Applications An application for a license to operate as a milk dealer or handler shall be completed and filed by the dealer or handler with the commission within thirty days after this act takes effect or prior to his engaging in business and annually thereafter on or before April fifteenth by mail or otherwise upon a form prescribed by the commission Such application shall be accompanied by the fee required by this act and by a bond when so required by this act in order to be complete The license year shall commence May first and shall end April thirtieth following The applicant shall state under oath or affirmation upon a form prescribed by the commission the following

(1) The nature of the business to be conducted
 (2) The full name of the person applying for the license If the applicant is a copartnership or association the full name of each member shall be stated If the applicant is a corporation the names and addresses of all officers and directors shall be stated
 (3) The city borough incorporated town or township and the street number if any at which the business is to be conducted

(4) The financial condition of the applicant including a comprehensive financial statement of his affairs

(5) Facts showing that the applicant has adequate technical personnel and adequate technical and physical facilities properly to conduct the business of receiving and handling milk that he has complied with all rules regulations and orders of the commission filed or served as required in this act the quantity source and outlet of milk handled within the Commonwealth during the calendar year preceding the period for which the license is desired and such other facts with respect to the applicant's business as may be required by the commission pursuant to this act

Section 12 Section 404 of the said act is hereby amended to read as follows

Section 404 Grounds for Refusal Suspension or Revocation The commission shall grant a license to an applicant complying with the provisions of this act and the rules regulations and orders issued by the commission pursuant thereto The commission may decline to grant a license to an applicant or may suspend or revoke the right of a licensee or former licensee to apply for a license for a new license period or may suspend revoke or refuse to transfer a license already granted to a milk dealer or handler or may prohibit a milk dealer or handler exempted from the license requirements of this act from continuing to operate as a milk dealer or handler after determination by the commission that the dealer or handler

(1) Has rejected without reasonable cause any milk purchased or acquired from a producer or has rejected without either reasonable cause or reasonably advance notice milk delivered or made available by or on behalf of a producer in ordinary continuance of a previous course of dealing except where the contract has been lawfully terminated Provided however That in the absence of an express or implied fixing of a longer period in the contract "reasonable advance notice" shall not be construed to mean notice of less than [one week] two weeks nor more than [two] four weeks.

(2) Has [without reasonable cause failed to account and make payment for any milk purchased from a producer] if a milk dealer other than a subdealer failed to account and make payment for any milk purchased or received on consignment or otherwise from a producer or producers or has if a subdealer failed to account and make payment for any milk purchased or received on consignment or otherwise from a milk dealer Provided however That if it be shown that there was reasonable cause for any such

failure to account and make payment and that such accounting and payment can and will be made promptly in addition to currently accounting and paying for milk purchased or received as aforesaid the commission shall not refuse to grant or suspend revoke or refuse to transfer a license solely for such failure to account and make payment until a reasonable opportunity has been afforded to make such accounting and payment

(3) Has committed any act injurious to the public health or public welfare or has committed any act injurious to trade or commerce in demoralization of the price structure of milk to such an extent as to interfere with an ample supply thereof for the inhabitants of the Commonwealth affected by this act It is hereby declared that such demoralization is injurious to the public health public welfare and to trade and commerce and that evidence thereof shall include any course of conduct on the part of the milk dealer or handler in violation of the terms of this act or any valid rules regulations and orders of the commission

(4) Has made a general assignment for the benefit of creditors or has been adjudged a bankrupt or there has been entered against him a judgment upon which an execution remains wholly or partly unsatisfied

(5) Has been a party to a combination to fix prices contrary to law A cooperative agricultural association organized under the laws of this Commonwealth or a similar association or corporation organized under the laws of this or any other state and engaged in making collective sales or marketing for its members or shareholders or any producers' or farmers' union or organization shall not be deemed or construed to be a conspiracy or combination in restraint of trade or an illegal monopoly nor shall the contracts agreements arrangements or combinations heretofore or hereafter made by such association or corporation or the members officers or directors thereof in making such collective sales and marketing and prescribing the terms and conditions thereof be deemed or construed to be conspiracies or to be injurious to public welfare trade or commerce

(6) Has continued in a course of [dealing] conduct of such nature as to [satisfy] the commission of an intent of the [man]ifest an intention on the part of such milk dealer or handler to deceive or defraud producers or consumers

(7) Has failed either to keep records or to furnish accurately the statements or information required by the commission to be supplied to it or to producers or consumers

(8) Has made any statement upon which the license was issued which statement is found to have been false or misleading in any material particular

(9) Is a partnership association or corporation and any individual holding any position owning any substantial interest or having any power of control therein has previously been responsible in whole or in part for any act on account of which a license may be denied suspended or revoked pursuant to the provisions of this act

(10) Has violated any of the provisions of this act or any of the rules regulations or orders of the commission or any stipulation entered into between the said dealer or handler and the commission in the course of any proceeding before the commission

(11) Has violated any provisions of acts repealed hereby or of rules regulations or orders issued thereunder

