

In the House of Representatives, July 1, 1941.
Resolved, (if the Senate concur) That House Bill No. 1068, Printer's No. 592, entitled:

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

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

**RESOLUTION RECALLING HOUSE BILL No. 1722,
PRINTER'S No. 836, FROM THE GOVERNOR**

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 1, 1941.

Resolved, (if the Senate concur) That House Bill No. 1722, Printer's No. 836, entitled:

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

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

**RESOLUTION RECALLING HOUSE BILL No. 107,
PRINTER'S No. 742, FROM THE GOVERNOR**

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 1, 1941.

Resolved, (if the Senate concur) That House Bill No. 107, Printer's No. 742, entitled:

An Act to amend section eleven of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 395) entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth providing the procedure therefor providing for the reimbursement of the Commonwealth from tolls and charges and making an appropriation" as amended by providing that such toll bridges heretofore or hereafter acquired by the Department of Highways shall be free bridges from the effective date of this act or from the date they are so acquired

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

**RESOLUTION RECALLING HOUSE BILL No. 404,
PRINTER'S No. 1059, FROM THE GOVERNOR**

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 1, 1941.

Resolved, (if the Senate concur) That House Bill No. 404, Printer's No. 1059, entitled:

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

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

**RESOLUTION RECALLING HOUSE BILL No. 280,
PRINTER'S No. 583, FROM THE GOVERNOR**

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 1, 1941.

Resolved, (if the Senate concur) That House Bill No. 280, Printer's No. 583, entitled:

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

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

**RECALLING HOUSE BILL No. 267, PRINTER'S No. 713,
FROM THE GOVERNOR**

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 1, 1941.

Resolved, (if the Senate concur) That House Bill No. 267, Printer's No. 713, entitled:

An Act making an appropriation to aid certain school districts.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Monday, July 7, 1941 at 3:30 o'clock p. m. Eastern Standard Time.

Mr. CAVALCANTE. Mr. President, I second the motion. The motion was agreed to.

The Senate adjourned at 5:22 o'clock, p. m. Eastern Standard Time until Monday, July 7, 1941, at 3:30 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

TUESDAY, JULY 1, 1941

The House met at 12 m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain Rev. Donald McFall offered the following prayer:

Gracious God, our Father, we confess unto Thee our sins and shortcomings. The good which we should do we so often do not do; and the evil which we should not do, that we do. Our wills are weak. Our faith in Thee needs to be rekindled. We are so prone to make wrong choices. Give each of us, our God, the honesty to recog-

nize our true condition. Grant unto us the power of Thy Spirit, which will help us to do that which we ought to do and to love that which we ought to love.

Bless our homes and our loved ones. Make us worthy citizens of this great Commonwealth. This we ask in Jesus' name. Amen.

JOURNAL APPROVED

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

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

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

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

SENATE BILL No. 653 (HOUSE BILL No. 1936)

An Act regulating and improving the civil service of certain departments and agencies of the Commonwealth, vesting in the State Civil Service Commission and a Personnel Director certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls, imposing duties upon certain officers and employes of the Commonwealth authorizing service to political sub-divisions of the Commonwealth in matters relating to civil service defining certain crimes and misdemeanors imposing penalties making an appropriation and repealing certain acts and parts thereof

Referred to the Committee on State Government.

SENATE BILL No. 654 (HOUSE BILL No. 1937)

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

Referred to the Committee on State Government.

SENATE BILL No. 736. (HOUSE BILL No. 1938)

An Act to amend section five hundred and fourteen of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth

by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions, defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by adding subsection (d) authorizing departments, boards, or commissions to grant easements or rights of way upon, across, over, under or along lands of the Commonwealth, under certain conditions, in the interest of National Defense.

Referred to the Committee on State Government.

SENATE BILL No. 883. (HOUSE BILL No. 1939)

An Act to enlarge the powers of the Navigation Commission for the Delaware River and its navigable tributaries with respect to the maintenance, operation and financing of a nautical school for the Commonwealth of Pennsylvania.

Referred to the Committee on State Government.

SENATE BILL No. 913. (HOUSE BILL No. 1940)

An Act authorizing and directing the Department of Revenue, to prepare airport approach plans for publicly owned airports; empowering and directing such department and also counties, municipalities and other political subdivisions to promulgate, administer and enforce airport zoning regulations, limiting the height of structures excepting those structures that are under the jurisdiction of the Pennsylvania Public Utility Commission and objects of natural growth, and otherwise regulating the use of property in the vicinity of such airports; providing for the granting of zoning permits and variances and for appeals from zoning regulations; authorizing the acquisition by purchase, grant or condemnation of air rights and other interests in land; and providing penalties and remedies for violations of this act or of any ordinance or regulation made under the authority conferred thereby

Referred to the Committee on State Government.

SENATE BILL No. 1190. (HOUSE BILL No. 1941)

An Act making an appropriation to the Department of Public Instruction for the cost of improving, repairing, operating and maintaining the Thaddeus Stevens Industrial School at Lancaster, Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 1096 (HOUSE BILL No. 1942)

An Act to further amend section one of the act, approved the thirteenth day of June, one thousand nine hundred and seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and other interested in real estate, and loss by reason of defective titles, liens and encumbrances, and of companies entitled to the benefits of, and of companies having any of the powers of, com-

panies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by basing the tax upon the book value of the shares; continuing the increased rate of tax for a further limited period of time and reducing the rate of tax after such limited period of time.

Referred to the Committee on Ways and Means.

SENATE BILL No. 1097 (HOUSE BILL No. 1943)

An Act to further amend section one of the act, approved the fifteenth day of July, one thousand eight hundred and ninety-seven (P. L. 292) entitled "An act to provide revenue by taxation," by redefining the base for taxation of shares of stock of banks and savings institutions, and by increasing the rate of tax for a further limited period of time

Referred to the Committee on Ways and Means.

SENATE BILL No. 1257 (HOUSE BILL No. 1944)

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

Referred to the Committee on State Government.

SENATE BILL No. 1259 (HOUSE BILL No. 1945)

An Act to amend article twenty of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the board of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commission defining the powers and duties of the Governor and other executive and administrative boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by authorizing the Department of Highways to construct repair and maintain certain facilities of airports.

Referred to the Committee on State Government.

SENATE BILL No. 492 (HOUSE BILL No. 1946)

An Act making an appropriation to the Pennsylvania

Historical Commission for the purchase of furniture and furnishings of the proper period to complete the "Pennsylvania Memorial," and to landscape the property connected therewith.

Referred to the Committee on Appropriations.

SENATE BILL No. 526 (HOUSE BILL No. 1947)

A Supplement to the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" establishing an additional route in the boroughs of South Langhorne Langhorne Manor and Langhorne Bucks County.

Referred to the Committee on Highways.

SENATE BILL No. 656 (HOUSE BILL No. 1948)

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing an additional route in the borough of Sellersville, Bucks County.

Referred to the Committee on Highways.

SENATE BILL No. 1283 (HOUSE BILL No. 1949)

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

Referred to the Committee on Highways.

SENATE BILL No. 1296 (HOUSE BILL No. 1950)

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

Referred to the Committee on Judiciary General.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. MARKS for himself for today on account of death in the family.

REPORTS FROM COMMITTEES

Mr. BOIES, from the Committee on Appropriations, reported as committed, House Bill No. 1930, entitled:

An Act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire, by gift, the monument erected in Greene

County to Sarah Jane Price Ackley; and providing for the control, management, supervision, and maintenance thereof.

Mr. KLINE, from the Committee on State Government, reported as committed, House Bill No. 1831, entitled:

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

Mr. McKINNEY, from the Committee on Judiciary General, reported as committed, House Bill No. 1895, entitled:

An Act to amend section five of the act, approved the fourth day of April, one thousand nine hundred twenty-nine (P. L. 144), entitled "An act prescribing the powers and duties of the Department of agriculture with regard to farm products; providing for cooperation with the Department of Internal Affairs to establish standard receptacles for farm products; authorizing the Department of Agriculture to establish and promulgate standards for the grade and other classification of farm products, and to promulgate regulations for the enforcement thereof; defining farm products to include agricultural, horticultural, vegetable, fruit, and floricultural products of the soil, live stock and meats, wool, hides, poultry, eggs, dairy products, nuts, mushrooms, and honey; and providing penalties," by including certificates of the United States Department of Agriculture as evidence of grade and classification.

Mr. BROWN, from the Committee on Appropriations, reported as committed, House Bill No. 1733, (Senate Bill No. 262), entitled:

A Supplement to the act approved the twelfth day of June, one thousand nine hundred and thirty-nine (P. L. 335), entitled "An act creating a temporary commission to examine, report upon, and recommend measures to improve the economic, cultural, health and living conditions of the urban colored population of the State, and making an appropriation of the expenses of such commission," by extending the term of such commission until the next regular session of the General Assembly; and making an appropriation.

Mr. MATTHEW J. WELSH, from the Committee on Appropriations, reported as committed, House Bill No. 1903, (Senate Bill No. 1173), entitled:

An Act authorizing the Department of Property and Supplies to purchase coal underlying the Cresson State Sanatorium and making an appropriation therefor.

Mr. HARKINS, from the Committee on Appropriations,

reported as committed, House Bill No. 1754, (Senate Bill No. 509), entitled:

An Act making an appropriation to the State Council for the Blind for use in supplying medical treatment, surgical operations, eye-glasses or other necessary aids or services to needy blind persons or persons with impaired vision.

Mr. POLASKI, from the Committee on State Government, reported as committed, House Bill No. 1894, (Senate Bill No. 935), entitled:

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

Mr. CULLEN, from the Committee on State Government, reported as committed, House Bill No. 1891, (Senate Bill No. 1019), entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of Pennsylvania Soldiers' Orphan School to acquire a certain tract of land for the use of said school and making an appropriation therefor.

Mr. WINNER, from the Committee on Ways and Means, reported as committed, House Bill No. 1674, (Senate Bill No. 374), entitled:

An Act to provide for the settlement of disputes among states with respect to domiciliary death taxes, and imposing certain duties upon the Department of Revenue, the Attorney General and executors and administrators.

Mr. HIRSCH, from the Committee on Ways and Means, reported as committed, House Bill No. 1821, (Senate Bill No. 77), entitled:

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

Mr. McDERMOTT, from the Committee on State Government, reported as amended, House Bill No. 1935, entitled:

An Act to further amend clause six of section one and section three of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by further defining "State employe" so as to include certain employes of the Board of Fish Commissioners providing that such employes shall have the option of joining the State Employes Retirement Association; and permitting their membership in such association to be retroactive upon the making of certain back payments by them and by the Board of Fish Commissioners.

Mr. MODEL, from the Committee on Judiciary General, reported as amended, House Bill No. 629, entitled:

An Act to amend section one of, and to add section three and one-tenth to the act, approved the twentieth day of June, one thousand nine hundred and one (P. L. 582), entitled "An act to provide for the registration of labels, trade-marks, trade-names, stamps, designs, devices, shop-marks, terms, brands, designations, descriptions, or forms of advertisement, and protect and secure the rights, property and interest therein of the persons, copartnerships or corporations adopting and filing the same, and providing penalties for the violations of the act," further regulating the registration of labels, trade-marks, trade-names, devices, shopmarks, designations and forms of advertisement, and providing for the cancellation of such registrations in certain cases.

Mr. GERARD, from the Committee on Appropriations, reported as amended, House Bill No. 1822, (Senate Bill No. 158), entitled:

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of certain soldiers, sailors, marines, female field clerks, yeomen (female) and nurses.

Mr. WEINGARTNER, from the Committee on Judiciary General, reported as amended, House Bill No. 1929, (Senate Bill No. 1098), entitled:

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

Mr. STANK, from the Committee on Liquor Control, re-reported as committed, House Bill No. 799, entitled:

An Act to further amend clause nine and ten of section six hundred two of the act, approved the twenty-ninth day of November; one thousand nine hundred and thirty-three (P. L. 15, 1933 and 34), entitled as amended "An act to regulate and restrain the sale, manufacture possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State Government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into

the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by increasing the allowed value of advertising matter displayed on the inside or outside of licensed premises.

Mr. LOVETT, from the Committee on Rules, reported as committed, House Resolution No. 107.

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. 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 No. 1203.

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

HOUSE BILL No. 1259.

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

HOUSE BILL No. 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.

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 and the Bureau of Vital Statistics of the Department of Health

HOUSE BILL No. 1661.

An Act to amend section three of the act, approved the tenth day of May, one thousand nine hundred and 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.

Whereupon,

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

SENATE MESSAGES

AMENDED HOUSE BILLS 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. 348.

An Act making an appropriation to the Department of Welfare to pay for the care, treatment, removal, and maintenance of the indigent insane in The Dixmont Hospital, at Dixmont, Allegheny County.

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

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

Amend Section 1, page 1, by striking out in lines 2 and 3 the word and figures "three hundred fifty thousand dollars (\$350,000)" and inserting in lieu thereof the words and figures "four hundred ten thousand dollars (\$410,000)"; also on page 2, by striking out in lines 4 and 5 the words and figures "three hundred fifty thousand dollars (\$350,000)" and inserting in lieu thereof the words

and figures "four hundred ten thousand dollars (\$410,000)."

On the question,

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

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

YEAS—175

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

NAYS—0

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

Ordered, That the Clerk inform the Senate accordingly.

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

HOUSE BILL No. 1837.

An Act to further amend clauses (6) and (7) of section two and section nine hundred eight of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to reg-

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

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

The SPEAKER. The Clerk will read the amendment affirmative and the amendment was concurred in.

Amend Section 1, page 6, line 17, by inserting after the word "rubbish" the word "dirt."

On the question,

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

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

YEAS—175

Achterman,	Fleming,	Lovett,	Royer,
Allmond,	Fletcher,	Lyons,	Rush,
Auker,	Flynn,	Malloy,	Sarraf,
Baker,	Foor,	Maxwell,	Scanlon,
Balthaser,	French,	McClanaghan,	Serrill,
Bentley,	Gates,	Shaffer,	Shaw,
Bentzel,	Gerard,	McDermott,	Shepard,
Boies,	Gillan,	McDowell,	Simons,
Boney,	Gillette,	McFall,	Skale,
Boorse,	Goodwin,	McGrath,	Snyder,
Bower,	Gross,	McIntosh,	Sollenberger,
Bradley,	Gyger,	McKinney,	Sorg,
Bretherick,	Habbyshaw,	McLanahan,	Stambaugh,
Brown,	Haberlen,	McMillen,	Stank,
Brunner, C. H.,	Haines,	McSurdy,	Stine,
Brunner, P. A.,	Hall,	Melchiorre,	Stockham,
Burns,	Hamilton,	Mihm,	

Burris,	Hare,	Modell,	Tarr,
Cadwalader,	Harkins,	Monks,	Tate,
Chervenak,	Heatherington,	Mooney,	Taylor,
Chudoff,	Hering,	Moran,	Thompson, E. F.,
Cochran,	Herman,	Muir,	Trout,
Cohen, M. M.,	Hewitt,	Munley,	Turner,
Cohen, R. E.,	Hirsch,	Nagel,	VanAllsburg,
Cooper,	Huntley,	Nunemacher,	Vincent,
Cordier,	Imbrie,	O'Brien,	Voldow,
Corrigan,	James,	O'Connor,	Voorhees,
Cullen,	Jefferson,	O'Dare,	Wagner,
Dairymply,	Jones, G. E.,	O'Mullen,	Watkins,
Dennisson,	Jones, P. N.,	O'Neill,	Weingartner,
DiGenova,	Kenehan,	Owens,	Weiss,
Dix,	Kline,	Pettit,	Welsh, E. B.,
Dolon,	Knobie,	Folaski,	Welsh, M. J.,
D'Ortona,	Kolankiewicz,	Poien,	Williams,
Duffy,	Krise,	Powers,	Winner,
Early,	Lee, E. A.,	Rank,	Wolf,
Eckels,	Lee, T. H.,	Readinger,	Wood, L. H.,
Elder,	Lelsey,	Reagan,	Woodring,
Elliott,	Leonard,	Reese, D. P.,	Woodside,
Ely,	Lesko,	Reese, R. E.,	Wright,
Falkenstein,	Levy,	Reynolds,	Yeakel,
Finestone,	Leydic,	Rhea,	Yester,
Finnerty,	Lichtenwalter,	Riley,	Young,
Fisher,	Longo,	Rose, W. E.,	Kilroy,
Fiss,		Rosenfeld,	Speaker.

NAYS—0

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

Ordered, That the Clerk inform the Senate accordingly.

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

HOUSE BILL No. 1092.

An Act making an appropriation for the expenses of the committee of the House of Representatives created by House Resolution Serial Number forty-nine, adopted the nineteenth day of February, one thousand nine hundred forty-one.

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

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend Section 1, page 1, line 1, by striking out the words and figures "ten thousand dollars (\$10,000)" and inserting in lieu thereof the words and figures "thirty-five hundred dollars (\$3,500)."