(12) Has rejected milk sold or delivered or made available on consignment or otherwise by or on behalf of a producer in ordinary continuance of a previous course of dealing because the producer or his employe agent or representative testified in any proceeding before the commission or in any civil or criminal case in any court whether or not of record in which any provision of this act or any order of the commission was concerned and it shall be no defense that reasonable advance notice was afforded the producer before the milk was rejected

(13) Has refused without reasonable cause to receive milk from a producer because it was not hauled to the milk dealer or handler by a hauler of the dealer's or handler's choosing or because it was hauled to the dealer or handler by a producer or a hauler of a producer's

or cooperative's choosing providing that such producer or hauler has adequate facilities and equipment for hauling and is delivering or is ready able and willing to deliver milk to the plant of such dealer or handler in proper condition and at the times necessary to coincide with the current schedule of plant operations of the dealer or handler

The burden of proving reasonable cause under any provisions of this section shall be upon the milk dealer

The issuance or renewal by the commission of a license hereunder shall not preclude the commission from suspending or revoking such license for a violation committed by the licensee prior to the license period [unless] except where the commission or its predecessor board had proceeded against the licensee for such violation and any valid order thereon has been complied with by the licensee

The commission shall grant a provisional and temporary license to a prior licensee when and if for any cause the action of the commission with respect to an application seasonably filed has not become final prior to the expiration of the period of such prior license. Such a temporary and provisional license may be issued on such terms and conditions as the commission may impose and shall authorize the licensee to continue in business until final action with respect to his pending application has been taken and no longer

Section 13 Section 405 of the said act is hereby amended to read as follows

Section 405 Hearings and Orders Before refusing to grant or to reissue or before suspending revoking or refusing to transfer a license the commission shall afford the applicant or the licensee respectively an opportunity to be heard. It shall direct a citation to such applicant or licensee by registered mail sent to his last known address giving therein at least five days' notice of such hearing and a statement of the matters complained of. The direction of such citation by registered mail as aforesaid shall be sufficient notice of such hearing notwithstanding any refusal of the addressee to accept or receive said citation. The five days' notice shall be computed as from the time that the addressee accepts or receives or refuses to accept or receive said citation. After such hearing and upon entry of any order thereon the commission shall serve a certified copy of such order upon the applicant or licensee filing at its office the original and a statement in writing of the findings of fact in support thereof

Section 14 Section 410 of the said act is hereby amended to read as follows

Section 410 Computation of License Fees Milk sold and distributed outside of this Commonwealth in any state which charges milk dealers or handlers a license fee may be deducted in the determination of the amount of the licensee fee required by this act. Provided That such quantity of milk is actually computed in determining the amount of such license fee in such other state. In computing the license fee to be charged by the commission the fluid milk equivalent of milk other than fluid milk shall be ascertained and fixed in such manner as the commission shall prescribe except in the case of farm-separated sour cream used exclusively in making butter to be marketed or ultimately sold as such in which case the daily average total quantity of such milk shall be computed according to pounds of butterfat or sour cream rather than the fluid milk equivalent thereof. Nothing herein is to be construed as requiring in the computation of the license fee the inclusion of milk which is received by the applicant milk dealer or handler from another milk dealer or handler subject to license hereunder which milk has been included in the computation of such other dealer's fee or milk which is produced by the applicant dealer or handler and not sold by him to stores or consumers. Applicant milk dealers or handlers other than subdealers or subhandlers receiving their entire supply from milk dealers or handlers who have paid a license fee thereon to this commission shall pay the license fee of ten dollars (\$10.00)

Section 15 Section 501 of the said act is hereby amended to read as follows

Section 501 Milk Dealers or Handlers Required to File Bonds It shall be unlawful for a milk dealer or handler to purchase acquire or receive on consignment or otherwise milk from producers unless the milk dealer or handler shall file with the commission a corporate surety individual surety or collateral bond approved by the commission. Except as otherwise herein provided the bond shall be in a sum equal to the value of the highest aggregate amount of milk purchased acquired or received by the dealer or handler from producers in any one month during the preceding calendar year which value shall be computed according to lawful prices and shall not in any event exceed one hundred thousand dollars (\$100,000.00). The bond shall be upon a form prescribed by the commission conditioned for the payment by the milk dealer or handler of all amounts due including amounts due under this act and the orders of the commission for milk [sold by such producers to] purchased or otherwise acquired from producers by the milk dealer or handler during the license year upon such terms and conditions as the commission may prescribe

In the case of a milk dealer or handler who pays producers in full each week for milk purchased acquired or received by him from such producers the bond shall be in the sum equal to fifty per centum of the value of the highest aggregate amount of milk purchased acquired or received by the dealer or handler from producers in any one month during the preceding calendar year which value shall be computed according to lawful prices and shall not in any event exceed fifty thousand dollars (\$50,000.00)

Section 16 Section 502 of the said act is hereby amended to read as follows

Section 502 Computation of Amount of Certain Bonds Milk purchased acquired or received by a milk dealer or handler from producers outside the Commonwealth and sold or distributed by such dealers or handlers as fluid milk within the Commonwealth shall be included in computing the amount of such dealer's or handler's bond except where such dealer or handler has filed a bond for the protection of such producers with the state wherein the milk is purchased acquired or received or with such producers. In such computation the amount due for such milk shall be determined according to any applicable official prices or any lawful contract price

A milk dealer or handler purchasing or acquiring or receiving or intending to purchase acquire or receive milk from producers but not so engaged during any month of the preceding calendar year shall file a bond in a reasonable sum to be fixed by the commission and within the time for filing his application such dealer or handler shall request the commission to fix such sum

Section 17 Section 503 of the said act is hereby amended to read as follows

Section 503 Time of Filing Effective Period of Bond The bond herein required shall be filed with the dealer's or handler's application for a license and shall be filed within the time for filing such application. The bond shall become effective upon its being filed with the commission for the entire license year or for that part of the license year in which the milk dealer or handler became engaged in the milk business. Any bond filed with the commission shall become effective upon being filed whether or not it is approved by the commission and shall no longer be of effect during the license year only when it has been replaced by a bond approved by the commission to be substituted therefor. The bond herein required shall be an obligation independent of the granting of a license and shall remain in full force and effect for and during the license year designated as long as the dealer or handler purchases or receives milk from producers or is indebted to pay producers for any milk delivered during said license year whether or not a license is granted the milk dealer or handler or a license granted the milk dealer or handler remains in force. The commission shall determine within a reasonable time

after the close of a license year which milk dealers or handlers have paid all amounts protected by their bonds filed with the commission and if the commission finds that all amounts protected by the bond of a milk dealer or handler have been paid it shall thereafter return the bond for said past license year to each such milk dealer or handler.

Section 18 Section 505 of the said act is hereby amended to read as follows

Section 505 Financial Statement A milk dealer or handler shall from time to time when required by the commission make and file with the commission a verified statement of his disbursements or of any other facts in connection with his business during a period to be prescribed by the commission which financial statement shall contain the names of the producers from whom milk was purchased acquired received or handled on consignment or otherwise the amount due to the producers and any other relevant facts required by the commission pertinent to the dealer or handler or the dealer's or handler's surety or sureties

Section 19 Section 506 of the said act is hereby amended to read as follows

Section 506 Increase or Decrease of Bond If it shall appear from the dealer's or handler's financial statement or from facts otherwise ascertained by the commission that the bond afforded to producers selling supplying or making available on consignment or otherwise milk to such milk dealer or handler does not adequately protect such producers the commission may require such milk dealer or handler to procure an additional surety or to give an additional bond or additional security for the collateral bond in a sum to be determined by the commission which (1) shall not exceed more than fifty per centum of the value of the highest aggregate amount of milk purchased acquired or received on consignment or otherwise by the dealer or handler from producers in any one month during the preceding or current year which value shall be computed according to the prices applicable [and] or which (2) shall be a sum not exceeding by more than fifty per centum the amount found to be due and owing producers by such dealer on a particular date determined by the commission whichever sum is greater but the total increase shall not in any event exceed fifty thousand dollars (\$50,000.00) In the case of a milk dealer or handler who pays producers in full each week for milk purchased acquired or received or handled on consignment or otherwise by him from such producers any increase required hereunder shall not exceed more than twenty-five per centum of such value [and] or amount but the total increase in any event shall not exceed twenty-five thousand dollars (\$25,000.00)

The commission may grant a reduction of the bond or the collateral or release an additional surety if it shall appear that owing to a decrease in the milk [purchases of the milk dealer] purchased received or handled by the dealer or handler or to other causes a bond in a lesser amount or with fewer sureties will protect producers selling supplying or making available milk to such milk dealer or handler.

Section 20 Section 508 of the said act is hereby amended to read as follows

Section 508 Interest or Dividends upon Securities The milk dealer or handler shall be entitled to all moneys received by the State Treasurer as interest or dividends upon any security or securities deposited by such milk dealer or handler with the commission and transmitted by the commission to the State Treasurer for safekeeping in accordance with the provisions of this act Provided however That the milk dealer or handler shall not be entitled to interest or dividends if there is on file with the commission a valid unpaid claim of a producer against the milk dealer or handler based on milk sold supplied or made available by such producer to the milk dealer or handler

Section 20 Section 508 of the said act is hereby amended to read as follows

Section 510 Effect of Order by Commission If by valid formal order refusing suspending or revoking a license after hearing with due notice to all those liable on the

bond the commission has found a milk dealer or handler to be indebted thereunder such order and the findings of fact in support thereof shall be conclusive evidence of the amount due under such bond in a suit thereon by the commission unless an appeal therefrom is pending and a supersedeas granted