On the question,

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

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

YEAS—175

Achterman,	Fiss,	Lovett,	Royer,
Allmond,	Fleming,	Lyons,	Rush,
Auker,	Fletcher,	Malloy,	Sarraf,
Baker,	Flynn,	Maxwell,	Scanlon,
Balthaser,	Foor,	McClanaghan,	Serrill,
Bentley,	French,	McClester,	Shaffer,
Bentzel,	Gates,	McDermott,	Shaw,
Boies,	Gerard,	McDowell,	Shepard,
Boney,	Gillan,	McFall,	Simons,
Boorse,	Gillette,	McGrath,	Skale,
Bower,	Goodwin,	McIntosh,	Snyder,
Bradley,	Gross,	McKinney,	Sollenberger,
Bretherick,	Gyger,	McLanahan,	Sorg,
Brown,	Habbyshaw,	McMillen,	Stambaugh,
Brunner, C. H.,	Haberlen,	McSurdy,	Stank,
Brunner, P. A.,	Haines,	Melchiorre,	Stine,

Burns,	Hall,	Mihm,	Stockham,
Burris,	Hamilton,	Modell,	Tarr,
Cadwalader,	Hare,	Monks,	Tate,
Chervenak,	Harkins,	Mooney,	Taylor,
Chudoff,	Heatherington,	Moran,	Thompson, E. F.,
Cochran,	Hering,	Muir,	Trout,
Cohen, M. M.,	Herman,	Munley,	Turner,
Cohen, R. E.,	Hewitt,	Nagel,	Van Allsburg,
Cooper,	Hirsch,	Nunemacher,	Vincent,
Cordier,	Huntley,	O'Brien,	Voldow,
Corrigan,	Imbrie,	O'Connor,	Voorhees,
Cullen,	James,	O'Dare,	Wagner,
Dalrymple,	Jefferson,	O'Mullen,	Watkins,
Dennison,	Jones, G. E.,	O'Neill,	Weingartner,
DiGenova,	Jones, P. N.,	Owens,	Weiss,
Dix,	Kenehan,	Pettit,	Welsh, E. B.,
Dolon,	Kaine,	Polaski,	Welsh, M. J.,
D'Ortona,	Knoble,	Polen,	Williams,
Duffy,	Kolankiewicz,	Powers,	Winnier,
Earty,	Krise,	Rank,	Wolf,
Eckels,	Lee, E. A.,	Readinger,	Wood, L. H.,
Elder,	Lee, T. H.,	Reagan,	Woodring,
Elliott,	Lelsey,	Reese, D. P.,	Woodside,
Ely,	Leonard,	Reese, R. E.,	Wright,
Falkenstein,	Lesko,	Reynolds,	Yeakel,
Finestone,	Levy,	Rhea,	Yester,
Finnerty,	Leydic,	Riley,	Young,
Fisher,	Lichtenwalter,	Rose, W. E.,	Kilroy,
	Longo,	Rosenfeld,	Speaker.

NAYS—0

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

Ordered, That the Clerk inform the Senate accordingly.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 418

The Clerk of the Senate being introduced, informed that the Senate insists on its non-concurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 418, entitled:

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

And has appointed Messrs. Wade, Carr and McCreesh a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate to Senate Bill No. 418, and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 418

The SPEAKER. The Chair appoints as a Committee of Conference on said bill, Messrs. FINNERTY, CULLEN and O'DARE.

Ordered, That the Clerk inform the Senate accordingly.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 624

The Clerk of the Senate being introduced, informed that the Senate insists on its non-concurrence in the

amendments made and insisted upon by the House of Representatives to Senate Bill No. 624, entitled:

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

And has appointed Messrs. Homsher, James and Ruth a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate to Senate Bill No. 624, and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 624

The SPEAKER. The Chair appoints as a Committee of Conference on said bill, Messrs. POLEN, PETTIT and SOLLENBERGER.

Ordered, That the Clerk inform the Senate accordingly.

Mr. HUNTLEY IN THE CHAIR.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of 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 salaries of certain judges.

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. 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.

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. 1319, (Senate Bill No. 269), entitled:

An Act authorizing the reduction 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.

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. 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.

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. 1008, (Senate Bill No. 377), entitled:

An Act validating certain proceedings and elections of counties, 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. 35), 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.

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. 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.

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 in the Chair, Mr. Huntley, for presiding.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1741, entitled:

An Act to control the practice of accounting and regulating the practice of public accountants qualified by the Commonwealth to practice as certified public accountants or as public accountants.

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

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

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

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1403, entitled:

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

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

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

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

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

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

The first section was read.
On the question,
Will the House agree to the section?

BILL RECOMMITTED

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

On the question,
Will the House agree to the motion?

Mr. CORDIER. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Finnerty.

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

Mr. FINNERTY. I will, Mr. Speaker.

Mr. CORDIER. Mr. Speaker, I would like to ask the gentleman whether it is his desire to return this bill to the Committee for a single finger-wave or a permanent.

Mr. FINNERTY. Mr. Speaker, in answer to the gentleman from Lackawanna, I will assure him it will get a complete massage.

Mr. CORDIER. Mr. Speaker, in view of the fact that the gentleman is going to give it a full treatment, and in view of the fact that he has the votes, I think further opposition is useless.

On the question recurring,
Will the House agree to the motion?
It was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 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 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. 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 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. 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 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. 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 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. 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 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. 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 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. 1808, (Senate Bill No. 463), entitled:

An Act to amend sections one and three of the act, ap-

proved 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 highways 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 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. 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 second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

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

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

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

The first section was read.

On the question,

Will the House agree to the section?

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

The amendment was read by the Clerk as follows:

Amend Sec. 1 (Sec. 1), page 2, line 14, by inserting a light-face bracket before the word "That."

The amendment was agreed to.

The section was agreed to as amended.

The second, third, fourth and fifth sections 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. 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 reenacted and amended by conferring additional powers on the Department of Highways.

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

Ordered, To be transcribed for a third reading.

Agreeably to order,

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

Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE RECALLED FROM GOVERNOR

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 RECALLED FROM GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 251, as follows:

An Act to amend section eleven of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2532) entitled "An act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth and to provide for the administration thereof" by providing that payment of an award from the funds established by said act shall not provide any right of recovery against the employer and that the employer may pay the award in advance of payment from the fund and shall thereupon be subrogated to the rights of the employe or any other party in interest against the fund

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

Section 1 Section eleven of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2532) entitled "An act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth and to provide for the administration thereof" is hereby amended to read as follows

Section 11 (1) A valid claim for compensation or installments thereof heretofore or hereafter made pursuant to the Workmen's Compensation Law which has remained or shall remain due and unpaid for sixty days by reason of default after the effective date of this act by an insolvent carrier shall be paid from the proper fund in the manner provided in this act Any person in interest may file with the commissioner an application for payment of compensation from the proper fund on a form to be prescribed and furnished by the commissioner a certified copy of the award must accompany the application The commissioner shall thereupon certify to the State Treasurer such award for payment according to the terms of the same whereupon payment shall be made by the State Treasurer on warrant of the Auditor General and on requisition of the commissioner

(2) Payment of an award from either fund shall not give the commissioner of such fund any right of recovery against the employer

(3) An employer may pay an award or a part thereof in advance of payment from the fund and shall thereupon be subrogated to the rights of the employe or other party in interest against such fund to the extent of the amount so paid

(4) The commissioner shall be entitled to recover the sum of all liabilities of such insolvent carrier assumed by such stock or mutual fund from such carrier its receiver liquidator rehabilitator conservator or trustee in bankruptcy [employer] and all others except employers liable under any of the terms of the Workmen's Compensation Law and may prosecute an action or other proceedings therefor All moneys recovered in any such action or proceedings shall forthwith be placed to the credit of the

stock or mutual fund which has assumed such liability by the State Treasurer to reimburse the stock or mutual fund which has assumed such liability to the extent of the moneys so recovered and paid If and when all liabilities of all stock or of all mutual carriers for workmen's compensation losses in this Commonwealth shall have been fully liquidated distribution shall be made to all contributing stock companies or to all contributing mutual carriers of the remaining balance of such funds in the proportion in which each carrier made contribution to its respective fund Provided however That an insolvent carrier shall be entitled to share in the said distribution of its respective fund only to the extent that its distributive share of said fund is in excess of any losses paid out of said fund for its account by the treasurer in accordance with the terms of this act

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

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—176.

Achterman,	Fleming,	Malloy,	Rush,
Allmond,	Fletcher,	Maxwell,	Sarraff,
Auker,	Flynn,	McClanaghan,	Scanlon,
Baker,	Foor,	McClester,	Serrill,
Balthaser,	French,	McDermott,	Shaffer,
Bentzel,	Gates,	McDowell,	Shaw,
Boles,	Gerard,	McFall,	Shepard,
Boney,	Gillan,	McGrath,	Simons,
Boorse,	Gillette,	McIntosh,	Skale,
Bower,	Goodwin,	McKinney,	Snyder,
Bradley,	Gross,	McLanahan,	Sothenberger,
Bretherick,	Gyger,	McMillen,	Sorg,
Brown,	Habbyshaw,	McSurdy,	Stambaugh,
Brunner, C. H.,	Haberlen,	Malchiorre,	Stank,
Brunner, P. A.,	Haines,	Mhm,	Stine,
Burns,	Hall,	Modell,	Stockham,
Burriss,	Hamilton,	Monks,	Tarr,
Cadwalader,	Hare,	Mooney,	Tate,
Chervenak,	Harkins,	Moran,	Taylor,
Chudoff,	Heatherington,	Muir,	Thompson, E. F.,
Cochran,	Hering,	Munley,	Trout,
Cohen, M. M.,	Herman,	Nagel,	Turner,
Cohen, R. E.,	Hewitt,	Nunemacher,	Van Allsburg,
Jooper,	Hirsch,	O'Brien,	Vincent,
Cordier,	Huntley,	O'Connor,	Voldow,
Corrigan,	Imbrie,	O'Dare,	Voorhees,
Cullen,	James,	O'Mullen,	Wagner,
Dairyple,	Jefferson,	O'Neill,	Watkins,
Dennison,	Jones, G. E.,	Owens,	Weingartner,
DiGenova,	Jones, P. N.,	Pettit,	Weiss,
Dix,	Kenehan,	Polaski,	Welsh, E. B.,
Doion,	Kline,	Polen,	Welsh, M. J.,
D'Ortona,	Knoble,	Powers,	Williams,
Duffy,	Kolankiewicz,	Rank,	Winnier,
Early,	Krise,	Readinger,	Wolf,
Eckels,	Lee, E. A.,	Reagan,	Wood, L. H.,
Elder,	Lee, T. H.,	Reese, David P.,	Woodring,
Elliott,	Lelsey,	Reese, R. E.,	Woodside,
Ely,	Leonard,	Reynolds,	Wright,
Falkenstein,	Lesko,	Rhea,	Yeakel,
Finestone,	Leydic,	Elley,	Yester,
Finnerty,	Lichtenwalter,	Rose, W. E.,	Young,
Fisher,	Longo,	Rosenfeld,	Kilroy,
Fiss,	Lovett,	Royer,	Speaker
	Lyons,		

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.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 602, as follows:

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

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

Section 1 Section eight hundred one of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contest creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" is hereby amended to read as follows

Section 801 Definition of Political Parties and Political Bodies

(a) Any party or political body one of whose candidates at the general election next preceding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote cast in each of said counties for any elected candidate and polled a total vote in the State equal to at least two per centum of the largest vote cast in the State for any elected candidate is hereby declared to be a political party within the State and shall nominate all its candidates for any of the offices provided for in this act and shall elect its delegates and alternate delegates to the National convention State committeeman and also such party officers including members of the National committee as its rules provide shall be elected by a vote of the party electors in accordance with the provisions of this act

(b) Any party or political body one of whose candidates at either the general or municipal election preceding the primary polled at least five per centum of the largest entire vote cast for any elected candidate in any county is hereby declared to be a political party within said county and shall nominate all its candidates for office in such county and in all political districts within said county or of which said county forms a part and shall elect such party officers as its rules provide shall be elected therein by a vote of the party electors in accordance with the provisions of this act

(c) Any political body which is not a political party as hereinabove defined but which has nominated candidates for such general or municipal election by nomination papers in the manner provided by this act shall be deemed to be a political body within the meaning of this act but such political body shall not be entitled to nominate its candidates or elect its party officers at primaries held under the provisions of this act

(d) Provided however That the words "political party" and the words "political body" as hereinabove defined shall not include any political party political organization

or political body composed of a group of electors whose purposes or aims or one of whose purposes or aims is the establishment control conduct seizure or overthrow of the Government of the Commonwealth of Pennsylvania or the United States of America by the use of force violence military measures or threats of one or more of the foregoing

Section 2 Section nine hundred seventy-six of the said act is hereby amended to read as follows

Section 976 Examination of Nomination Petitions Certificates and Papers Return of Rejected Nomination Petitions Certificates and Papers When any nomination petition nomination certificate or nomination paper is presented in the office of the Secretary of the Commonwealth or of any county board of elections for filing within the period limited by this act it shall be the duty of the said officer or board to examine the same No nomination petition nomination paper or nomination certificate shall be permitted to be filed if (a) it contains material errors or defects apparent on the face thereof or on the face of the appended or accompanying affidavits or (b) it contains material alterations made after signing without the consent of the signers or (c) it does not contain a sufficient number of genuine signatures as required by law or (d) in the case of nomination petitions if nomination petitions have been filed for printing the name of the same person for the same office except the office of judge of a court of record upon the official ballot of more than one political party or (e) in the case of nomination papers if the candidate named therein has filed a nomination petition for the same office for the ensuing primary or has been nominated for the same office by nomination papers previously filed or (f) if the nomination petitions or papers are not accompanied by the filing fee or certified check required for said office or (g) in the case of nomination papers the appellation set forth therein is identical with or deceptively similar to the words used by any existing party or by any political body which has already filed nomination papers for the same office or if the appellation set forth therein contains part of the name or an abbreviation of the name or part of the name of an existing political party or of a political body which has already filed nomination papers for the same office The invalidity of any sheet of a nomination petition or nomination paper shall not affect the validity of such petition or paper if a sufficient petition or paper remains after eliminating such invalid sheet The action of said officer or board in refusing to receive and file away such nomination petition certificate or paper may be reviewed by the court of common pleas of the proper county upon an application for a writ of mandamus to compel its reception as of the date when it was presented to the office of such officer or board Provided however That said officer or board shall be entitled to a reasonable time in which to examine any petitions certificates or papers and to summon and interrogate the candidates named therein or the persons presenting said petitions certificates or papers and his or their retention of same for the purpose of making such examination or interrogation shall not be construed as an acceptance of filing

Upon completion of any examination if any nomination petition certificate or paper is found to be defective it shall forthwith be rejected and returned to the candidate or one of the candidates named therein together with a statement of the reasons for such rejection

Provided further That no nomination petition nomination paper or nomination certificate shall be permitted to be filed if the political party or political body referred to therein shall be composed of a group of electors whose purposes or aims or one of whose purposes or aims is the establishment control conduct seizure or overthrow of the Government of the Commonwealth of Pennsylvania or the United States of America by the use of force violence military measure or threats of one or more of the foregoing The authority to reject such nomination petition paper or certificate for this reason shall when filed with the Secretary of the Commonwealth be vested in

a committee composed of the Governor the Attorney General and the Secretary of the Commonwealth and when filed with any county board of elections shall be vested in such board if in such case the committee or board as the case may be shall conclude that the acceptance of such nomination petition paper or certificate should be refused it shall within two days of the filing of such nomination petition paper or certificate fix a place and a time five days in advance for hearing the matter and notice thereof shall be given to all parties affected thereby At the time and place so fixed the committee or board as the case may be shall hear testimony but shall not be bound by technical rules of evidence The testimony presented shall be stenographically recorded and made a part of the record of the committee or board Within two days after such hearing the committee or board if satisfied upon competent evidence that the said nomination petition paper or certificate is not entitled to be accepted and filed it shall announce its decision and immediately notify the parties affected thereby Failure to announce decision within two days after such hearing shall be conclusive that such nomination petition paper or certificate has been accepted and filed The decision of said committee or board in refusing to accept and file such nomination petition paper or certificate may be reviewed by the court of common pleas of the proper county upon an application for a writ of mandamus to compel its reception as of the date when presented to the Secretary of the Commonwealth or such board The application for such writ of mandamus shall be made within two days of the time when such decision is announced If the application is properly made any judge of said court may fix a time and place for hearing the matter in dispute of which notice shall be served with a copy of said application upon the Secretary of the Commonwealth or the county board of elections as the case may be At the time so fixed the court or any judge thereof assigned for the purpose shall hear the case de novo If after such hearing the said court shall find that the decision of the committee or the board was erroneous it shall issue its mandate to the committee or board to correct its decision and to accept and file the nomination paper or certificate 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 It shall be the duty of the said court of common pleas and of the Superior Court to fix the hearing and to announce its decision within such period of time as will permit the Secretary of the Commonwealth or the county board of elections to permit the names of the candidates affected by the court's decision to be printed on the ballot if the court should so determine

Section 3 This act shall become effective immediately upon final enactment

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—176.

Achterman,	Fleming,	Lyons,	Royer,
Allmond,	Fletcher,	Malloy,	Rush,
Auker,	Flynn,	Maxwell,	Sarrafi,
Baker,	Foor,	McClanaghan,	Scanlon,
Balthaser,	French,	McClester,	Serrill,
Bentzel,	Gates,	McDermott,	Shaffer,
Boies,	Gerard,	McDowell,	Shaw,
Boney,	Gillan,	McFall,	Shepard,
Boorse,	Gillette,	McGrath,	Simons,
Bower,	Goodwin,	McIntosh,	Skale,
Bradley,	Gross,	McKinney,	Snyder,
Bretherick,	Gyger,	McLanahan,	Sollenberger,
Brown,	Habbyshaw,	McMillen,	Sorg,
Brunner, C. H.,	Haberlen,	McSurdy,	Stambaugh,
Brunner, P. A.,	Haines,	Meichlorre,	Stank,
Burns,	Hall,	Mihm,	Stine,
Burris,	Hamilton,	Modell,	Stockham,
Cadwalader,	Hare,	Monks,	Tarr,

Chervenak,	Harkins,	Mooney,	Tate,
Chudoff,	Heatherington,	Moran,	Taylor,
Cochran,	Hering,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Munley,	Trout,
Cohen, R. E.,	Hewitt,	Nagel,	Turner,
Cooper,	Hirsch,	Nunemacher,	Van Allsburg,
Cordier,	Huntley,	O'Brien,	Vincent,
Corrigan,	Imbrle,	O'Connor,	Voldow,
Cullen,	James,	O'Dare,	Voorhees,
Dalrymple,	Jefferson,	O'Mullen,	Wagner,
Dennison,	Jones, G. E.,	O'Neill,	Watkins,
DiGenova,	Jones, P. N.,	Owens,	Weingartner,
Dix,	Kenehan,	Pettit,	Weiss,
Dolon,	Kilne,	Polaski,	Welsh, E. B.,
D'Ortona,	Knoble,	Polen,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Powers,	Williams,
Early,	Krise,	Rank,	Winner,
Eckels,	Lee, E. A.,	Readinger,	Wolf,
Elder,	Lee, T. H.,	Reagan,	Wood, L. H.,
Elliott,	Lelsey,	Reese, D. P.,	Woodring,
Falkenstein,	Leonard,	Reese, R. E.,	Woodside,
Finestone,	Lesko,	Reynolds,	Wright,
Finnerty,	Leydic,	Rhea,	Yeaker,
Fisher,	Lichtenwalter,	Riley,	Yester,
Fiss,	Longo,	Rose, W. E.,	Young,
	Lovett,	Rosenfeld,	Kilroy, Speaker.