Section 22 Section 511 of the said act is hereby amended to read as follows

Section 511 Procedure for Disbursing Proceeds The commission [may] shall prescribe the procedure for the payment out of the proceeds of any bond or collateral required by this article of the amounts found due to producers or handlers or dealers based on sales or deliveries of milk by them to a milk dealer or handler who has posted a bond or collateral Provided however That if the proceeds of a bond or of collateral which has been posted by a milk dealer or handler shall be insufficient to pay in full the amounts due to producers who have sold or supplied milk to such milk dealer or handler the moneys available shall be divided pro rata among such producers

Section 23 Section 512 of the said act is hereby amended to read as follows

Section 512 Cooperatives A cooperative agricultural association or corporation organized under the laws of this Commonwealth or a similar association organized under the laws of this or any other state or any producers' or farmers' union or organization shall be deemed a producer within the provisions of this article and shall be entitled to its benefits Such an association or corporation if operated for the benefit of producers under contract with it and not conducted for profit shall not be required to file a bond under the provisions of this article

Section 24 Section 513 of the said act is hereby amended to read as follows

Section 513 Subdealers' or Subhandlers' Bonds It shall be unlawful for a subdealer or subhandler to buy acquire receive or handle milk from a milk dealer or handler who purchases acquires or receives milk from producers unless the subdealer or subhandler shall file with the commission a corporate surety individual Such bond shall be executed to the Commonwealth in a sum equal to three hundred dollars (\$300.00) for each route owned or operated by the subdealer or subhandler and shall be conditioned for the payment by the subdealer or subhandler of all amounts due under this act and the orders of the commission for milk purchased acquired or received from such milk dealer or handler or dealers or handlers during the license year subject however to the further condition that if at time of default such milk dealer or handler or dealers or handlers are indebted or in arrears in their payments to producers the proceeds thereof shall be held on the account of such dealer or handler or dealers or handlers for the benefit of such producers Such bond shall be filed annually with the subdealer's or subhandler's application for a license and shall in all applicable particulars not herein specifically mentioned be subject to terms and conditions such as are provided in the other sections of this article for the bonds of other milk dealers or handlers and for suits thereon except where the protection of such milk dealer or handlers selling delivering or making available milk to the subdealer or subhandler or of producers selling delivering or making available milk to such milk dealer or handlers requires the substitution of such dealers or handlers and producers in applying such term and condition to the bonds of subdealers or subhandlers

Section 25 Section 703 of the said act is hereby amended to read as follows

Section 703 Dissemination of Information Conferences Licensees under this act and associations or corporations thereof producers of milk producers' or farmers' unions or organizations and cooperative agricultural associations or corporations engaged in collectively processing preparing for market handling or marketing milk may acquire exchange interpret and disseminate past present and future market statistical economic and educational information pertaining to milk by direct exchange between such persons or such associations or corporations or by and through a common agent created or selected by them which agent may be the commission if it consents to be

such Any such licensees producers and associations or corporations may confer and discuss the cost of production marketing market conditions and prices for [the sale of] milk

A milk dealer or handler shall upon the request of a producers' or farmers' union having written authority from producers or of a cooperative supply it with the information required to be kept under Subsection (1) of Section 701 of this Article insofar as such information pertains to the milk produced by the stockholders members or patrons of such producers' or farmers' union or cooperative selling or supplying milk to such milk dealer or handler

Section 26 Section 801 of the said act is hereby amended to read as follows

Section 801 Requisites of Orders Fixing Price of Milk The commission shall ascertain after a hearing in which all interested [parties] persons shall be given reasonable opportunity to be heard the logical and reasonable milk marketing areas within the Commonwealth shall describe the territorial extent thereof shall designate such areas by name or number and shall ascertain and maintain such prices for milk in the respective milk marketing areas as will be most beneficial to the public interest best protect the milk industry of the Commonwealth and insure a sufficient quantity of pure and wholesome milk to inhabitants of the Commonwealth having special regard to the health and welfare of children residing therein

The commission shall base all prices upon all conditions affecting the milk industry in each milk marketing area including the amount necessary to yield a reasonable return to the producer [and] which return shall not be less than the cost of production and a reasonable profit to the producers and a reasonable return to the milk dealer or handler In ascertaining such returns the commission shall utilize a cross-section representative of the average of normally efficient producers and dealers or handlers in the area

The commission shall file at its office with each order issued a general statement in writing of the findings of fact in support of and the reasons for such order

The commission may upon its own motion or upon application in writing from time to time alter revise or amend an official order defining milk marketing areas or fixing prices to be charged or paid for milk Before making revising or amending any order defining milk marketing areas or fixing prices to be charged or paid for milk the commission shall hold a hearing after giving reasonable [notice thereof] opportunity to be heard to interested persons of whom the commission has notice and in the case of any order affecting the public after giving reasonable notice thereof to the public in such newspaper or newspapers as in the judgment of the commission shall afford sufficient notice and publicity Provided however That upon application in writing from a person aggrieved by an order of the commission hereunder filed within fifteen (15) days after the issuance of the order complained of or upon its own motion the commission may within twenty (20) days after the effective date of such order issue an order revising or amending such order without a further hearing if such revision or amendment is based on the record of the hearing held prior to the issuance of such order

"Interested persons" as used in this section means all persons who may be affected by an order of the commission fixing prices and who have signified to the commission in writing their desire to be notified of such hearings concerning a particular milk marketing area or areas within the Commonwealth "Reasonable opportunity to be heard" may be afforded by written notice addressed to the last known address of an interested party by mail postage prepaid by deposit in a United States post office or any receptacle thereof Nothing contained in this section shall be construed to limit or modify the provisions of section three hundred eight of this act relating to the posting and publicizing of orders of the commission including orders made under this article and the force and effect thereof

At any hearing provided for herein the testimony of

an expert statistician present at the hearing and any printed typewritten duplicated mimeographed or other written treatise report or statistical data by an expert not present as a witness if and to the extent it is endorsed as reliable by an expert witness present at the hearing shall be competent evidence on any subject material to fixing any price under this article

All provisions of all price-fixing orders of the commission shall be presumed to be valid and the burden of proving any invalidity of any provisions thereof shall be upon the person asserting the same Any determination by the commission or a court to which an appeal has been taken that the wholesale or retail prices provided are invalid shall not prevent the enforcement of prices to producers but any determination that prices to producers are unreasonable shall require the redetermination by the commission of wholesale and retail prices as well as prices to producers

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

Every order made pursuant to this article and any revision or amendment thereof in which the commission fixes or changes the price of milk to producers or to consumers or both shall be subject to the approval of the Governor

Section 27 Section 802 of the said act is hereby amended to read as follows

Section 802 Wholesale and Retail Prices The Commission shall fix by official order (except as hereinafter provided in this section) the minimum wholesale and retail prices and may fix by official order the maximum wholesale and retail prices to be charged and received by milk dealers or handlers for milk sold delivered handled or consigned within any milk marketing area of the Commonwealth wheresoever produced including milk sold delivered or consigned by

(1) Milk dealers or Handlers to other milk dealers or handlers

(2) Milk dealers or Handlers to consumers

(3) Milk dealers or Handlers to stores either for consumption [on the premises or resale] at the stores or sale to consumers

(4) Stores to consumers except for consumption [on the premises] at the store where sold

Nothing herein contained shall be construed to empower the commission to fix the price at which milk may be sold by any milk dealer or handler or producer to consumers for consumption on the premises of such milk dealer or handler or producer

The fixing of minimum wholesale or retail prices for skimmed milk condensed or concentrated whole or skimmed milk bulk cream handled between milk dealers or handlers other than stores and ice cream mix shall be discretionary with the commission

Section 28 Section 803 of the said act is hereby amended to read as follows

Section 803 Prices to Producers The commission shall fix by official order the minimum prices to be paid by milk dealers or handlers to producers for milk sold or delivered or made available on consignment or otherwise by producers to dealers or handlers Provided however That the fixing of prices to be paid by milk dealers or handlers to producers for milk to be used solely in manufacturing shall be discretionary with the commission

Section 29 Section 804 of the said act is hereby amended to read as follows

Section 804 Classification When pursuant to any statute or regulations or orders adopted thereunder or any ordinance or reasonable trade practice various grades of milk are specified orders of the commission fixing minimum or maximum prices may be applicable to each grade Orders of the commission fixing minimum or maximum prices may vary in different markets and shall designate the

markets to which applicable Such orders may likewise classify milk and milk dealers, or handlers in any reasonable manner which the commission deems advisable and may vary according to the classes to which they are applicable The orders of the commission with respect to the minimum prices to be paid to producers and others shall apply to the area in which the milk is produced or to the area in which the milk so produced is manufactured sold or distributed as the commission shall provide and may vary in different areas according to varying uses grades and conditions Each such order may classify such milk by forms classes grade or uses as the commission may deem advisable and may specify the minimum prices therefor Other reasonable methods of classification may be prescribed by the commission

Section 30 Section 807 of the said act is hereby amended to read as follows

Section 807 Violations After the commission shall have fixed prices to be charged or paid for milk whether by class grade use or otherwise it shall be unlawful for a milk dealer or handler or producer [to sell or buy or offer to sell or buy] knowingly or unknowingly or any other person knowingly by himself or through another to sell or deliver or make available on consignment or otherwise or buy or receive or handle on consignment or otherwise or offer to sell or deliver or make available on consignment or otherwise or buy or receive or handle on consignment or otherwise or advertise for sale delivery purchase or receipt or hold one's self out as willing to sell deliver buy or receive milk at any price below the minimum price or above the maximum price applicable to the particular transaction

No method or device shall be lawful whereby milk is bought [or sold or offered to be bought or sold] or received or handled on consignment or otherwise or sold or handled or delivered or made available on consignment or otherwise or offered to be bought or received or handled on consignment or otherwise or sold or handled or delivered or made available on consignment or otherwise at a price less than the minimum price applicable to the particular transaction whether by any discount premium rebate free service trading stamps advertising allowance or extension of credit or by a combined price for such milk together with another commodity or a service which is less or is represented to be less than the aggregate of the price of the milk and the price or value of such commodity or service when [sold or offered for sale] bought or received or handled on consignment or otherwise sold or delivered or made available on consignment or otherwise or offered for sale delivery purchase handling or receiving separately or otherwise