NAYS—0

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

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

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 448, as follows:

An Act to further amend clause (e) of section seven and to amend the first paragraph of section nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" by redefining eligibility for assistance providing for appeals from certain decisions of the Department of Public Assistance to common pleas courts and imposing powers and duties on common pleas court

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

Section 1 Clause (e) of section seven 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 relat-

ing to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" as last amended by the act approved the twenty-sixth day of June one thousand nine hundred thirty-nine (P. L. 1091) is hereby further amended to read as follows

Section 7 Powers and Duties of County Boards of Assistance Each county board of assistance shall have the power and its duty shall be

* * * *

(e) To hear and determine appeals from actions of its employes affecting the rights of those applying for or receiving assistance Any person applying for or receiving assistance of any type covered by the public assistance provisions of the Federal Social Security Act may appeal to the Department of Public Assistance from any decision of the board refusing or discontinuing his assistance in whole or in part in every such appeal an opportunity for a fair hearing shall be granted and the decision of the department on such appeal shall be final except as otherwise hereinafter provided All such appeals shall be in accordance with rules and regulations established by the department with the approval of the State Board of Public Assistance Any person applying for or receiving assistance may appeal to the common pleas court of the county in which such person resides from any decision of a County Board of Assistance or of the Department of Public Assistance refusing or discontinuing his assistance 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 within ten days after receipt by such person of a registered mail notice of the decision of the County Board of Assistance or of the Department of Public Assistance The common pleas court as aforesaid shall give such person an opportunity for a fair hearing at such hearing the burden of proof shall be on the department The decision of the common pleas court on such appeal shall be final All appeals from the county board to the Department of Public Assistance or from the Department of Public Assistance or County Board of Assistance to the common pleas court as aforesaid shall operate as super-sedeas of any order of said board or said Department of Public Assistance in all cases where the appellant is already receiving assistance

Section 2 The first paragraph of section nine of said act is hereby amended to read as follows

Section 9 Eligibility for Assistance Except as hereinafter specifically otherwise provided in the case of pensions for the blind all persons of the following classes except those who hereafter advocate and actively participate 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 shall be eligible to receive assistance in accordance with rules regulations and standards established by the Department of Public Assistance with the approval of the State Board of Assistance as to eligibility for assistance and as to its nature and extent

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

On the question,

Shall the bill pass finally?

Mr. CORDIER. Mr. Speaker, the bill immediately before the House, House Bill 448, and the following bill, House Bill No. 413, are rather of a companion nature; they pertain to the same subject, and to conserve the time of the House, and with the permission of the Speaker, I should like to address my remarks to both measures and save the time of the House.

Mr. Speaker. It is unfortunate that the two measures before you, dealing with subversive activities, were amended on second reading on the floor of the House, in

the manner in which they were and, which—in my opinion, materially weakened the bills.

These measures were sponsored by myself and Representative Kenehan—not for the purpose of satisfying any hysteria or any plaintive cries of any particular group, but upon calm reflection of the fact, testified to by happenings in this Commonwealth and the nation over the last few years, that there is a sincere need for this type of legislation.

I say it is unfortunate that the bills were weakened because of the fact that the federal government is taking drastic steps to purge these subversive groups from the defense jobs and the federal government did not wait until an overt act was committed to bring about these dismissals.

The newspapers the last few days have had many items showing the intense manner in which it is the desire of your administration at Washington to completely purge in all of the defense industries these subversive individuals and so, by the language of your amendments, you have ham-strung the state government of the Commonwealth of Pennsylvania in its desire to dismiss from its employ any of these subversive groups or individuals.

Your amendments are out of step with the national desire. The amendments as inserted are clearly the responsibility of the Democratic party because the sub-committee who presented the amendments was composed entirely of Democrats. I hoped that we would be able to work this matter out on the bi-partisan and non-political basis. However, that did not prevail and the amendments of the gentleman from Delaware, Mr. Turner, were defeated and it is my hope that the Senate of Pennsylvania will so amend this bill as to put the necessary teeth in it to satisfy the desires of the vast majority of our citizens who are insisting that only those who believe in our American form of government, who believe in the Constitution of the United States and are willing to accept the responsibility designated in that Constitution, shall be employed by the Commonwealth of Pennsylvania and all of its political subdivisions. If anything further were required to impress this General Assembly with the urgent need for stringent laws to bar these un-American elements from positions of public trust in the Commonwealth, it was supplied by the combine that rushed to the legislative halls to attack these pieces of legislation. I was rather amused to see the banners that they displayed on their lapels saying that House Bill 413 was un-American, when House Bill No. 413 simply provided that no person who advocated the overthrow of our American form of government by means not provided for in the Constitution shall be dismissed from public jobs. Surely, no one worthy of the name "American" could reasonably favor the employment in such posts of public trust of those who would defy the Constitution and overthrow our government by force.

During the past few weeks, these un-American groups were squirming and squawking at the prospect of a law on our statute books that might dislodge some of their adherents from public jobs. You are familiar with the character of the opposition and the charges of discrimination by those who would be given the authority of dismissal under this Act, but I ask you this one simple question. "Was there even one state employe who would be affected by this Act and whose looks, demeanor

and natural characteristics would clearly stamp them as real Americans who uttered one word of protest against the passage of this legislation?" Your answer to this question must be a crystal-clear "No."

It takes a lot of gall to defend this so-called right to undermine the government on one hand and on the other to depend on any agency of government to pay your salary while doing the dirty work. It takes a lot of gall to even suggest that a measure designed to kill a snake before it spreads its venom should be permanently pigeon-holed. But these subversive elements have gall and plenty of it. They are without shame or they wouldn't belong to these subversive groups. They may be smirking today because they have, to some extent, impressed the Democratic leadership with their arguments. However, I am confident that the Senate of Pennsylvania has the intestinal fortitude to put language into this bill to make it clear that no one who attempts to undermine the confidence of the people in our Constitution and government, shall be paid funds in positions of public trust created by that Constitution.

As an American, I have a right to be a Republican, Democrat, Socialist, Christian, Mohammedan or Jew. I have the right to advocate, argue for or against, urge the adoption of anything and everything rightful or wrongful, except the privilege or right to urge, advocate, argue for and listen to arguments advocating the overthrow of the Constitutional Government of the United States, and of the several Commonwealths thereof, by violence and force or other means not provided for in the Constitution.

As an American, I have a right to speak and print, and to listen to and read speeches and literature. I have the right to enjoy the exchange of opinions on all subjects freely and without restraint except I have not the right to speak, preach, print and advocate the overthrow of my American Constitutional government by force and violence, that is one liberty that I cannot possess and am not entitled to possess, and if I ever had it, I surrendered it when I became part of a government that is ruled by majority vote.

As an American, I am bound to respect, honor and obey the decision of the majority as expressed at a free and open election.

As an American, I have no privilege to urge and advocate the adoption of reforms or so-called reforms by any other means than free and open election and especially not by force and violence.

When the American Constitutional government was created by the people and for their benefit and for their protection it was given the inherent right to protect itself against all of its enemies who advocate its overthrow by other methods than constitutional ones, and by reason of that inherent right or power delegated to it by the people, it has the undoubted right to enact laws making it a crime for anyone to advocate by speech, written or printed matter, or act its overthrow by force and violence and it has the undoubted right to expell from its employ all of those who refuse to accept the principle placed in the Constitution by the people, for their benefit.

Its inherent right to make these actions crimes is stronger than the rights reserved in the Constitution to the people. All of the rights reserved to the people are not infringed upon when that Constitutional government

makes it a crime with a penalty for any person to advocate its overthrow by force and violence.

People have a right to change their government but the American people have by agreement, custom and usage, accepted the principle that their government should only be changed by Constitutional means, and those that seek to change it by other means commit the gravest and most serious crime that can be committed against the peace and happiness of a free people.

The government of the United States and of the several states, under the Constitution of the United States and the Constitution of the several States, has undoubted Constitutional powers to enact any and all legislation necessary to preserve the continuance and existence of itself against all violent attempts to overthrow it by force; and to continue its existence they have the undoubted Constitutional right to enact laws making the preaching and advocating of either overthrow by violence, or other means, rather than by a free open election, a crime.

Every officer is in duty bound by his oath of office to support the several constitutions and the government created under them and every citizen who is naturalized takes an oath to support the Constitution and not to overthrow the government by any other method than by a free and open ballot.

The advocacy of an idea teaching the overthrow of the government by armed and potent minority is the highest crime against the Constitution and the nation and the States that any person could be guilty of.

Nothing can be unconstitutional that supports and preserves the American Constitutional system of government. The very creation of this system of government by the people gave to the government all of the needful and necessary powers to preserve and continue itself and modify itself only in accordance with the provisions prescribed in the Constitution itself. And one of these undoubted powers is the right to enact laws to prevent its overthrow by force.

In whatever form these measures finally clear the General Assembly and reaches the Governor's desk, it is my belief that it will serve warning to these subversive groups that the people of Pennsylvania are cognizant of the danger, are awake to its realities, and are definitely on guard against any movement that will seek to weaken the only form of Government which, today, can be called free, and the only form of Government on the face of the globe today under which you and I can really enjoy life, liberty and the pursuit of happiness, and it is my fervent prayer that this form of Government shall never change for the American people. Mr. Speaker, in spite of their weakened condition, I ask the House to vote affirmatively on these Bills.

Mr. BROWN: Mr. Speaker, I extend my remarks and my comments on these bills, and I shall not endeavor to cover the same points at this time. However, I should like to tell my good friend from Lackawanna, Mr. Cordier, that it comes with ill grace when he tries to accuse the Democratic party, because I happen to be a Democrat, and happen to be on a committee and happen to sponsor some of these amendments,—it just so happens perhaps at that time I was able to convince the members on this side of the House with whom I had the opportunity to caucus that my amendments were right.

I would not say that the Republican party would be

held accountable for the amendments of Mr. Turner, had Mr. Turner's amendments prevailed, and I think in a thing of this kind we ought to be fair minded and not try to make the thing a party issue when everybody knows it is not. I agree wholeheartedly with everything the gentleman has said; I think we all do; we all believe in the Constitution, but I think the gentleman's error is in the interpretation of the Constitution. I think the gentleman should reread Article VI of the Constitution and he ought to read some of the decisions of the courts in interpreting the Constitution, and by that he will see that this legislature has no right to pass laws that are uncertain, that are ambiguous, that are vicious.

I tried to point out last night that there were two types of legislation in this field; one was the type that was unconstitutional because of a definite limitation prohibition in the Constitution. The other type was that type offending the spirit of the Constitution.

Now, as to whether I am unpatriotic in demanding that every man has a right to his full day in court I will leave to the future to decide. The only thing I have done and the only thing that I think the gentlemen on this side of the House have done, and the only thing we intend to do is to see that no law is passed in this House or in the United States Congress or anywhere else that denies a man's rights to appeal to the highest court of this land.

I stand in my position on these bills with the learned Chief Justice of the Supreme Court. By the way, may I say that not so long ago Chief Justice Hughes was described as the greatest Chief Justice the United States ever had, even greater than John Marshall, because at the time Chief Justice Hughes had greater problems confronting him. I stand one hundred per cent on every word of this principle which I stated last week, and which I repeat here and now as my full philosophy concerning each and every one of these bills.

I repeat the famous quotation of Chief Justice Hughes in the 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 most 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, if desired, may be obtained by peaceful means. Therein lies the security of the republic, the very foundation of constitutional government."

The SPEAKER. For the information of the members, I believe there is collusion between the cooling engineers and the Governor to get us out of here.

Mr. TURNER. Mr. Speaker, perhaps the engineer and the cooling system are taking the advice of John Cummings in his articles which he has been writing in the newspapers, but I do not believe that there is a cooling system in the hot weather that can change the obstinacy of man. As we have learned in China and over in Great Britain, the more you press a man the more resistance you build up in him. It is like a piece of steel, the harder you hammer it the more you temper it to sustain great stress.

Mr. Speaker, I had not intended to infringe upon my colleague from Lackawanna who has so ably spoken on

this subject on a number of occasions, but I can not help but answer to some extent the gentleman from Allegheny, Mr. Brown.

I do not think there are any of us who have advocated these bills who would deny that the gentleman from Allegheny Mr. Brown is perfectly correct in the statements which he has made. We can wholeheartedly subscribe to certain of these statements,—I won't say we subscribe to all of them, but I think we subscribe to most of them and I think we are bound by the opinions of the authorities that he has cited, and I think we would go along with the opinion of the Chief Justice as expressed in the opinion which the gentleman from Allegheny has just read. But the gentleman from Allegheny says he thinks it is unfair on the part of the gentleman from Lackawanna, Mr. Cordier, to talk about the Democrats and this bill as a party measure.

Let me read to you an editorial from the *Harrisburg Patriot*, which as everyone knows is a Democratic paper. This editorial is entitled "The Risk of a Red Label":

"One of the most astonishing things which have happened in these last days of the legislative session has been the hesitancy of House Democrats to take a definite stand in favor of bills against the Reds.

This attitude has brought humiliation to members of the Democratic party who yield to none in their devotion to fundamental Americanism and their opposition to all subversive organizations. The very idea that members of their party in the House should have differences of opinion on an issue of this sort creates a mystery impossible to understand.

The Democratic party cannot afford to risk being tagged as the defenders of those who would tear down the American form of government. It is bad enough to hear charges that the national administration has been too tolerant of radical groups, too ready to entertain them on the White House lawn, too generous in its encouragement of the un-American movements which in later days have done so much damage to the defense program.

Every day the American spirit flames hotter against agencies and movements out of sympathy with the American way of life. Any political party, be it Democratic or otherwise, which seems to condone radical movements runs the risk of being labeled as the "Red" party which in times like this opens the door to party suicide.

One hopes that without further delay the House leadership will clarify the air and demonstrate by votes that it is as bitterly opposed to Reds and other subversive agents as were the patriots of old."

In reading the opinions of the Chief Justice and of other learned Justices interpreting the Constitution, I feel sincerely that the gentleman from Allegheny, Mr. Brown, with his fine legal knowledge, with his studious approach to all questions, has gotten himself so far on the side of the technicalities of the law that he is obscuring his usually clear vision, he is obscuring the clear vision of many members of this House, and is bringing upon his Democratic colleagues a disrepute to which they ought not be subjected. I do not think my opponents or my colleagues on the other side are Red; I do not believe they are Communists. I know a great number of the men on the other side of the House, whom I call my very close personal friends, who feel very severely the place in which they are put by the leadership that is being imposed upon them, by the very able and learned mind of the gentleman from Allegheny, Mr. Brown.

I hate intolerance. I believe firmly in this Constitution of ours which, while it is set up for the rule of the majority, is able to protect the minority. All through the debates in the Constitutional Convention, all through the Federalist run those lines which clearly tell anyone who has the power to read that this Constitution of ours will protect minorities. I understand very well the feeling of the gentleman from Allegheny, Mr. Brown, that he does not want to see the door opened for persecution of minority groups for things that do not directly bear upon the question that is uppermost in the minds of many of our people. But on the other hand, I appeal to the patriotism of the gentleman from Allegheny, Mr. Brown, I appeal to him to look beyond those questions which he has raised, to look beyond the decisions which he can read just as ably as I can, perhaps more ably, and to see that there does come a time when freedom of speech has to be in certain degrees curtailed, when freedom of speech gets beyond the point of what we ordinarily term it.

The other day in the debate in this House, I said I have no objection to Communists holding a meeting and discussing Communism; I have no objection to their standing on a soap box and advocating Communism, but to take these bills after the five or six months they have lain in committee and then amend them, not to find a way to reach the problem before the people, but to say that they must advocate openly and actively participate in insurrection and a movement to overthrow the government is not reaching the problem. As the gentleman from Lackawanna has so ably said, our Federal government is saying to our labor unions, "You must purge yourselves of Communism." The Federal Bureau of Investigation only in the last couple days has found some twenty-one or twenty-two, or whatever it is, spies or a ring of spies in the United States who are passing on information as to vital secrets and who are maintaining communications with agencies that are foreign and are opposed to the government of the United States.

We know, we must know, we cannot help but know, as we read the newspapers, that these agencies are trying to obstruct the course of national defense. They have been trying to disrupt our defense industry. We know from the record in New York State where a professor in one of the colleges was convicted of perjury, and that there was a ring in that college of teachers who were teaching Communism. They were not all actively, outwardly participating in a movement to overthrow the government but they were preaching Communism and changes in our system of government, which I contend was handed to us as our inalienable right.

Mr. Speaker, and members of the House, I read to you the other day this statement from the opinion of Mr. Justice Holmes in the case of Schenck v. U. S. I do not believe the gentleman from Allegheny, Mr. Brown, was here at the time I read this statement. The Justice had his to say:

"We admit that in many places and in ordinary times the defendants, in saying all that was said in the circular, would have been within their constitutional rights. But the character of every act depends upon the circumstances in which it is done. Aikens v. Wisconsin, 195 U. S. 194, 205, 206, 49 L. ed. 154, 159, 160, 25 Sup. Ct. Rep. 3. The most stringent protection of free speech would not protect a man in falsely shouting fire in a theater, and causing a panic. It does not even protect a man from an injunction against

uttering words that may have all the effect of force. Gompers v. Buck's Stove & Range Co. 221 U. S. 418, 439, 55 L. ed. 797, 805, 34 L. R. A. (N. S.) 874, 31 Sup. Ct. Rep. 492. The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree. When a nation is at war many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight, and that no court could regard them as protected by any constitutional right. It seems to be admitted that if an actual obstruction of the recruiting service were proved, liability for words that produced that effect might be enforced."