It shall be unlawful for any milk dealer or handler to store manufacture process sell or handle or deliver or make available on consignment or otherwise any milk for which he has paid or agreed to pay a price lower than that fixed by the commission for milk of that class or grade

It shall be unlawful for a milk dealer or handler [to sell or buy or offer to sell or buy] knowingly or unknowingly or any other person knowingly by himself or through another to store manufacture process sell or deliver or make available on consignment or otherwise or buy or receive or handle on consignment or otherwise or offer to sell or deliver or make available on consignment or otherwise or buy or receive or handle on consignment or otherwise milk at a price computed upon false or erroneous weight butterfat test grade or classification or at a price from which have been made deductions not authorized by law or in excess of any deductions so authorized whether such illegal deductions be in the form of excessive transportation charges or otherwise

The act of a director officer agent or other person acting for or employed by a milk dealer shall be deemed the act of such milk dealer

Section 31 Section 808 of the said act is hereby amended to read as follows

Section 808 Prices of Certain Milk It is hereby declared

to be the legislative intent that the instant (whenever that may be) that the handling by a milk dealer or handler of milk produced outside of the Commonwealth becomes a subject of regulation by the Commonwealth in the exercise of its police powers the restrictions set forth in this act respecting such milk so produced shall apply and the powers conferred on the commission by this act and particularly by this article shall attach but such restrictions shall not apply to condensed or concentrated whole milk contained in hermetically sealed cans

It is also hereby declared to be the legislative intent that the prices prescribed by the commission for milk produced in this Commonwealth and sold or delivered or made available on consignment or otherwise in this Commonwealth for shipment into and ultimate sale in another state shall not be destructive of the price structure of producers in such other state

Section 32 Section 809 of the said act is hereby amended to read as follows

Section 809 Cooperatives It is hereby declared to be the legislative intent that no provision of this act shall prevent and no provision contained herein shall be deemed or construed to prevent any cooperative agricultural association or corporation organized under the laws of this Commonwealth or a similar association or corporation organized under the laws of this or any other state and engaged in making collective sales or in the marketing of milk for the producers thereof from blending the net proceeds of its sales or consignments or deliveries in all its markets or of its sales or deliveries within any particular market in various classes and whether in fluid form or as manufactured products both within and without the Commonwealth and paying its producers such blended price with such deductions and differentials as may be authorized under contract between such association or corporation and its producers or from making collective sales of the milk of its members and other producers represented by it or from making such sales or deliveries at a blended price based upon sales or deliveries thereof in the various classes and whether in fluid form or as manufactured products both within and without the Commonwealth which price is to be paid either directly to the producers or to the cooperative agricultural association or corporation Nothing herein contained shall prevent any milk dealer or handler from contracting for his milk with such cooperative agricultural association or corporation upon such basis but all such contracts shall be upon the basis of the prices fixed by the commission with the result that the net price received for milk by such cooperative association or corporation shall be commensurate with such prices No milk dealers or handlers or agents thereof shall receive from any producer or from such cooperative association or corporation directly or indirectly any discounts rebates free service or compensation through rentals extension of credit or otherwise for the purpose or with the effect of reducing the net cost to the dealer or handler of milk purchased or received by or through such cooperative association or corporation

No provision of this act shall be deemed or construed to affect the contracts of such cooperative agricultural association or corporation with its producers except as hereinafter specifically provided nor to affect or abridge the rights and powers of such an association or any of its operations Provided however That the powers of subpoena entry and inspection vested in the commission under this act shall apply for the purpose of examining and auditing books and records of any such cooperative agricultural association or corporation at reasonable intervals for the purpose of administering this act This section shall not however be construed to exempt such association or corporation from the jurisdiction of the commission over the prices at which it may sell milk to milk dealers or handlers stores or consumers

Any cooperative agricultural association or corporation organized after the effective date of this act or within ninety (90) days prior to the effective date hereof or which if organized over ninety (90) days prior to the

effective date of this act was not marketing milk for producers upon the effective date of this act or ninety (90) consecutive days prior thereto shall not be entitled to avail itself of the benefits of this section if it pays or distributes to its producers a price which is more than one and one-half per centum (1½%) lower than the prices prescribed by the commission unless such association or corporation shall furnish reasonable proof to the commission that such one and one-half per centum (1½%) is insufficient to pay such lawful expenses and charges for its operations and maintenance as may be authorized under the contracts between the association or corporation and its producers

Every cooperative agricultural association or corporation operating under the provisions of this section shall file with the commission a copy of its certificate of incorporation and by-laws and a copy of each form of contract employed in its relations with producers within sixty (60) days after the effective date of this act

Section 33 Section 904 of the said act is hereby amended to read as follows

Section 904 Pleading and Service The appeal provided by this article from action of the commission shall be by petition against the commission officially as defendant alleging therein in brief detail the action and decision complained of and praying for a reversal thereof Such petition shall specify the petitioner's objections to the action and decision of the commission and shall state facts in support of such objections sufficient to constitute a prima facie case and any objection not so specified and supported by facts shall not be considered by the court Every such petition reciting facts shall be supported by oath or affirmation and the petition shall include as part thereof under oath or affirmation an averment that the appeal is not filed merely for purposes of delay

Upon service of a summons upon the commission returnable at least ten (10) days from the date of service the commission may on or before the return day file a motion to dismiss the appeal raising questions of law or attacking the form or sufficiency of the petition If such motion is not sustained the commission shall be given leave to file an answer within not less than ten (10) days after the order of the court overruling the motion

On or before the return day of such summons served upon the commission or within the time allowed in an order of the court denying a motion to dismiss an appeal the commission [shall] may file an answer which shall deny or admit the allegations of fact in the petition and which may also allege by way of defense the grounds for its action or decision If no answer is filed by the commission the case shall be at issue without further pleadings as though an answer had been filed denying all the allegations of fact in the petition

Upon the filing of an answer by the commission or if no answer is filed then on the return day or at the expiration of the time allowed for answer by an order of court the case shall be at issue without further pleadings and upon application of either party the case [shall] may be advanced and heard without further delay

Section 34 Section 1003 of the said act is hereby amended to read as follows

Section 1003 Actions to Enforce Compliance The commission or any person marketing committee union or association composed of persons affected by the orders rules or regulations of the commission may institute such action at law or in equity as may appear necessary to enforce compliance with any provision of this act or to enforce compliance with any rule regulation or order of the commission made pursuant to the provisions of this act

Section 35 Section 1101 of the said act is hereby amended to read as follows

Section 1101 Milk Control Fund All moneys collected or received by the commission arising from license fees penalties permits or any other source shall be paid by the commission into the State Treasury through the Department of Revenue and shall by the State Treasurer be placed in a separate fund to be known as the "Milk Control Fund" Fines imposed under this act shall be

payable to and collected by the commission and similarly placed in the Milk Control Fund

Moneys collected or received by the commission that are not funds of the Commonwealth but are due to producers dealers or handlers for or on account of milk acquired or received by dealers or handlers from producers or other dealers or handlers and placed in the Milk Control Fund shall be paid to the persons entitled thereto by the State Treasurer as directed by the commission

Section 36 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—193

Achterman,	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,	Serrill,
Boles,	Greenwood,	McFall,	Shaffer,
Boney,	Gross,	McGrath,	Shaw,
Boorse,	Gryskewicz,	McIntosh,	Shepard,
Bower,	Gyger,	McLanahan,	Simons,
Bradley,	Haberlen,	McLane,	Skale,
Bretherick,	Haines,	McSurdy,	Snyder,
Brown,	Hall,	Melchiorre,	Sollenberger,
Brunner, C. H.,	Hamilton,	Mihm,	Sorg,
Brunner, P. A.,	Hare,	Modell,	Stambaugh,
Burns,	Harkins,	Monks,	Stank,
Burris,	Heatherington,	Mooney,	Stine,
Chervenak,	Helm,	Moran,	Stockham,
Chudoff,	Hering,	Moul,	Tarr,
Cochran,	Herman,	Muir,	Tate,
Cohen, M. M.,	Hersch,	Munley,	Taylor,
Cohen R. E.,	Hirsch,	Nagel,	Thompson, E. F.,
Cook,	Holland,	Nunemacher,	Thompson, R. L.,
Cooper,	Huntley,	O'Brien,	Trout,
Cordier,	Imbrie,	O'Connor,	Turner,
Corrigan,	James,	O'Dare,	Verona,
Croop,	Jefferson,	O'Mullen,	Vincent,
Cullen,	Jones, G. E.,	O'Neill,	Vogt,
Dalrymple,	Jones, P. N.,	Owens,	Voldow,
DiGenova,	Keenan,	Petrosky,	Voorhees,
Dix,	Kenehan,	Pettit,	Watkins,
Dolon,	Kilne,	Polaski,	Weingartner,
D'Ortona,	Knoble,	Polen,	Weiss,
Duffy,	Kolankiewicz,	Powers,	Welsh, E. B.,
Early,	Komorowski,	Prosen,	Welsh, M. J.,
Eckels,	Krise,	Rank,	Wilkinson,
Elder,	Lee, E. A.,	Rausch,	Williams,
Elliott,	Lee, T. H.,	Readinger,	Winnor,
Falkenstein,	Lelsey,	Reagan,	Wolf,
Finestone,	Leonard,	Reese, D. P.,	Wood, N.,
Finnerty,	Lesko,	Reese, R. E.,	Woodring,
Fisher,	Levy,	Reynolds,	Woodside,
Fise,	Leydic,	Rhea,	Wright,
Fleming,	Lichtenwalter,	Riley,	Yeakel,
Fletcher,	Longo,	Rooney,	Yester,
Flynn,	Lovett,	Rose, S.,	Young,
Foot,	Lyons,	Rose, W. E.,	Kilroy, Speaker

NAYS—10

Cadwalader,	Habbyshaw,	McMillen,	Wagner,
Dennison,	Hewitt,	Van Allsburg,	Wood, L. H.,
Ely,	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.