The difference between the gentleman from Allegheny and myself is this: insofar as he is seeking to protect us from people who are employed under the Commonwealth from actively advocating and participating in overt acts, I cannot object to that, but that is not reaching the problem that we have sought to reach and is not reaching the problem that we have tried to reach during the last few months. That is not reaching this problem of teachers in the schools; that is not reaching the problem of the people who are employed by the state government, who have a less right while they are teachers and while they are employed by the state government to advocate those things than perhaps the average citizen might have.

Mr. Speaker, I heard the gentleman from Allegheny the other night read the preamble of the Constitution of the United States as endorsing those things which he advocated. I could agree with him on that matter but let me read it to you again:

"We the people of the United States in order to form a more perfect union,"—those men had been through five or six years of chaos and anarchy. They knew that the Union which had been formed in that great war was imperfect and loose, and it could not function efficiently. "Establish justice,"—they wanted to establish justice with their vision of government, with their ideals of the right of men to form a government. "Insure domestic tranquility,"—they had seen insurrection, they had seen chaos, they had seen anarchy; they wanted to secure "domestic tranquility." "Provide for the common defense,"—they knew that the thirteen original states gathered together in a loose confederation could not possibly form a strong army against the aggression of a foreign government. "To promote the general welfare,"—certainly any group of men who had their ideals of government wanted to promote the general welfare. Then what did they do? It seems to me everything in the preamble leads up to this "And secure the blessings of liberty to ourselves and to our posterity do ordain and establish this constitution for the United States of America."

To secure the blessings of liberty to ourselves and our posterity,—that is what they wanted; that is what they had fought for; that is why they had offered themselves as a sacrifice on the field of battle; that is why they were willing to sacrifice their fortunes, their personal liberties and their lives, it may be everything to secure to us the blessings of liberty.

Is there any liberty for a man in Communism? Is there any liberty for a man in Fascism? Is there any liberty for a man in Naziism? I do not think there is

any man who will stand here upon the floor of this House tonight and contend for a moment that there is liberty as we have known it for one hundred and fifty years under the American system of government in any of these things. If the Federal Government can now say, "Root these people out of industry," if the Federal Government can go out and seek out these people for trying to undermine our government, who do not themselves perform an overt act except that they are capable of explaining, then if they can, why can't we do the same?

Mr. Speaker, as to making the terms certain, if these terms are not certain enough to meet the legal requirements, if they do not protect the rights of those who might be falsely and wrongfully accused, then let us get together around the table with the skill of the gentleman from Allegheny, Mr. Brown, and others, and let us find language that does, but I say let us not in an hour like this when our country needs every ounce of defense and every ounce of patriotism that we can get, let us not quibble over technical and legal terms that might be employed in Quarter Sessions Court in order to get some culprit off; let us get down to the real problem. It is not the problem of a man who openly advocates and participates—the gentleman from Allegheny, Mr. Brown makes it "and participates," he makes it conjunctive. He must do both. But let us get down to those who advocate in their teaching and in their daily lives in and about the offices of the government those who are on the public payroll of a great free country, on the payroll of a nation that has pledged itself and has dedicated itself to secure the blessings of liberty to its posterity, let us get down to that and draft bills that will meet that problem.

I have no apology for the language that was inserted in the bill which I introduced in reference to the Tenure Act. I have no pride of authorship in that; I am willing to accept any language that will properly, within legal bounds arrive at a solution of the problem, but again let me say to the gentleman from Allegheny that he ought not to place these good colleagues of his in the position in which they are now placed, and in the embarrassment which they now have before the public.

Mr. BROWN. Mr. Speaker, certainly I should apologize for rising again, but I hope you will bear with me. This is a very important matter, because we are dealing with the fundamental liberties of the people. I do not subscribe to the learned argument of the former speaker of this House, a gentleman whom we all admire, the gentleman from Delaware, Mr. Turner. I do not agree when he says that there is a set of liberties for one set of people and not the same set of liberties for the other set of people. You cannot divide liberties. Liberties that we enjoy here ought to be the liberties that every other citizen enjoys, and if we have come to this point in our system of thinking in this country whereby because of the present status, because of a certain standard, one man's liberty would be different from that of another, we have lost the essence of all democratic process.

Mr. Speaker, as to the article which the gentleman read from the Harrisburg Patriot, I subscribe to that, too. I am glad the Patriot brought that matter out, as it had a right to, but that does not make it true. We hold that the Patriot had a right to bring the matter out.

In connection therewith, Mr. Speaker, I would like to

read Section 7, of Article I, of the Constitution. I think sometimes with the reading of these provisions of the Constitution we get back to the fundamental principles, and we do not have to indulge in facetious and fanciful arguments.

Article I, Section 7, reads as follows:

"The printing press shall be free to every person who may undertake to examine the proceedings of the legislature or any other branch of government, and no law shall ever be made to restrain the right thereof."

The Harrisburg Patriot is exercising its fundamental right of freedom of speech. In connection with that same thing, I agree with the Harrisburg Patriot because I believe in the principle laid down by Mr. Justice Holmes in the famous case reported in 279 U. S., 644, as follows:

"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."

Mr. Speaker, I do not hate the Harrisburg Patriot, but I disagree with them. They have a right to say that, and the Harrisburg Patriot would fight to the last ditch if this Legislature or any other Legislature sought to put any restriction of any kind, or any limitation on anything the Patriot might say or any other paper that is protected under the Constitution of the United States. That is all we are fighting for here. I agree with the Schenck decision. That decision bears out exactly what we are trying to do with these bills, because the learned judge said, "There must be an actively obstructive process." That is all we are trying to do here. Mr. Speaker, I am sure the gentleman from Delaware, Mr. Turner, is sincere when he gives us such flowery language, but after all when we introduce bills which become laws, I give you again what I said last night, the words from a great philosopher, a statesman we all love to read about, read his language and peruse his thoughts—the Honorable John Dickinson who made this statement: "Miserable is the servitude when the laws are uncertain." I will never be a party regardless of what is sought to be obtained, to passing any laws that are uncertain, because I believe with John Dickinson, "miserable will be the servitude."

Mr. CORDIER. Mr. Speaker, in response to the remarks of the gentleman from Allegheny pertaining to the charge that the Democratic party is responsible for the amendments to this bill, I made those remarks with no acrimony to any member of the Democratic party. I merely recited the history of this legislation as it appeared on the record books in the halls of the Legislature in the State Capitol.

I am quite certain, Mr. Speaker, that the gentleman from Allegheny is sincere and that the membership on the other side is sincere in its desire to lead to the same goal that we are. However, we differ in the method of procedure. In this democracy the people have the right to form opinions. In that connection, Mr. Speaker, I have before me a letter from one of my constituents who has been greatly interested in this question and who incidentally happens to be a Democrat. I am going to read one excerpt from that letter as follows:

"During times of unprecedented confusion it would seem the strategy of the Democrats in regard to anti-Red suppression has been baffling and disturbing to

those who have the welfare of the state and nation at heart! Furthermore it has brought humiliation to those members of the Democratic party who are as equally devoted to the fundamental principles of Americanism as are Republicans. It is a serious thing to risk being tagged as the defenders of those who would destroy our government."

Mr. Speaker, I might say in several states of the nation there are safeguards against subversive activities which have now become laws. The states of Arizona, Washington and Wisconsin now have laws pertaining to subversive activities on the statute books. In many of the other states bills of similar nature are now being considered.

Mr. Speaker, I might say in regard to the question of liberties, as it was so ably put by the gentleman from Allegheny and on the question of constitutionality of this bill as it was originally introduced, House Bill 413 merely prohibits the employment by the Commonwealth of any person or persons whose philosophy proposes a change in the government of the United States by means not provided for in the Constitution of the United States.

I leave with the House the question as to whether or not any such legislation can be unconstitutional.

Mr. LEVY. Mr. Speaker, I am not at all surprised that in the final days of the session, especially when House Bills 413 and 448 are on third reading and final passage, that the gentleman from Lackawanna and the gentleman from Delaware have attempted to brand the Democratic party as the Red party in Pennsylvania. I think in the discussion on these bills the various members of the Democratic party on this side of the House have expressed themselves very ably regarding Communism and Naziism, and I think the implication raised by the gentleman is unfair and does not deserve the attention of this House.

The truth of the matter, Mr. Speaker, is that the amendments that were adopted in House Bills 413 and 448 do not weaken the bills, but strengthen them in an American way. As far as partisanship is concerned, I might remind the gentleman from Lackawanna that last week in the State of Georgia a Democratic Governor raised objection to a mid-western teacher in the University of Georgia for teaching the students in that University that there should be colored students admitted, and the Governor of the State of Georgia who was a Democrat, and with whom I utterly disagree, raised this objection. He said, "I am tired of listening to the rantings of the Communist from the mid-west."

I say to the gentleman from Lackawanna, if the bill as it originally came out of committee was intended to prove statements such as came from the mid-western teacher in the University of Georgia were Communistic, then I say thank God that the amendments were included in the bill.

I do not know the ideas of the gentleman from Delaware or the gentleman from Lackawanna relative to the results of a bill of this kind, and I certainly would not question for one moment the sincerity of the gentleman from Delaware, but I say to him in all fairness in an American way that the bill that it is before the House is the American way of combatting subversive activities.

Certainly the gentleman from Allegheny raised a question of security of minorities. The gentleman from Delaware admits that the Constitution is built around the security of minorities by the majority, but I ask him how

can you secure the rights of minorities if you are going to place on the statute books of Pennsylvania the right of any Department head to determine a man's philosophy, doctrine or goal without appeal? That is the underlying question in these two bills, and I say to the gentleman from Delaware, Mr. Turner and to the men on the other side of the House that the bills as amended are correctly drawn, and these are the ones that should be enacted into law.

Mr. WOODSIDE. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Levy.

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

Mr. LEVY. I will, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker I would like to know from the gentleman whether the amendments which were inserted into the bills under discussion now make these two bills satisfactory to the group with which he met in Philadelphia and about which he spoke on the floor of the House in answer to the gentleman from Delaware, Mr. Turner, a few days ago?

Mr. LEVY. Mr. Speaker, in answer to the gentleman from Dauphin, Mr. Woodside, I might say relative to the rally before which I spoke in Philadelphia, which was very thoroughly discussed last Thursday, that the charges made by me in my answer were never answered by the gentleman from Delaware. I said at that time that if the gentleman from Delaware or any other Member of this House had any cases of where Communism was taught in the Philadelphia schools it was their duty to bring that information to the constituted authorities. Mr. Turner arose and read a letter from a very prominent citizen of Delaware County in which he lauded Mr. Turner's stand on anti-Red bills. Mr. Turner never mentioned the name, and at that time I asked Mr. Turner and requested him to name names and places, but he failed to do so.

If the reference of the gentleman from Dauphin is to a teacher's union in Philadelphia that is charged with being Communistic, I said to the gentleman from Dauphin and to his colleagues that they were investigated on numerous occasions by the Board of Public Education in Philadelphia and were exonerated of any charges, and I further pointed out that the main purpose of these bills is to amend the Teacher's Tenure Act and weaken the security given them by a previous Democratic administration. I stated the case of Miss Burchett in Philadelphia and I proved to the membership that she was fired under the Teacher's Tenure Act, and that if there were any teachers in Philadelphia teaching Communism they could likewise be fired. I heard no resounding answer from the gentleman from Delaware or the gentleman from Dauphin.

In answer to the gentleman from Dauphin, I will only say to him that I am not responsible for drawing up the amendments, but I subscribe to them, I am proud of them and in my philosophy they are the American amendments.

Mr. WOODSIDE. Mr. Speaker, the gentleman thinks very rapidly on his feet. He has been on his feet now ten minutes answering the question, but I still have not been able to find out whether the answer is "yes" or "no."

Mr. LEVY. Mr. Speaker, I would like to hear the question once again.

Mr. WOODSIDE. Mr. Speaker, I asked the gentleman whether the amendments that were put into these bills now make them satisfactory to the group to whom he spoke in Philadelphia?

Mr. LEVY. Mr. Speaker, in answer to the gentleman from Dauphin, I do not know. I never received any communication from the American Federation of Teachers in Philadelphia relative to the amendments, and I do not know their attitude on the amendments.

Mr. WOODSIDE. Mr. Speaker, does the gentleman assume that they are now satisfactory to them?

Mr. LEVY. Mr. Speaker, in answer to the gentleman, the question the gentleman just propounded is as vague and uncertain as House Bill 413 was when it came out of committee. We are not assuming anything here. I might point out to the gentleman from Dauphin that we are passing laws, laws that are to remain on the statute books to govern the people of the Commonwealth of Pennsylvania, and I certainly would be a poor Legislator if I were to answer that question.

Mr. WOODSIDE. Mr. Speaker, I still think the gentleman ought to answer the question "yes" or "no," and he has not done so.

Mr. LEVY. Mr. Speaker, in answer again to the gentleman from Dauphin, we are not assuming things, and it is not my business to assume what a certain group in Philadelphia is thinking. I answered the gentleman; I said that I subscribed to the amendments and I think they are the proper thing.

Mr. WOODSIDE. Mr. Speaker, I understand the gentleman attended a mass meeting in Philadelphia. There were some indications that that mass meeting was composed of some people who were active in the Teachers' Union. Whether that is correct or not, the gentleman himself knows.

PARLIAMENTARY INQUIRY

Mr. HARKINS. Mr. Speaker, I rise to a question of parliamentary inquiry.

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

Mr. HARKINS. Mr. Speaker, I would like to know whether it is proper for a member to question another member about his activities outside of the halls of the legislature?

The SPEAKER. The Chair has been very lenient toward Members on both sides.

POINT OF ORDER

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

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

Mr. HARKINS. Mr. Speaker, I raise the point of order that the gentleman from Dauphin, Mr. Woodside, is out of order in his present interrogation.

The SPEAKER. The Chair is of the opinion that the point of order is not well taken. The Chair has been very lenient in this debate.

Mr. LEVY. Mr. Speaker, I might inform the gentleman from Allegheny that I very heartily welcome the interrogation of the gentleman from Dauphin because I think I know what he is thinking, and I know he generally thinks incorrectly. I ask the gentleman from

Dauphin to proceed, and I will attempt in the best English I know to answer him.

Mr. WOODSIDE. Mr. Speaker, if the gentleman would answer my question it would save a lot of the time of the House. He takes a lot of time to answer, and now he is concerning himself as to whether I am thinking or not.

Mr. LEVY. The gentleman from Dauphin asked me whether I assumed that the American Federation of Teachers subscribed to these amendments, and I said to him that as a member of the House for a few sessions I believe this is the first time we were called upon to answer what we assume might be the condition with this particular union. I say to him in all sincerity that I do not care what the American Federation of Teachers thinks of these amendments; I subscribe to them, I am proud of them, and I say to him if he is not, then let him vote against the bills, that is all.

Mr. WOODSIDE. Mr. Speaker, every time I ask the gentleman a question he makes a speech on something else. In this particular speech he said something that was very interesting. I didn't ask him whether the American Federation of Teachers was opposed to this bill; I asked him whether the group with which he had met was in favor of these amendments, and he assumed it was the American Federation of Teachers, so I think we can now safely assume that the group was the American Federation of Teachers in Philadelphia that was thrown out of the American Federation of Labor because of their Communist leanings and activities, or if it was not that group, then there was a close connection between the two, because I did not think the American Federation of Teachers was the group he was meeting with. I said the group he was meeting with. I am wondering whether he was not interested enough to find out what their opinions were as to these amendments. I think he should have endeavored to find out what their attitude on this situation is, and I think he knows. I think he knows whether these amendments were satisfactory to the group with which he met, whether they are satisfactory or not satisfactory, that is the question I am asking him and the question pertaining to this bill that he refused to answer.

Mr. LEVY. Mr. Speaker, in answer to the gentleman from Dauphin I only want to say that I do not believe he knows how to ask a question. I repeat, Mr. Speaker, over the laughter, that I do not believe he knows how to ask a question. I think he is trying to get me to say something and he doesn't know how to ask for it. I want to say to him that if he had listened to my reply to the gentleman from Delaware on Thursday of last week he would have heard very distinctly that I attended no meeting or discussion on House Bill 413 or House Bill 448 with this union known as the American Federation of Teachers. He heard me distinctly say on the floor of the House that I was invited to address a rally and that I spoke, and that I did not see any "Peace" signs hanging around the wall and I did not see any Hammer and Sickle coming down from the ceiling, and I did not see any Reds with long whiskers, as the gentleman from Delaware might infer. I saw, Mr. Speaker, on the other hand, five to seven hundred fine, clean-cut American citizens, and I say to the gentleman from Dauphin if he is questioning the philosophy, doc-

trines or goal of the people who were in attendance at that rally in Philadelphia then, thank God, that "philosophy, doctrine and goal" has been taken out of House Bill 413.

Mr. Speaker, I want to say to him further that I am more proud, and I say this on the floor of the House, to have addressed that group of teachers in Philadelphia than I would have been to address the Republican Women of Pennsylvania who eulogized in 1938 a teacher who openly taught racial intolerance in the South Philadelphia High School, and who was, Mr. Speaker and Members of the House, fired and dismissed by the Board of Public Education in Philadelphia under the horrible Teacher's Tenure Act that the gentleman from Delaware is crying so much about.