REPORTS FROM COMMITTEES

Mr. FINESTONE, from the Committee on Judiciary Special, reported as committed, House Bill No. 1882, entitled:

An Act to amend section seven of the act, approved the sixteenth day of May, one thousand nine hundred twenty-nine (P. L. 1780), entitled "An act to fix the salaries and compensation of the judges of Supreme Court, the judges of the Superior Court, the judges of the courts of Common Pleas, the judges of the Orphans' Courts, the judges of the Municipal Court of Philadelphia, and the judges of the County Court of Allegheny County" by increasing the salary of certain judges.

Mr. MODEL, from the Committee on Judiciary Special, reported as committed, House Bill No. 792, entitled:

An Act to add sections 418, 419, 420, 421, 422, and 423 to the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by making unlawful certain acts designated to incite, counsel or advocate racial or religious hatred; and imposing penalties.

Mr. GOODWIN, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1319 (Senate Bill No. 269), entitled:

An Act authorizing the redemption of real property purchased by political subdivisions at tax sales, upon the payment of the amount charged against the same and costs, by installment payments; and prescribing the procedure therefor.

Mr. TATE, from the Committee on Insurance, reported as amended, House Bill No. 355, entitled:

An Act to provide for the change of object of the corporate existence of beneficial and relief associations as herein defined; and authorizing and providing a mode for the dissolution and surrender of the charter of such associations.

Mr. MORAN, from the Committee on Municipal Corporations, reported as amended House Bill No. 1008, (Senate Bill No. 377), entitled:

An Act validating certain proceedings and elections of counties, cities, boroughs, school districts, or other municipalities or incorporated districts, had and held pursuant to the provisions of an act, approved the twentieth day of April, one thousand eight hundred seventy-four (P. L. 65), entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplements thereto; and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections.

Mr. AUKER, from the Committee on Municipal Corporations, reported as committed House Bill No. 902, (Senate Bill No. 254), entitled:

An Act authorizing municipalities to file liens against real estate beyond the municipal limits for certain municipal rates; validating liens heretofore filed; and providing for the procedure thereon.

Mr. MELCHIORRE, from the Committee on Rules reported as committed House Resolution No. 105.

TIME EXTENDED ON BILL

Mr. O'BRIEN. Mr. Speaker, I move that the time on House Bill No. 329, Printer's No. 733, entitled:

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

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

on page 9, of today's calendar, bills on final passage postponed, be extended five days.

The motion was agreed to.

CONGRATULATORY RESOLUTION

Messrs. BOIES, DiGENOVA, McLANE, KENEHAN and MELCHIORRE offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, June 26, 1941.

Whereas, On June 28, 1939, the Honorable Joseph O'Brien entered into that Holy State sometimes referred to as matrimony; and

Whereas, In spite of his onerous duties as Chairman of the Liquor Committee of the House of Representatives, he has nevertheless devoted himself to his obligations as a husband, so that of him it can be said that he is by far the most model Benedict in the House; and

Whereas, The Honorable Joseph O'Brien and his wife in their successful married life have set a great example for all other Members of the House to follow; be it therefore

Resolved, That the House of Representatives congratulate the Honorable Joseph and Mrs. O'Brien in this their second wedding anniversary; and be it further

Resolved, That a copy of this resolution be forwarded to this happy pair as a symbol of the best wishes of the House for a long and continuously successful married life.

Mr. MELCHIORRE. Mr. Speaker, I would like to ask the gentleman from Philadelphia, Mr. O'Brien, what he has done for the cause of national defense since he has been married.

The SPEAKER. Home defense or national defense?

Mr. O'BRIEN. Mr. Speaker, the two previous manuals carried a story to the effect that I am single. The fact that this resolution is introduced I think is going to curb my activities, so I can say nothing in my defense, whether national or otherwise.

The SPEAKER. Those are big words since you are married.

COMMITTEE MEETINGS

Appropriations, Tuesday, July 1 at 11:30 a. m. in Room 327.

Judiciary General, Tuesday, July 1, at 10 a. m. in Room 246.

Liquor Control, Tuesday, July 1 at 11:30 a. m. in Room 325.

State Government, Tuesday, July 1 at 10:30 a. m. in Room 325.

Ways and Means, Tuesday, July 1 at 11 a. m. in Room 327.

Welfare, Tuesday, July 1 at 11:30 a. m. in Room 246.

ADJOURNMENT

Mr. YOUNG. Mr. Speaker, I move that this House do now adjourn until Tuesday, July 1, 1941, at 12 m.

The motion was agreed to, and (at 10:47 p. m.) the House adjourned.