I say, Mr. Speaker, in answer to the gentleman from Dauphin, I do not deny that I spoke at a rally, and I spoke in protest of pending bills in the Assembly and I have every right to do that, and if the gentleman from Dauphin thinks not, then let him say so. But I am proud to have been there and I am proud to have voiced sincere objections to a bill that was an un-American bill as it came out of committee.

Mr. WOODSIDE. "He thinks the gentleman doth protest too much." I think the truth of the matter is pretty well out, Mr. Speaker. It seems to me that these amendments will be very satisfactory to this group to which the gentleman from Philadelphia spoke, and which he has eulogized so much. Whether there is any connection between that group and the American Federation of Teachers, which was thrown out of the Union for being too Communistic, I shall leave for your own sound judgment. I sometimes am accused of being a little politically minded. Maybe that is the thing that brings me down from the level of the discussion of the gentleman from Allegheny, Mr. Brown, and the gentleman from Delaware, Mr. Turner, on a high constitutional plane, and something which I think may indicate whether these bills are truly American or whether they are not.

We sometimes ought to look to the people to whom those interested in these bills are speaking and listening, and I think if we do we can then sometimes determine what the motives involved in amendments or legislation are. I think, Mr. Speaker, that my point is clear and that every Member of this House understands exactly what I mean.

I just want to say one other thing concerning the debate between the gentleman from Allegheny, Mr. Brown, and the gentleman from Delaware, Mr. Turner. It reminds me very much of a story which my mother told me when I was very young and which I have remembered every since. It was a story about a farmer who came over to this land of freedom. He was not here very long until he hit a fellow on the nose and was called into court. The judge, about to pronounce sentence on him, said, "Have you anything to say in your defense?" And he said, "Yes," he said, "I came over here because I thought this was a land of liberty, this was a land of freedom." The judge replied, "Yes, sir, but you must understand that your liberty ends where the other fellow's nose begins." It seems to me that the gentleman from Allegheny, Mr. Brown, was talking entirely about this being the land of freedom and that the gentleman from Delaware, Mr. Turner, was reminding him that freedom

ends where the other fellow's nose begins.

Mr. CORDIER. Mr. Speaker, after listening to the gentleman from Dauphin and after listening to the speech of the gentleman from Philadelphia, Mr. Levy, I think it would be proper to ask a question at this point. Who is getting hysterical now

Mr. LEVY. In answer to the gentleman from Lackawanna, I would say that the only person I can find who is hysterical would be the author of a bill like House Bill 413 as it came out of committee without amendments.

Mr. AUKER. Mr. Speaker, I am going to vote for this bill because it is possibly some step in the right direction, but I submit to the Members of the House that these bills with these amendments submitted by the gentleman from Allegheny, Mr. Brown, do not go nearly far enough. In other words they take the teeth out of the bills, and I do not refer to the amendments which give the right of appeal. I am heartily in accord with those amendments.

However, Mr. Speaker, I refer again to the amendment which says that they must openly advocate and actively participate in an overt act. I submit to you, Mr. Speaker, that a teacher who teaches Communism in a school, as the Philadelphia teachers are doing and for which they were thrown out of the American Federation of Labor, a teacher who teaches that this government should be a collectivistic form of government instead of a republican form of government as set up by the Constitution of the United States, a teacher who teaches that this form of government is only an experiment in government the same as other governments in the world, cannot be reached under this act, and they are the class we are trying to reach. We know that the school boards do not have the authority under the Teachers' Tenure Act to throw out a teacher for teaching Communism. Under a recent decision handed down by Doctor Haas, Secretary of Public Instruction, he made the specific point that under the Teachers' Tenure Act a school board does not have the power to fire a teacher who has been engaged in Communistic activities. Under no stretch of the imagination do I believe school boards or the courts would oppose a school board in firing teachers who teach those "isms," collectivism, socialism and communism, because it would not be possible under the interpretation of the court to determine this act as being an overt act as set up by the amendment in this bill. I submit to you that we are here simply begging the question. We have asked, as Doctor Haas has asked, that bills be reported out here giving school boards the authority to fire this kind of teachers, and no bill of that kind has yet come out. I only hope that the Democratic party on the other side of the House and the Chairman of the Educational Committee will heed those requests and report such a bill out.

Mr. HARKINS. Mr. Speaker, I wish to call the attention of the Members of the House to an editorial that appeared in the Pittsburgh Sun Telegraph of Tuesday, June 24, 1941. I can say in all probability the reason this editorial is so commendable is that the editorial sets forth the same fundamental truth which was promulgated by Thomas Jefferson way back in 1804.

Mr. Speaker, this editorial in discussing the freedom

of the press states that Thomas Jefferson said in the following quotation:

"Man may be governed by reason and truth. Our first object, therefore, should be to leave open to him all the avenues of truth. The most effectual hitherto found is the freedom of the press."

In my opinion, Mr. Speaker, freedom of speech is just as essential as freedom of the press. The rest of this editorial goes on to state that the courts cannot expect that freedom of the press will not be interfered with. It states also there is no "divine right" doctrine in our American institutions, and that it is a heartening event in these days of the gradual narrowing of individual liberties to have the Supreme Court of the state concede the right of the press to criticize the courts after the cases are no longer before such courts. The editorial concludes, Mr. Speaker, with the following words:

"And the Courts of the United States have no greater friend or bulwark than our free, critical press."

I just wish to suspend, Mr. Speaker, for a moment to inform the gentleman from Blair, Mr. Aufer, that I have had no communication from the State Superintendent of Public Instruction relative to any bill which he favors to take care of any of the situations described by the gentleman from Blair. I would further state that the gentleman from Blair, Mr. Aufer, seems to be under an erroneous impression concerning the import of the decision of the State Superintendent of Public Instruction. The State Superintendent of Public Instruction, according to a copy of the opinion which I have, does not say that the teachers who teach Communism or un-American doctrines cannot be dismissed. The State Superintendent in that particular decision did not dismiss the teacher concerned because the State Superintendent found that the teacher's act, the act that was complained of, was a legal act which the State Superintendent said he had a right to do. If the State Superintendent of Public Instruction believed he should have been dismissed he would have dismissed him.

I would like to say to the membership that I think it might be a good idea if after we adjourn today we would walk down the front steps and turn around and come back and read the inscriptions engraved in the stone surrounding the steps there. I noticed there was a quotation there by Benjamin Rousseau which said, "Freedom can exist only in the society of knowledge." I noticed another quotation which reads as follows: "Where liberty dwells there is my country," which was a quotation from that eminent patriot, Benjamin Franklin. Then I noticed another quotation which I would call to the attention of those men on the other side of the House who are so eager to get a law passed, regardless of what its meaning may be, from Benjamin Franklin which I think sums up the whole question and sums up my attitude and the attitude of many of the Members on this side of the House; this quotation is "Those who would give up essential liberties to purchase a little temporary safety deserve neither liberty nor safety."

I say to the Members of the House that Benjamin Franklin was employing his wisdom at its greatest when he wrote those words. We should consider those quotations and what they mean, and I think if we do we will

realize that those men on this side of the House who in their earnest solicitude to pass good laws have proffered amendments have been acting for themselves and for their constituents and they have not been acting for any selfish group. They have not been trying to protect anybody who might be guilty of any subversive activity of any description. For my part I have been interested in protecting the rights of all the 100,000 people in my district, people who day after day take their lives in their hands with their daily toil, people whose patriotism has not been questioned in the past and cannot be questioned now, and I say to you that coming from the greatest industrial district in the great state of Pennsylvania, a district where the defense program has its heart, that we are not bothered by this problem that the people from the eastern part of the state seem to feel is so important and so vital. We do not have these subversive people out in our part of the country, and I say to you that we want our liberties protected because we believe in the fundamental rights guaranteed to us under our form of government.

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Allegheny Mr. Harkins.

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

Mr. HARKINS. I will, Mr. Speaker.

Mr. TURNER. I would like to ask the gentleman from Allegheny, Mr. Harkins, whether he is willing to have a teacher in the schools advocate Communism without actually participating in overt acts.

Mr. HARKINS. Mr. Speaker, in answer to the gentleman's question, I would say that I am not in favor of having any teacher in the schools who is a Communist. I am, however, in favor of a definite, straightforward policy throughout all our law, and I do not believe in making it possible to dismiss a teacher for a cause and on the other hand say that the teacher has the proper right to do the thing of which we complain.

Mr. TURNER. Mr. Speaker, the amendments which were placed in this bill provide that they must advocate and openly participate. Now, I ask you, how are you going to follow the contradictory statements of the gentleman from Allegheny, Mr. Harkins, who says that he does not want any communistic teacher in the schools, but he next says that they must advocate and openly participate in the movement. Therefore it seems to me on the very face of it the absurdity of the argument is demonstrated.

Mr. McMILLEN. Mr. Speaker, this argument has gone along for some time. It seems as though for once, since I have come to this legislature early this year, the House is very seriously appreciating the importance of the teaching profession in Pennsylvania. Not long ago we had some salary increases up here; we had other salary increases bills and I am sorry to say, gentleman, the teachers receive the lowest, after the increase, of any salary yet put out of this House. Isn't it strange that we can come now to a realization that the teaching profession is so important in the state of Pennsylvania?

I am a teacher, and I am not ashamed of the profession. Coming from Indiana County, naturally a rural section, where not much is given and little expected, you couldn't expect me to take much part in this fight, but I do want to say to the Members of this House that the teachers in

Indiana County,—and I know practically every one of them personally, do not subscribe, will not tolerate nor be a part of a profession that will teach Communism.

We are an agricultural county, live rather closely to the soil, and that I think is somewhat good insurance against some of the "isms" that infest the metropolitan areas. As a teacher I feel it my duty right here on the floor of this House to make my position clear on this Communistic issue.

After viewing the imported lobbyists from Philadelphia I can well understand the position of a few of the gentlemen from Philadelphia who so courageously fight this legislation. After hearing them and listening to some of their conversation, being button-holed by some of them, not only by those teachers but some of the people who are sitting along the aisles of this room right now, I tell you, gentlemen, as someone mentioned about a Communist being a gentleman with a hairy face and big long beard, and so forth; many of them hide behind dark glasses and things like that,—you don't know them from the other gentlemen in the hall. They mix with us and they remind me somewhat of a little story I heard, when I see them out here in the vestibules with their hats down over their eyes, of the mother skunk and her little skunklets. The mother skunk and her little skunklets were out strolling one fine, juicy, foggy evening, strolling down the road and they saw in the distance a hunter with a dog and a gun. The little skunklets immediately became very, very much alarmed and gathered around the mamma skunk and cried "Oh, mamma dear, what shall we do; what shall we do?" The mother very gently got them around her and said "Now children, bow your heads and let us spray."

POINT OF ORDER

Mr. TARR. Mr. Speaker, I rise to a point of order.

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

Mr. TARR. The gentleman is not speaking on the bill before the House.

Mr. McMILLEN. Mr. Speaker, I am simply making an analysis of my stand on Communism and its relation to this bill.

The SPEAKER. Didn't the gentleman enjoy the skunk story?

Mr. TARR. Mr. Speaker, I am Chairman of the Game Committee, and any skunk matter would have to come to my Committee. I misunderstood the gentleman; I thought he was over on one of my game bills; I am sorry.

Mr. McMILLEN. Mr. Speaker, we talk about these people actively engaged and participating, taking an active part, committing overt acts as they are called, and spreading the doctrine and principle of subversivism into our lives. We do not find them in that activity, as the gentleman from Delaware, Mr. Turner, has well said; we find them mixing with the Legislators, button-holing them and brooding with them; you find them out here in the lobby. That is the type of gentlemen we have,—pardon me, the other animal is a better reference in my estimation. Naturally, I believe every man, regardless of where he works has a certain amount of tenure due him as long as he produces a piece of work, as long as he does that for which he is paid, but I also feel that as a teacher, when he does not do that job and do it according to the principles of the government that employs him and that supports him,

the door should swing out as well as in for him. I am willing right now to make this statement as a teacher, that if,—and I say "if," gentlemen,—if it is necessary for us as a teaching profession to give up every inch of the Teacher's Tenure Law, if it is necessary for us as a people to scrap every bit of civil service, everything behind which these people are hiding and issuing their poisoned arrows, then I say we had better scrap everything behind which they hide.

While it may protect me individually as a teacher in my job, yet if I protect this thing behind which these people are hiding, and they in turn lose everything for me, what have I individually to gain? So I say, if it is necessary to scrap all these things, let us scrap them. After all, it is a choice, and we run into the question right here of just which is the worst of the two evils, political patronage or civil service and Teachers Tenure, behind which these subversive elements hide. Gentlemen, you can change your politicians, and that in turn will change the complexion of the departments; you can put your finger on it, but today the taxpayer, the man who pays the bill, cannot get his finger on the people who are teaching his children these things he does not want taught to them, and I submit to you, gentlemen, that I am willing to submit my case to the parents whose children I am teaching.

I have right here,—and I do not think I need go very far,—right here a list of seven hundred deportable aliens that are harbored by the United States Department of Labor, and I think you are all aware, very well aware of Irving Cobb's very apt description of the lady who commands that department. I think that - - -

POINT OF ORDER

Mr. LEVY. Mr. Speaker, I rise to a point of order.

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

Mr. LEVY. Mr. Speaker, I have listened with a great deal of amusement and disappointment to the charges of Red flag waving and everything else, but I am not going to sit here and listen under the flag of Communism to one of the members of President Roosevelt's cabinet being castigated by a Member of the Assembly. I say to you, Mr. Speaker, that remark has no business on the floor of the House.

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

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

Mr. WOODSIDE. Mr. Speaker, the gentleman who has raised the point of order is not raising a point of order at all; he is making a speech. If he wants to raise a point of order he ought to raise it. He is making a speech.

The SPEAKER. The gentleman is within his rights in criticizing a public official. The gentleman from Indiana has the floor. He will confine his remarks to the bill before the House, House Bill 448.

Mr. McMILLEN. Thank you, Mr. Speaker, I am talking on the bill and I can well appreciate the gentleman's objection.

QUESTION OF INFORMATION

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

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

Mr. LEVY. Mr. Speaker, I would like to know whether the gentleman as a Member of the House knows when he is talking on a bill?

Mr. McMILLEN. Mr. Speaker, I have listened to the gentleman from Philadelphia, Mr. Levy, for a good many months, and I have often asked myself that same question.

POINT OF ORDER

Mr. LEVY. Mr. Speaker, I rise to a point of order.

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

Mr. LEVY. I raise the point of order, Mr. Speaker, because I think the gentleman on the other side is attempting by subterfuge to speak about a member of the President's cabinet, and that in all decency has no reference to House Bill 413 or House Bill 448.

The SPEAKER. The Chair has ruled on that question.

Mr. McMILLEN. Mr. Speaker, I just want to conclude with this statement, that it is very evident to me that the time has come when you are either for us or against us, and on that we had better soon decide.

Mr. BAKER. Mr. Speaker, I move the previous question.

The motion was seconded by Messrs. Wolf, Paul A. Brunner, McIntosh, Croop, Owens, Chervenak, O'Mullen, Corrigan, Williams, Pettit, Polen, Tate, Burns, Tarr, Finestone, Boies, Matthew J. Welsh, Reynolds, Shaw, Melchoirre and others.

On the question,

Shall the main question be now put?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

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

YEAS—176

- | | | | |
|-----------------|----------------|---------------|------------------|
| Achterman, | Foor, | McDowell, | Sarraf, |
| Auker, | Gates, | McClanaghan, | Scanlon, |
| Baker, | Gerard, | McClester, | Serrill, |
| Balthaser, | Gillan, | McFall, | Shaffer, |
| Rentzel, | Gillette, | McDermott, | Shaw, |
| Boles, | Goodwin, | McGrath, | Shepard, |
| Boney, | Gross, | McIntosh, | Simons, |
| Boorse, | Habbyshaw, | McKinney, | Skale, |
| Bower, | Haberlen, | McLanahan, | Snyder, |
| Bradley, | Haines, | McMillen, | Sollenberger, |
| Bretherick, | Hall, | McSurdy, | Sorg, |
| Brown, | Hamilton, | Melchiorre, | Stambaugh, |
| Brunner, C. H., | Hare, | Mihm, | Stank, |
| Brunner, P. A., | Harkins, | Modell, | Stine, |
| Burns, | Heatherington, | Monks, | Stockham, |
| Burriss, | Hering, | Mooney, | Tarr, |
| Cadwalader, | Herman, | Moran, | Tate, |
| Chervenak, | Hewitt, | Muir, | Taylor, |
| Chudoff, | Hirsch, | Munley, | Thompson, E. F., |
| Cochran, | Huntley, | Nagel, | Trout, |
| Cohen, M. M., | Imbrie, | Nunemacher, | Turner, |
| Cohen, R. E., | James, | O'Brien, | VanAllesburg, |
| Cooper, | Jefferson, | O'Connor, | Vincent, |
| Cordier, | Jones, G. E., | O'Dare, | Voldow, |
| Corrigan, | Jones, P. N., | O'Mullen, | Voorhees, |
| Cullen, | Kenehan, | O'Neill, | Wagner, |
| Dalrymple, | Kline, | Owens, | Watkins, |
| DiGenova, | Knoble, | Pettit, | Weingartner, |
| Dix, | Kolankiewicz, | Polaski, | Welss, |
| Dolon, | Krise, | Polen, | Welsh E. B., |
| D'Ortona, | Lee, E. A., | Powers, | Welsh M. J., |
| Duffy, | Lee, T. H., | Pank, | Williams, |
| Early, | Leisey, | Readinger, | Winnor, |
| Elliott, | Leonard, | Reagan, | Wolf, |
| Ely, | Lesko, | Reese, D. P., | Wood, L. H., |
| | | Reese, R. E., | |

- | | | | |
|--------------|----------------|--------------|------------------|
| Falkenstein, | Leydic, | Reynolds, | Woodring, |
| Finestone, | Lichtenwalter, | Rhea, | Woodside, |
| Finnerty, | Longo, | Riley, | Wright, |
| Fiss, | Lovett, | Rose, W. E., | Yeakel, |
| Fleming, | Lyons, | Rosenfeld, | Yester, |
| Fletcher, | Malloy, | Royer, | Young, |
| Flynn, | Maxwell, | Rush, | Kilroy, Speaker. |

NAYS—0

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

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

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage 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 and appellate courts in all such cases.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I ask unanimous consent to offer amendments.

The SPEAKER. The gentleman is informed that the bill is on final passage.

Mr. TURNER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered so that I may ask unanimous consent to have the amendments read and the House will know the purpose for which I offer the amendments.

The SPEAKER. Will the gentleman withdraw his motion to reconsider the vote by which the bill passed third reading?

Mr. TURNER. Yes, Mr. Speaker, and if there are sufficient copies of the amendments there I would ask that a copy be sent to the gentleman from Allegheny, Mr. Brown, so that he may follow them when they are read.

The SPEAKER. Will the House give its unanimous consent to the reading of the amendments? Is there objection?

Mr. BROWN. Mr. Speaker, I do not feel that the amendments should be allowed. The gentleman has very naively tried to enumerate a number of organizations, all of which we are opposing, and I think the bill should be drawn in its general sense rather than its special sense. I think that is the way legislation ought to be passed. I am opposed to the draftsmanship of this type of legislation and ask that the House do not give its unanimous consent to the insertion of the amendments at this time.

The SPEAKER. The Chair hears objection and consent is not granted.

On the question recurring,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I endeavored to meet the objections of the gentleman from Allegheny, Mr. Brown, that we have specific legislation. The bill as it stands

says that you must advocate and actively participate 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. I think this places squarely before us that which I tried to say in the remarks I made with reference to House Bill 448, to advocate and openly participate or actively participate in overt acts, open acts with a criminal intent, to change the form of government by force, that can be the only meaning; therefore it would seem to me that if the gentleman from Allegheny, Mr. Brown, is sincere in what he has said just now, that they are opposed to Communism, Fascism or Nazism, he should admit these amendments rather than ask that they be refused.

PARLIAMENTARY INQUIRY

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

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

Mr. WALTER E. ROSE. Mr. Speaker, are we not now considering House Bill 413, Printer's No. 1100?

The SPEAKER. That is correct.

Mr. WALTER E. ROSE. Mr. Speaker, I cannot follow the amendments offered by the gentleman from Delaware in my bill. Are they drawn to this bill?

Mr. TURNER. Mr. Speaker, they are drawn to House Bill No. 413, Printer's No. 1100.

The SPEAKER. House Bill No. 413, Printer's No. 1100.

Mr. WALTER E. ROSE. May I ask, Mr. Speaker, whether they begin at line 10, page 2, section 1?

Mr. TURNER. Mr. Speaker, the first amendment is to the title on page one, line four. The second amendment is to the title, page one, line 7; the third amendment is to amend section one, page 1 line 7 by inserting after the word "who"—

Mr. WALTER E. ROSE. Mr. Speaker, there is no word "who" in my copy.

Mr. AUKER. Mr. Speaker, in order to clarify the matter, I do not believe that the amendments as proposed by Mr. Turner are in the Printer's No. given to us by the gentleman from Allegheny, Mr. Brown, the other day.

Mr. TURNER. Mr. Speaker, in order to straighten this matter out I ask that the bill be temporarily passed over.

The SPEAKER. Will the House give its unanimous consent to have this bill passed over? Is there objection? The Chair hears objections and consent is not granted.

On the question recurring.

Shall the bill pass finally?

Mr. STOCKHAM. Mr. Speaker, this bill has been discussed quite at length with the bill that was just passed. Permit me just one or two reflections. May I suggest that we must look to the soul of this nation. I have gotten to those years when I possibly can reflect upon the years gone by in school and in early business and industrial pursuits, something of what this nation stood for. I remember in my school days there were no such questions occurring within the schools as had to do with those things that would tear down our constitution. We were taught all that it stood for, all that is right. I observed the growth and the advance of the organization of labor, that they might have their rights and defend their place in the industrial world. I observed the privileges of business under the laws and under the Constitution. And

then too through those years I have observed those people who came into this country from foreign lands, glad to get here, glad to become citizens of the United States.

First they came from the northern tier and then after years of privilege, after years of opportunity they began to come from central and southern Europe, and they have added much to the growth of this country.

I have observed what happened with labor busily at work and industry planning big things, in the growth of the nation. I observed the increased respect of foreign nations for the United States of America and I have observed through it all that the United States was willing to live with monarchies, both absolute and constitutional, and I observed that those monarchies in their place under the sun were willing that the United States might grow and thrive, or at least not try to tear down our tradition. With all this, gentlemen of the House, those people became subjects of the United States through naturalization,—and many of us were the children of those aliens,—those people from foreign lands who came here, and when we remember that all through the early years, all the difficulties and all the trouble in Europe, this country when it was a weakling was able to keep out of the mess that was created there, we have a right to think of the soul of the nation, the soul of the people, the soul of a great Christian philosophy.

I know that there are millions of people abroad today who would give anything to become citizens of this country. I know that there are millions of children in Europe who would give anything to be taught in the American schools and the American way of living. It may be that corruption abroad, down through the centuries, tolerated by the governing heads, even when there was some semblance of representation in government, is the cause of the difficulties that are happening today.

However, I believe down in the hearts of the European citizens themselves there is that great fear of God, that desire to worship God, that desire to worship under that religion and those tenets which those of us who call ourselves Christians have developed as no other people have developed them in the world before,—and we are face to face with leaderships in Europe today that are pagan and are godless.

Now, if this be true, is there any reason under heaven why this paganism and this godlessness should be allowed to crop up in the teachings of our youth? There has been a real recognition and there was cited here on the floor of this House today and for the last few days, the recognition of our inalienable rights. It has been manifested through the years how jealous various Christian groups have been of their rights in schools; how jealous we have been of the rights of business to transact its affairs under the laws and under the Constitution. We have learned to know and to be jealous of the rights of laborer to his pursuit of his place in industry. When I was a boy I can remember there was nothing done to tear down industry. All that labor unions did was to see that the laborer had a right to some recognition and a decent living, and in every other way and every other fashion he worked with the employer.

POINT OF ORDER

Mr. MAXWELL. Mr. Speaker, I rise to a point of order.

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

Mr. MAXWELL. Mr. Speaker, is the gentleman speaking on House Bill No. 413?

Mr. STOCKHAM. He is, Mr. Speaker.

The SPEAKER. The gentleman will confine himself to the bill before the House. The gentleman will proceed.

Mr. BAKER. Mr. Speaker, I believe both of these bills have been debated backwards and frontwards and every other way, and I move the previous question.

The SPEAKER. Will the gentleman withdraw his motion until the gentleman from Bucks has completed his remarks?

Mr. BAKER. I will do that, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman from Allegheny. The gentleman from Bucks will proceed.

Mr. STOCKHAM. Mr. Speaker, continuing my thoughts on these measures, I believe it is rather audacious for those of Communistic leanings or teachings in Naziism to take the stand that is taken in Legislative halls today when we get up to defend the rights of our citizenry, our citizenship.

It was Patrick Henry, you will remember, in those famous words after he finished when he said: "Give me liberty or give me death," there was a murmur over the House and someone said "He speaks treason." Patrick Henry answered "if that be treason make the most of it."

I hold that it is almost treasonable, I hold that the words we have used today as subversive are almost of themselves treasonable in the sense that we do not have the right to put on the statute books laws that may defend our liberty.

I am not of the legal fraternity; I bow in great respect to those members of this House who are, to the position taken by the member from Allegheny and to the discourses as I have heard them from the various lawyers of this House on these subjects in the past few days, but I do want to remind you men, every one of you, if you please, that the law is predicated upon the soul of the nation, and I do think that it is the soul that is in you, that is in me, that makes man willing to give up everything of his substance and of his blood to defend those rights, and that he has a right too to stop those things that creep in and that undermine and destroy.

I challenge every man here to those great rights because this country has grown because of this privilege that has been ours under these inalienable rights, and upon that premise I hold that we should look within our own souls and our own beings and that we should defend everything. I hold too that we have the right of opinion as to those in high place, be they Federal or be they state, who would undermine our government; we have a right to know these things. So please, gentlemen, in considering these bills as they may be amended, let us not forget those rights and those privileges.

RECONSIDERATION OF VOTE

Mr. STOCKHAM. Therefore, Mr. Speaker, I move that the vote which House Bill No. 413, Printer's No. 1100 passed third reading be reconsidered.

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

The SPEAKER. How did the gentleman from Bucks, Mr. Stockham, vote on the bill on third reading?

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

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

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

On the question,

Will the House agree to the motion?

POINT OF ORDER

Mr. MODELL. Mr. Speaker, I rise to a point of order.

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

Mr. MODELL. Mr. Speaker, is anything in order except the calling of the roll at this time?

The SPEAKER. A motion to reconsider is in order.

PARLIAMENTARY INQUIRY

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

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

Mr. WALTER E. ROSE. Mr. Speaker, before considering the motion, or before deciding the question of the reconsideration of the vote by which this bill passed third reading, I would like to inquire if the bill is in proper position for final passage, inasmuch as the amendments offered by the gentleman from Allegheny, Mr. Brown, are not shown on this bill as amended? It is difficult to tell what was in the bill and what is in it now, both in the title and in section one.

Mr. BROWN. Mr. Speaker, will the gentleman from Cambria, Mr. Rose, state his point of order again? I am sorry I did not hear it.

The SPEAKER. It is a question of parliamentary inquiry to the effect that the amendments of the gentleman from Allegheny, Mr. Brown, do not show in Printer's No. 1100?

Mr. BROWN. In what part, may I ask, Mr. Speaker?

The SPEAKER. Will the gentleman from Cambria please explain?

Mr. WALTER E. ROSE. Mr. Speaker, in the title in line two, the last word and beginning line three, the word "institutions." Then in section one, page one, line two the words "by an overt act or acts"; as I recall those were the amendments offered by the gentleman from Allegheny, and they are not shown as such here, to show what the bill is in its present form.

Mr. BROWN. Mr. Speaker, Printer's No. 1100, House Bill No. 413 will show those amendments, I wonder if the gentleman has the correct Printer's No.

Mr. WALTER E. ROSE. Mr. Speaker, I have Printer's No. 1100. There is nothing there about "overt act" in an amendment.

Mr. Speaker, for the information of the gentleman I might say for the record, it seems to indicate that the original Printer's No. 1034 shows in section one, "No person whose philosophy doctrine or object or who is a member of any organization or group whose philosophy, doctrine or object proposes the change of the present democratic form of government—" as reprinted after the amendment and shown in Printer's No. 1080.

Mr. BROWN. Mr. Speaker, I call the gentleman's attention to the fact that the bill was amended twice. In

Printer's No. 1030 the gentleman will see that those amendments were inserted. In Printer's No. 1100 we have the amendments in but not shown. We only show on Printer's No. 1100 the amendments inserted on third reading. If the gentleman will turn over to page two he will see the amendments that were inserted on third reading, beginning on page two, line twenty and ending on line twenty-four.

QUESTION OF INFORMATION

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

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

Mr. WALTER E. ROSE. Mr. Speaker, should not the bill as we vote on it finally show each step in the amendments or deletion of any part of the bill, in order that we may consider the bill as compared with the previous form?

The SPEAKER. Apparently the gentleman does not understand the system of amending.

Mr. WALTER E. ROSE. I beg to differ, Mr. Speaker. I think I understand.

The SPEAKER. In amended bills in the last stage previous amendments are not indicated.

Mr. WALTER E. ROSE. Are there no italics, Mr. Speaker, to indicate the amendments?

The SPEAKER. There are not.

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

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

Mr. BROWN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, may I ask the gentleman from Allegheny, Mr. Brown, whether he has a copy of House Bill 413 in front of him, Printer's No. 1100.

Mr. BROWN. Yes, I do, Mr. Speaker.

Mr. TURNER. Mr. Speaker, is the gentleman looking at the title? Line 4 of the title, the words "overt act" do not appear. Does that mean that the title is defective?

Mr. BROWN. It does not, Mr. Speaker. I rely on the famous case decided by our Supreme Court—I do not recall the direct citation. The Supreme Court said the title does not necessarily have to be an index, if it gives fair notice of what is contained in the bill.

Mr. TURNER. Mr. Speaker, I quite agree that that is the literal construction of the act, but inasmuch as he has inserted "by an overt act," does not that become a very important and necessary part of the notice as required.

Mr. BROWN. I believe not, Mr. Speaker. I believe that the title is perfect here. I do not think it is necessary in the title under the decision of the Supreme Court to do more than give fair notice of what the bill contains.

QUESTION OF INFORMATION

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

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

Mr. TURNER. Mr. Speaker, I have now in my possession a set of the amendments which have been properly fitted to Printer's No. 1100. Unfortunately, they were made to Printer's No. 1080, and I sent them back to be fitted to Printer's No. 1100. I did not look at them after

they came back to me. Apparently the only thing they did was to change Printer's No. 1080 to Printer's No. 1100.

The gentleman from Bucks, Mr. Stockham, has now made a motion to reconsider the vote. I wonder whether the majority will permit us to read the amendments now for the purpose of information so that if the vote is reconsidered we may introduce these amendments.

The SPEAKER. Will the House give its unanimous consent for the reading of these amendments. Is there objection?

Mr. BROWN. Mr. Speaker, while I cannot speak for the majority, I would ask the members on this side of the House to give the courtesy to the gentleman from Delaware, Mr. Turner, that he might have the amendments read.

The SPEAKER. The Chair hears no objections. The amendments will be read for the information of the House.

Will the gentleman from Bucks, Mr. Stockham, withdraw his motion to reconsider the vote by which this bill passed third reading?

Mr. STOCKHAM. Yes, I will, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman from Bucks.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 3, by inserting after the word "who" and before the word "hereafter" the following: "heretofore or."

Amend title, page 1, line 6, by inserting after the word "United States" and before "providing" the following:

"or are members of any organization promoting or advocating Communism, Facism, or Naziism or as a teacher in schools supported by public funds advocated or hereafter advocates Communism, Facism, or Naziism."

Amend Sec. 1, page 1, line 1, by inserting after the word "who" and before the word "hereafter" the following:

"heretofore has advocated or actively participated or".

Amend Sec. 1, page 2, line 2, by inserting after the words "United States" and before "by" the following: "or who is a member of any kind of organization of individuals promoting or advocating Communism, Facism or Naziism or who being a teacher in any school supported by public funds has advocated or continues to advocate Communism, Facism, or Naziism."

Mr. TURNER. Mr. Speaker, I call your particular attention to the fact that in the amendments to the act, page 1, line 6, should be line 7 instead of line 6. In the counting the lines an error was made and they undoubtedly got the wrong line. It should be line 7.

RECONSIDERATION OF VOTE

Mr. TURNER. Mr. Speaker, I move that the vote by which this bill, House Bill 413, Printer's No. 1100, passed third reading be reconsidered.

On the question,

Will the House agree to the motion?

Mr. BROWN. Mr. Speaker, I urge upon the Members to vote down this motion. I think the amendments have been covered in our discussion during the last several days.

The amendments should be divided into three parts, first of all naming Communism, Facism, and Naziism in the bill. My answer to that is simply this, that if these organizations propose the overthrow of the government by a means not provided for by the Constitution, they are sufficiently taken care of in the bill, and this amendment is so much surplusage.

So far as the question of striking out the conjunction, "and" and putting in the word "or" the gentleman from Dauphin and myself debated that some few days ago at length. I will not go over that discussion, but I will direct your attention to that discussion.

The third and last thing to be accomplished by this amendment is something having to do with the teachers and making a separate provision for teachers aside from the general bill. I would say that is bad legislation; this is a general bill. If the gentleman from Delaware, Mr. Turner desires to amend the Teacher's Tenure Act, he should do it in that bill and not in this. I, therefore, ask the members to vote down this motion.

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Brown.

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

Mr. BROWN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, if House Bill No. 396, which was introduced by me some time in January, amending the Teacher's Tenure Act, is amended to provide for Communism, Naziism and Facism as provided in this act, will the gentleman from Allegheny, Mr. Brown support them?

Mr. BROWN. Mr. Speaker, I will not commit myself on any bill that I have not read or been familiar with. I will be glad to talk with the gentleman personally and give him my opinion. I think it is bad policy for any Member of this House who is not familiar with a bill to give any opinion as to what he will do on a bill before he has studied it. I do not say that facetiously to the gentleman from Delaware, Mr. Turner, but I think the question is wholly unfair. Whether or not the particular designation of the organizations should be put into the bill, I am not able to say. I would, however, say to the gentleman from Delaware, Mr. Turner in my personal opinion it has nothing to do with it, and I hope we will not fall into the error of trying to bind anybody as to what he will do on a particular bill. I will be glad to give the bill the utmost consideration, and if I feel that in amending the Teacher's Tenure Act these designations should go in, I would be the first man on the floor to say so, but I do not care to bind myself on any piece of legislation before I have read it.

Mr. TURNER. Mr. Speaker, I do not intend to protract the debate. I understood the gentleman from Allegheny Mr. Brown to say that this is a general bill and should not have these specific provisions inserted in it.

Mr. BROWN. Mr. Speaker, I said special.

Mr. TURNER. That if the Teachers Tenure Act were to be amended, that would be something else. I agree with the gentleman from Allegheny, Mr. Brown, and I would not ask him for a minute to talk on a bill which he did not know anything about or the provisions of which he had not seen, but I assumed from his statements that he was saying, if the Teachers Tenure Act was so amended he would be in favor of it. If I am wrong in that then I am very sorry.

It seems to me we are facing the fact and the very question that was raised all along; we know there is no use debating it any further. We believe on this side as was demonstrated by the things we have said, and I believe that the great majority of the men on the other side also believe that there is a line of demarcation between saying that you advocate the overthrow of the

government openly by overt acts, to participate in that,—of course we are against that; that is the reason why we voted for the bill that was before you,—we couldn't argue against that, but it doesn't go far enough, and it does not meet the problem.

I could go on here and pile up arguments why I do not think it meets the problem and why you should agree to these amendments in order that we might in some degree, if not entirely, try to meet it, but the hour is late and the debate has been going on now for a considerable length of time. Mr. Speaker, I therefore ask the Members of the House to support these amendments when offered.

Mr. WALTER E. ROSE. Mr. Speaker, I would like to add a few words on the motion to reconsider. This bill in its present form is not printed in conformity with our rule 49. I think we should go back and reconsider this, even if the amendments be defeated, at least have it printed in proper form. Our responsibility here is too great deliberately to pass legislation in violation of one of the rules of the House that prescribes our procedure.

The SPEAKER. Will the gentleman yield? For the information of the gentleman from Cambria the Chair would inform him that we have been operating under a revised system of amending bills with the consent of the House, both the majority and the minority floor leaders.

Mr. WALTER E. ROSE. Even so, Mr. Speaker, the rules prescribe that amendments must be printed in italics and indicated in the succeeding Printer's No., which has not been done in Printer's No. 1100.

The SPEAKER. By consent that rule has been suspended for this session.

Mr. WALTER E. ROSE. My, point, Mr. Speaker, is that we have indicated insertions in italics as in previous years. This bill does not have the amendments in italics and I know of no bill in this session which was allowed to pass in this form.

The SPEAKER. The gentleman is in error. When the amendments were inserted in the previous Printer's Nos. they appeared in italics and in brackets in succeeding reprints. The Chair is of the opinion that the gentleman from Cambria is in error, and would request the gentleman to come to the desk with a copy of the bill.

Mr. WALTER E. ROSE. Mr. Speaker, the members could vote yes on this motion to reconsider so that we would have it in proper form when we vote finally on it.

The SPEAKER. The Chair would inform the gentleman that the bill is in proper form. With the consent of both the majority and the minority floor leaders the rule was suspended for this session.

Mr. WOODSIDE. Mr. Speaker, I just want to say that my understanding of the practice in the handling of amendments is in accordance with that of the Speaker.

The SPEAKER. The Chair thanks the gentleman from Dauphin.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. Turner and Mr. Woodside and were as follows:

YEAS—88

Auker,	Foor,	Lee, E. A.,	Rhea,
Boney,	Gates,	Lee, T. H.,	Rose, W. E.,
Boorse,	Gillan,	Leisey,	Royer,
Bower,	Gillette,	Leydic,	Serrill,
Bretherick,	Greenwood,	Lichtenwalter,	Simons,

Brunner, C. H.,	Gross,	Lyons,	Snyder,
Cadwalader,	Gryskewicz,	McClester,	Sollenberger,
Chervenak,	Gyger,	McDowell,	Sorg,
Cook,	Habbyshaw,	McKinney,	Stockham,
Cooper,	Kaines,	McMillen,	Tate,
Cordier,	Hall,	McSurdy,	Taylor,
Corrigan,	Hare,	Melchiorre,	Trout,
Dalrymple,	Helm,	Muir,	Turner,
Dennison,	Hersch,	Nagel,	VanAillsburg,
DiGenova,	Hewitt,	Nunemacher,	Wagner,
Dix,	Huntley,	O'Brien,	Watkins,
Ely,	Imbrie,	O'Dare,	Wilkinson,
Falkenstein,	James,	O'Mullen,	Wood, L. H.,
Fisher,	Kline,	O'Neill,	Woodside,
Fiss,	Knoble,	Polen,	Yeakel,
Fleming,	Knolkiewicz,	Reagan,	Kilroy, Speaker.
Fletcher,	Krise,	Reese, D. P.,	

NAYS—77

Achterman,	Finestone,	Longo,	Powers,
Baker,	Finnerty,	Lovett,	Readinger,
Balthaser,	Flynn,	Malloy,	Reese, R. E.,
Bentley,	Gerard,	Maxwell,	Rush,
Bentzel,	Goodwin,	McClanaghan,	Scanlon,
Boles,	Haberlen,	McDermott,	Shepard,
Brown,	Harkins,	McFall,	Stine,
Brunner, P. A.,	Heatherington,	McIntosh,	Tarr,
Burns,	Hering,	McLane,	Thompson, E. F.,
Chudoff,	Herman,	Mihm,	Vincent,
Cochran,	Hirsch,	Modell,	Vogt,
Cohen, M. M.,	Holland,	Monks,	Voldow,
Cohen, R. E.,	Jefferson,	Mooney,	Weiss,
Croop,	Jones, P. N.,	Moran,	Welsh, E. B.,
Cullen,	Kenehan,	Munley,	Welsh, M. J.,
Doion,	Komorofski,	O'Connor,	Williams,
Duffy,	Leonard,	Owens,	Woodring,
Early,	Lesko,	Petrosky,	Wright,
Elliott,	Levy,	Pettit,	Yester,
		Polaski,	Young,

So the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. ELWOOD J. TURNER. 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 3, by inserting after the word "who" and before the word "hereafter" the following: "heretofore or."

Amend title, page 1, line 7, by inserting after the word "United States" and before "providing" the following: "or are members of any organization promoting or advocating Communism, Fascism, or Nazism or as a teacher in schools supported by public funds advocated or hereafter advocates Communism, Fascism, or Nazism."

Amend Sect. 1, page 1, line 1, by inserting after the word "who" and before the word "hereafter" the following: "heretofore has advocated or actively participated or."

Amend Sect. 1, page 2, line 2, by inserting after the words "United States" and before "by" the following: "or who is a member of any kind of organization of individuals promoting or advocating Communism, Fascism or Nazism or who being a teacher in any school supported by public funds has advocated or continues to advocate Communism, Fascism, or Nazism."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection?

POINT OF ORDER

Mr. LEVY. Mr. Speaker, I rise to a point of order.

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

Mr. LEVY. Mr. Speaker, is it not necessary for the gentleman from Delaware to obtain unanimous consent

on the part of the House to ask for consideration of the amendments?

The SPEAKER. The point of order is well taken.

Mr. TURNER. Mr. Speaker, the gentleman from Delaware has asked for unanimous consent.

The SPEAKER. Will the House give its unanimous consent? Is there objection? The Chair hears objection and consent is not granted.

POINT OF ORDER

Mr. WOODSIDE. Mr. Speaker, I rise to a point of order.

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

Mr. WOODSIDE. Mr. Speaker, the point of order is that the cry of "no" from the floor of the House is not a legitimate objection. Any one making objection should rise to his feet, be recognized by the Chair, and then make his objections.

The SPEAKER. The method followed by the Chair in recognizing objections to requests for unanimous consent has been sanctioned by long usage. The Chair hears objections.

MOTION TO RECONSIDER VOTE

Mr. TURNER. Mr. Speaker, in view of the objections to unanimous consent made on the other side of the House, I now move that the vote by which this bill was ordered to be transcribed for third reading be reconsidered.

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

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

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

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

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

On the question,

Will the House agree to the motion?

Mr. BROWN. Mr. Speaker, I am somewhat confused and I feel that many of the Members are confused. Am I correct in assuming that we are voting now on whether or not the vote by which this bill was ordered to be transcribed for third reading be reconsidered?

The SPEAKER. That is correct.

Mr. BROWN. Mr. Speaker, it is useless to put any extended remarks into the record, but I do feel that this play now is just a play to accomplish delay. The bill is satisfactory to everybody with the exception of a few on the other side of the House. However, if they feel that they must gain their purpose, certainly I would be the last man to stand up here and take the time of the House on this hot day to get into a parliamentary wrangle over this bill. I think we ought to defeat this motion and the bill ought to go on to final passage as it was originally drafted and amended. Therefore, I ask the Members of the House to vote down this motion to reconsider.

Mr. TURNER. Mr. Speaker, I would certainly be the last one on this hot day to prolong this debate. I am possibly suffering more than anyone else in this House except the gentleman from Allegheny, Mr. Leydic. However, this is too important a matter, far too important, and I feel that the Members of the House ought to have an opportunity to vote on the amendments themselves.

I do not want to take up the time of the House. If unanimous consent had been granted the amendments would have been before the House and the Members would have had the opportunity to pass upon them, but some Members on the other side did not want to give unanimous consent. Therefore, I am forced, Mr. Speaker, to make the motion and to ask for a roll call, much as I dislike to do so and take up the time of the Members of the House.

Mr. BROWN. Mr. Speaker, I simply want to call the Member's attention to the absurd situation we will be in with House Bill 413 passing in one form and House Bill 448 in another. If we are perfectly sincere in this, why not pass House Bill 413, which is a companion bill to House Bill 448 and let both of them go to the Senate in the same way? It seems to me the height of inconsistency to say that if House Bill 413 is amended in one way then House Bill 448 should be amended in another way.

Mr. WOODSIDE. Mr. Speaker, during this entire session the majority and the minority have cooperated to the fullest extent to permit the Members of the House to have full expression on all these important issues. The situation now is that this House by a majority vote has indicated its desire to take up these amendments by their agreeing to the motion to reconsider the vote by which it passed third reading. I think this situation is very similar to many instances during the session where once the vote is taken and the opinion of the House is determined, the majority of the Members of the House determine that thereafter the House be permitted by unanimous consent to proceed to the matter at issue. The House by a majority vote has indicated its willingness and its desire to have the bill reconsidered, and I think that is an indication that the House wants these amendments presented and voted upon. If we are compelled to move the bill back to second reading, and the amendments adopted, the bill will be back on the calendar third reading, it is true. If they are defeated the bill will be back on second reading. We have consumed a lot of the time of the House in debating this matter, and I think in fairness the gentlemen on the other side should withdraw their objections to unanimous consent and permit a vote on the amendments.

PARLIAMENTARY INQUIRY

Mr. SHEPARD. Mr. Speaker, I rise to a question of parliamentary inquiry.

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

Mr. SHEPARD. Mr. Speaker, if this motion prevails, and the bill is moved back to second reading, will it not require another legislative day to pass the bill?

The SPEAKER. It will if the amendments are agreed to. The bill will then be placed on the third reading calendar.

Mr. SHEPARD. But even, Mr. Speaker, if they are not agreed to, if the bill is moved back to second reading, will it not require another legislative day to pass the bill?

The SPEAKER. If the bill goes back to second reading it will then be on second reading.

Mr. SHEPARD. Mr. Speaker, and it cannot be passed on finally today?

The SPEAKER. The bill could not be passed on finally today. It would require another legislative day.

Mr. SHEPARD. Mr. Speaker, I rise in opposition to the reconsideration of this vote. We have been on these bills long enough. I am opposed, Mr. Speaker, to teachers teaching any kind of "isms" in the schools, Naziism, Fascism, or Communism or even Republicanism. I think the teachers ought to teach what they are supposed to teach. I am informed that we have had teachers teaching all kinds of politics in the schools. The Teacher's Tenure Act decided on these points, and this bill will be an opening gap for the teachers that were teaching a lot of "isms," Communism, Fascism and Naziism or any other "ism" in this Commonwealth.

Mr. TURNER. Mr. Speaker, I note from the calendar that this bill was introduced on February 18. Certainly another day will not hurt it.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. Turner and Mr. Woodside.

Messrs. Maxwell, Petrosky and Tarr asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—90

Auker,	Fletcher,	Leydic,	Royer,
Boney,	Foor,	Lichtenwalter,	Serrill,
Boorse,	Gates,	Lyons,	Shaw,
Bower,	Gillette,	McClester,	Simons,
Bretherick,	Greenwood,	McDowell,	Snyder,
Brunner, C. H.,	Gross,	McKinney,	Sollenberger,
Burriss,	Habbyshaw,	McMillen,	Sorg,
Cadwalader,	Haines,	McSurdy,	Stockham,
Chervenak,	Hall,	Melchiorre,	Tate,
Cook,	Hare,	Muir,	Taylor,
Cooper,	Helm,	Nagel,	Trout,
Cordier,	Hering,	O'Brien,	Turner,
Corrigan,	Hersch,	O'Dare,	Van Allsburg,
Dairymple,	Huntley,	O'Mullen,	Wagner,
Dennison,	Imbrie,	Polaski,	Watkins,
DiGenova,	James,	Polen,	Wilkinson,
Dix,	Jones, G. E.,	Rank,	Winner,
D'Ortona,	Kilne,	Reagan,	Wood, L. H.,
Ely,	Knoble,	Reese, D. F.,	Woodside,
Falkenstein,	Kolankiewicz,	Reynolds,	Yeakel,
Fisher,	Krise,	Rhea,	Kilroy,
Fiss,	Lee, E. A.,	Riley,	Speaker.
Fleming,	Leisey,	Rose, W. E.,	

NAYS—83

Achterman,	Gerard,	McClanaghan,	Rosenfeld,
Baker,	Goodwin,	McDermott,	Russ,
Balthaser,	Haberien,	McFall,	Sarrat,
Bentley,	Hamilton,	McIntosh,	Scanlon,
Bentzel,	Harkins,	McLanahan,	Shaffer,
Boles,	Harris,	McLane,	Shepard,
Brown,	Heatherington,	Mihm,	Stine,
Brunner, P. A.,	Herman,	Modell,	Tarr,
Burns,	Hirsch,	Monks,	Thompson, R. P.,
Chudoff,	Holland,	Mooney,	Vincent,
Cochran,	Jefferson,	Moran,	Vogt,
Cohen, M. M.,	Jones, P. N.,	Munley,	Voldow,
Cohen, R. E.,	Kenehan,	O'Connor,	Wels,
Croop,	Komorowski,	O'Neill,	Welsh, E. E.,
Cullen,	Leonard,	Owens,	Welsh, M. J.,
Dolon,	Lesko,	Petrosky,	Williams,
Duffy,	Levy,	Pettit,	Woodring,
Early,	Longo,	Powers,	Wright,
Finestone,	Lovett,	Rausch,	Yester,
Finnerty,	Malloy,	Readinger,	Young,
Flynn,	Maxwell,	Reese, R. E.,	

So the question was determined in the affirmative and the motion was agreed to.

PARLIAMENTARY INQUIRY

Mr. BROWN. Mr. Speaker, I rise to a question of parliamentary inquiry.

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

Mr. BROWN. Mr. Speaker, is the next procedure on House Bill 413 the question of whether or not the House will agree to the amendments offered by the gentleman from Delaware, Mr. Turner?

The SPEAKER. The next step in the procedure will be to reconsider the vote by which the bill passed second reading; that would be the next question for the Chair to receive.

Mr. BROWN. Mr. Speaker, I know we all want to abide by the rule of the majority, and if the will of the majority prevails I will voice no sentiment against it. However, I will ask the Members whether or not, with all of the high sounding language of the amendments,—I just had a chance to go through them carefully,—there is one amendment by which the gentleman from Delaware, Mr. Turner, takes out the word "hereafter" and puts in the word "heretofore." I believe that is the heart of all the amendments. What would happen? It would create one of the greatest witch hunts that has ever been had in the state.

In other words, the Department heads could go back ten or fifteen years. If there is any merit in the other amendments offered by the gentleman from Delaware, Mr. Turner, I will be glad to sit down with him and go over them, but I am sure the Members of the House do not want to open the flood gates of such a cruel abuse of power as is contained in this bill, by striking out the word "hereafter" and inserting instead the word "heretofore" without limitation of time for these amendments.

BILL AND AMENDMENTS LAID ON TABLE

Mr. BROWN. Mr. Speaker, I move that the bill and the amendments be laid on the table.
The motion was agreed to.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. LEVY asked and obtained permission for the Committee on Workmen's Compensation to meet during the session of the House for the purpose of considering House Bill 1768.

RESOLUTIONS

RECALLING HOUSE BILL No. 107 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 107, Printer's No. 742, entitled "An Act to amend section eleven of the act approved the twenty-seventh day of April 1927 (P. L. 395) entitled 'An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth; providing the procedure therefor; providing for the reimbursement of the Commonwealth from tolls and charges; and making an appropriation,' as amended, by providing that certain

toll bridges heretofore or hereafter acquired by the Department of Highways may be free bridges from the effective date of this act or from the date they are so acquired

be recalled from the Governor for further consideration.

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

RECALLING HOUSE BILL No. 267 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 267, Printer's No. 713, entitled "An Act making an appropriation to aid certain school districts,"

be recalled from the Governor for further consideration.

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

RECALLING HOUSE BILL No. 280 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 280, Printer's No. 583, entitled "An Act making an appropriation to the Trustees of the College of Lincoln University Chester County,"

be recalled from the Governor for further consideration.

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

RECALLING HOUSE BILL No. 305 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 305, Printer's No. 737, entitled "An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school."

be recalled from the Governor for further consideration.

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

RECALLING HOUSE BILL No. 351 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 351, Printer's No. 600, entitled "An Act making an appropriation to the Johnson Industrial School of Scranton Pennsylvania,"

be recalled from the Governor for further consideration.

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

RECALLING HOUSE BILL No. 404 FROM THE
GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 404, Printer's No. 1059, entitled "An Act relating to marriage and amending revising consolidating and changing the law relating thereto,"

be recalled from the Governor for further consideration.

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

RECALLING HOUSE BILL No. 472 FROM THE
GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 472, Printer's No. 680, entitled "An Act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children,"

be recalled from the Governor for further consideration.

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

RECALLING HOUSE BILL No. 502 FROM THE
GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 502, Printer's No. 783, entitled "An Act authorizing the Department of Property and Supplies with advice and approval of the Pennsylvania Historical Commission to acquire on behalf of the Commonwealth of Pennsylvania certain land which is the site of an old fortress known as Old Garrison in the City of Franklin Venango County or so much thereof as may be necessary as a historical memorial providing for the control management supervision and improvement thereof authorizing the Pennsylvania Historical Commission in cooperation with other agencies to make and enforce rules and regulations for the preservation and visitation thereof authorizing the Pennsylvania Historical Commission to cooperate with the Daughters of the American Revolution and interested patriotic societies in providing funds for a restoration of Old Garrison and making an appropriation

be recalled from the Governor for further consideration.

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

RECALLING HOUSE BILL No. 586 FROM THE
GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 586, Printer's No. 586, entitled "An Act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds",

be recalled from the Governor for further consideration. Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 611 FROM THE
GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 611, Printer's No. 773, entitled "An Act providing for the acquisition by the Department of Forests and Waters in the name of the Commonwealth of certain lands in Luzerne Sullivan and Wyoming Counties for use as a State Park making an appropriation for said acquisition providing for the management of said property by said department and defining the uses to which the property shall be put",

be recalled from the Governor for further consideration.

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

RECALLING HOUSE BILL No. 614 FROM THE
GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 614, Printer's No. 616, entitled "An Act making an appropriation to the Downingtown Industrial and Agricultural School Downingtown Pennsylvania",

be recalled from the Governor for further consideration.

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

RECALLING HOUSE BILL No. 650 FROM THE
GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 650, Printer's No. 164, entitled "An Act to amend section seven of the Act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled 'An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the motor license fund for the purposes of this act' as last amended by providing for the

changing of width lines location or grades of streets in cities of the second class second class A and third class by the Department of Highways without the consent of the city in which said street is located relieving the city from liability for damages in such cases and imposing liability for damages upon the Commonwealth of Pennsylvania",

be recalled from the Governor for further consideration.
Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 1003 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 1003, Printer's No. 591, entitled "An Act making an appropriation to the Moore Institute of Art Science and Industry formerly Philadelphia School of Design for Women at Philadelphia Pennsylvania",

be recalled from the Governor for further consideration.

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

RECALLING HOUSE BILL No. 1065 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 1065, Printer's No. 599, entitled "An act making an appropriation to the National Farm School at Doylestown, Pennsylvania",

be recalled from the Governor for further consideration.

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

RECALLING HOUSE BILL No. 1068 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 1068, Printer's No. 592, entitled "An Act making an appropriation to the Trustees of the University of Pennsylvania",

be recalled from the Governor for further consideration.

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

RECALLING HOUSE BILL No. 1321 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 1321, Printer's No. 602, entitled "An Act making an appropriation to the Department of Property and Supplies for payment of balances due certain contractors for additions and alterations at the Harrisburg State Hospital",

be recalled from the Governor for further consideration.
Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 1334 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 1334, Printer's No. 588, entitled "An Act making an appropriation to the Department of Property and Supplies for the payment of claims arising in connection with the erection and construction of the Eastern State Penitentiary at Graterford",

be recalled from the Governor for further consideration.

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

RECALLING HOUSE BILL No. 1590 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 1590, Printer's No. 572, entitled "An Act making an appropriation to the Board of Trustees of the Philadelphia Museum Philadelphia",

be recalled from the Governor for further consideration.

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

RECALLING HOUSE BILL No. 1591 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 1591, Printer's No. 634, entitled "An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art, Philadelphia,"

be recalled from the Governor for further consideration.

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

RECALLING HOUSE BILL No. 1659 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 1659, Printer's No. 775, entitled "An Act making an appropriation to the Department of Revenue for the payment of accounts settled against the Commonwealth and that department in favor of certain persons associations and corporations,"

be recalled from the Governor for further consideration.

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

RECALLING HOUSE BILL No. 1722 FROM THE
GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 1722, Printer's No. 836, entitled "An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of Warren State Hospital to acquire a certain tract of land for the use of said hospital and making an appropriation therefor,"

be recalled from the Governor for further consideration.

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

SENATE MESSAGES

RESOLUTIONS FOR CONCURRENCE

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

In the Senate, July 1, 1941.

Resolved, (if the House of Representatives concur), That Senate Bill No. 151, Printer's No. 39, entitled:

An Act authorizing and directing county treasurers to execute deeds for unseated and seated lands sold by their predecessors in office and validating deeds heretofore so executed

be recalled from the Governor for further consideration.

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

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

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

In the Senate, July 1, 1941.

Resolved, (if the House of Representatives concur), That Senate Bill No. 572, Printer's No. 253, entitled:

An Act extending the time for taking appeals to the Supreme and Superior Courts in actions or proceedings at law or in equity in the courts of common pleas, orphans' courts, municipal court of Philadelphia and county court of Allegheny County where petitions for rehearing or reargument are filed.

be recalled from the Governor for further consideration.

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

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

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

In the Senate, July 1, 1941.

Resolved, (If the House of Representatives concur), That Senate Bill No. 599, Printer's No. 342, entitled:

An Act to amend section three of the act approved the

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

be recalled from the Governor for further consideration.

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

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL REINSTATED ON CALENDAR

Mr. HIRSCH. Mr. Speaker, I move that House Bill No. 1231, Printer's No. 920, entitled:

An Act to promote the general welfare and to protect the health, safety, morals and standards of living of the people of the Commonwealth of Pennsylvania by providing for the elimination of wage and hour standards detrimental to the health, safety, morals and standard of living of workers, to establish minimum wage and maximum hour standards; to prescribe the powers and duties of the Department of Labor and Industry under this act, and for other purposes.

which was dropped under the rules of the House from the third reading postponed calendar at the end of five days be reinstated on the third reading postponed calendar.

The motion was agreed to.

CONGRATULATORY RESOLUTION

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

In the House of Representatives, July 1st, 1941.

Whereas, On July 1st, 1900, there entered into this vale of tears one, Louis Wilgarde, who now retains very little resemblance to that small child then crying in his mother's arms; and

Whereas, The figure forty-one does not refer to Mr. Wilgarde's waist, but to his chronological age; and

Whereas, On July 1st, 1900, we have been reliably informed, there was no mustache present, where now there flourishes one of the best; and

Whereas, This baby grew up to be a newspaper man of considerable skill, a soldier who distinguished himself in the service of his country during the World War, and an adept publicist for the Philadelphia Democratic delegation in the Legislature; and

Whereas, During the past years, he has made innumerable friends by whom he is held in the highest esteem in both the House and Senate; be it therefore

Resolved, That the House of Representatives congratulates the Honorable Louis Wilgarde on this his forty-first birthday and wishes him continued success throughout life, but pauses to warn that some effort should be made to keep his waist beneath his chronological age.

Be it Further Resolved that the Chief Clerk forward a copy of this Resolution to Mr. Wilgarde.

On the question,

Will the House adopt the resolution?

Mr. TURNER. Mr. Speaker, I have had during this session on a number of occasions a lot of sympathy for you in your position, especially when I know a little, as

I do, about a large number of the members of your party in the House and the difficulties thereby engendered. I know that you have had a lot of sorrows during the session; I know you have had a lot of headaches, but it seems to me that those headaches would have been greater, and I know mine would have been far less if I had in my term as Speaker as good a right arm as you have had in Louie Wilgarde. I want to say Mr. Speaker as a member of this minority party and as one who has frequently been in and out of the Speaker's office, contacting members on matters of legislation, that I have always received the finest, the most courteous and the most understanding treatment from your able assistant Louie Wilgarde. I envy you because I did not have Louie Wilgarde during my term of office.

The SPEAKER. The Chair thanks the gentleman from Delaware.

On the question recurring.

Will the House adopt the resolution?

It was adopted.

CONGRATULATORY RESOLUTION,

Messrs. MOLLAND and McINTOSH offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted:

In the House of Representatives, July 1, 1941.

For the past six months during which the General Assembly of Pennsylvania has been building up to an all time record for the length of a legislative session, the page boys of the House of Representatives have served its members diligently and well. This is especially true of William C. Walker, who has been called into military service in defense of his country, to commence on next Monday, July the seventh.

Walker is a resident of Carlisle and a graduate of the Carlisle High School, where he distinguished himself in track and football. His preliminary training in school athletics and in serving the members of the House should make him an outstanding soldier; and the eloquence of the Assemblymen in which he has steeped for the past half year should inspire him to great deeds of patriotic valor; therefore, be it

Resolved, That the members of the House of Representatives, while regretting the loss of his services to themselves, congratulate William C. Walker on the opportunity for serving his country and gaining for himself training and experience of inestimable value in later life, as well as the opportunity for advancement in the military service, to, per chance, the rank of General by the time this House meets again in general session; and be it further

Resolved, That a certified copy of this resolution be transmitted by the Chief Clerk to our soldier page at his home, 213 West North Street, Carlisle, Pennsylvania.

CONGRATULATORY RESOLUTION

Messrs. PRESLEY N. JONES and POLASKI offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, July 1, 1941.

So many whose birthdays would not have been reached at an ordinary legislative session now come in for their full share of birthday greetings by official resolution. Thus we have on the third of July, some forty-two years ago, the day when Delbert William Dalrymple increased the population of the world by one. Born a Republican

in Pierpont, Ohio—we fear he has been a bit "teched in the head" ever since.

We realize now why he is always so cheerful and breezy, for he peddles breezy air-conditioned Nash automobiles.

He takes his legislative duties with much seriousness—but is so far committed to the principles of drug store cowboyism, as to devour with great relish vast quantities of sundaes topped with huge gobs of whipped cream; therefore, be it

Resolved, That if the House of Representatives could sing one-half as well as two Western Union boys, we would sing to you, Mr. Dalrymple; "Happy birthday to you! Happy birthday to you! Happy birthday, dear Delbie! Happy birthday to you." But at any rate, we wish it to you; and instruct our Chief Clerk to certify to you a copy of this resolution as a token of our extreme affection.

CONDOLENCE RESOLUTION

Mr. PETROSKY. Mr. Speaker I arise at this time with a great deal of grief and sorrow to offer the Assembly on behalf of myself and my colleagues the following privileged resolution. I had intended to make a few remarks on it, but due to the prolonged discussion that ensued in the House this afternoon, and knowing that you, Mr. Speaker and Members of the House want to finish the business of the House, I will refrain from making any extended remarks on the characteristics and the greatness of the personality of the one to whom the members wish to pay their respects. Therefore, Mr. Speaker, this gentleman who is in my mind will remain with us as a model in the art of music and in the category of statesman, one of the greatest of statesmen that ever lived.

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

The resolution was read, considered and adopted:

In the House of Representatives, July 1, 1941.

Ignace Jan Paderewski died in New York after a life time devoted to the expression of the highest ideals towards which any human being can aim.

His achievements as a statesman are only surpassed by his greatest of all gifts to the cultural life of the civilized world in the field of music. His fame as a musician was world renowned and to those of us who have been fortunate enough to attend his concerts, he will always remain as a symbol of all that is great in the art of interpretation of music through the medium of the piano.

Just as he was preeminent in the field of musical achievement, so was he outstanding in playing a leading role in the re-establishment of the Polish Republic. He spent his entire life in support of Polish independence and was honored by the Polish Republic for his great patriotic efforts by becoming its first Premier and will be remembered as the counselor and liberator of free Poland. He was probably the world's first famous musician in history to abandon his art at the height of his success in order to devote himself to liberating and unifying his country, finally solidifying the Polish Government after it had been recognized by the United States. The world recognition that he attained as a statesman came at the Versailles Peace Conference and received the highest respect from the leaders of the Democratic nations. In our memories will remain many other traits of this great personality in behalf of disabled army veterans and those who suffered under this tyrannical rule of aggressives.

He confided to a friend that the greatest joy he ever experienced in life came when Poland was recreated as

an independent nation. This is readily understood and we, his admirers, hold him in highest esteem for his everlasting patriotism to his country and his tireless efforts on behalf of a free people.

As throughout his entire life, his activities to the last breath in an endeavor to restore the ideals that are today being destroyed, Paderewski was engaged in fostering and encouraging the sale of defense bonds, so that all our efforts to preserve Democracy should succeed; therefore, be it

Resolved, That the House of Representatives notes with sorrow of the passing of this great musician and even greater patriot and desires this opportunity to pay its great respect to one of the world's immortals, be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk of the House to the sister of Ignace Jan Paderewski, Mme. Antonina Wilwonska, Hotel Buckingham, New York City, N. Y.

CONDOLENCE RESOLUTION

Messrs. READINGER and PAUL A. BRUNNER offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, July 1, 1941.

Whereas, The Honorable Fred Marks of Berks County was suddenly called away from his duties in the House of Representatives last week because of the unexpected passing of his sister; and

Whereas, The Honorable Fred Marks in his career as a member of the Legislature has already made numerous friends and is held in high esteem by all of the members of the House; and

Whereas, The membership of the House sympathizes with him in so great a bereavement; therefore be it

Resolved, That the House of Representatives notes with sorrow of the passing of the sister of the Honorable Fred Marks and offers to him its most sincere condolences.

RESOLUTION No. 105

Mr. ROSENFELD. Mr. Speaker, I desire to call up at this time House Resolution No. 105.

The resolution was read by the Clerk as follows:

In the House of Representatives, June 23, 1941.

Whereas There are voters in the City of Philadelphia who are registered under the Permanent Registration Act in force in the aforesaid city and are also permanently registered under the Permanent Registration Act in force in our sister Commonwealth of New Jersey and

Whereas The election records of the City and County of Philadelphia show that a large percentage of these ineligible electors in violation of the registration and election laws of this Commonwealth have voted in Philadelphia County be it therefore

Resolved That the Speaker of the House of Representatives appoint a committee of five members of the House to investigate this situation at once so that in the coming elections in the City and County of Philadelphia no wholesale violation of the Election Laws shall occur and be it further

Resolved That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books papers records and documents as the committee may deem necessary Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books papers records or

document shall be subject to the penalties provided by the laws of the Commonwealth in such cases and be it further

Resolved That the said committee report as quickly as possible to this House with appropriate recommendations

On the question,

Will the House adopt the resolution?

It was adopted.

SENATE MESSAGES

RESOLUTIONS FOR CONCURRENCE

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

In the Senate, July 1, 1941.

Resolved, (if the House of Representatives concur), That Senate Bill No. 213, Printer's No. 297, entitled:

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

be recalled from the Governor for further consideration.

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

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

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

In the Senate, July 1, 1941.

Resolved, (if the House of Representatives concur), That Senate Bill No. 303, Printer's No. 264, entitled:

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

be recalled from the Governor for further consideration.

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

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

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

In the Senate, July 1, 1941.

Resolved, (if the House of Representatives concur), That Senate Bill No. 419, Printer's No. 265, entitled:

An Act providing for the reconnaissance survey of a State highway between the city of Harrisburg in the county of Dauphin and the borough of New Hope in the county of Bucks

be recalled from the Governor for further consideration.

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

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON SENATE BILL No. 588

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 Senate Bill numbered and entitled as follows:

SENATE BILL No. 588.

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

HOUSE ADOPTS CONFERENCE REPORT ON SENATE BILL No. 588

Mr. SKALE. Mr. Speaker, I call up at this time the Report of the Committee of Conference on Senate Bill No. 588.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 588, entitled:

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

Respectfully submit the following bill as our report:

CLARENCE D. BECKER,
G. HAROLD WATKINS,
JOHN FREMONT COX,
(Committee on the Part of the Senate.)
JOSEPH SKALE,
HOMER S. BROWN,
CHARLES A. AUKER,
(Committee on the Part of
the House of Representatives.)

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

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

Section 1 Whenever any real property has heretofore been or is hereafter sold directly or indirectly to the plaintiff in execution proceedings and the price for which such property has been sold was or is not sufficient to satisfy the amount of the judgment interest and costs and the plaintiff seeks to collect the balance due on said judg-

ment interest and costs the plaintiff or plaintiffs shall petition the court having jurisdiction to fix the fair market value of the real property sold as aforesaid Said petition shall be signed and sworn to by the plaintiff or plaintiffs

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

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

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

Section 3 The court shall thereupon fix a date for hearing on said petition not less than fifteen days after the filing thereof and said petition shall be served upon each of the persons named therein as respondents at least ten days prior to the date fixed for hearing At any time prior to the hearing any respondent or other person in interest may appear and answer setting up in his answer in writing the nature and extent of his interest in the proceedings and answering the averments of the petition A copy of such answer shall be served upon the petitioner within a reasonable time prior to the hearing

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

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

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

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

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

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

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

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

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

If answer is filed alleging as the fair market value an amount in excess of the fair market value of the property as averred in the petition the plaintiff or plaintiffs may agree to accept as the fair market value of the property the value set up in the answer and in such case may file a stipulation releasing the debtors obligors and guarantors and any other persons liable directly or indirectly for the debt and the owners of the property affected thereby from personal liability to the plaintiff to the extent of the fair market value as averred in the answer less the amount of any prior liens costs taxes and municipal claims not discharged by the sale and also less the amount of any such items paid as distribution on the sale If an answer shall be filed and testimony produced setting forth that the fair market value of the property is more than the value stated in the petition the court shall determine and fix the fair market value of the property which shall in no event exceed the amount of the debt interest costs taxes and municipal claims

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

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

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

Section 9 Nothing in this act shall be construed to affect the right of any person liable directly or indirectly for the payment of the debt to the benefit of any amount realized on any execution sale in excess of the

fair market value fixed or agreed to in accordance with the provisions of this act and nothing in this act shall be construed to effect a release or discharge of any person otherwise than nor to any greater extent than as herein expressly provided

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

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

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

On the question,

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

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

YEAS—176

Achterman,	Fliss,	Lovett,	Royer,
Allmond,	Fleming,	Lyons,	Rush,
Auker,	Fletcher,	Malloy,	Sarraf,
Baker,	Flynn,	Maxwell,	Scanlon,
Balthaser,	Foor,	McClanaghan,	Serrill,
Bentzel,	French,	McClester,	Shaffer,
Boles,	Gates,	McDermott,	Shaw,
Boney,	Gerard,	McDowell,	Shepard,
Boorse,	Gillan,	McFall,	Simons,
Bower,	Gillette,	McGrath,	Skale,
Bradley,	Goodwin,	McIntosh,	Snyder,
Bretherick,	Gross,	McKinney,	Sollenberger,
Brown,	Gyger,	McLanahan,	Sorg,
Brunner, C. H.,	Habbvshaw,	McMillen,	Stambaugh,
Brunner, P. A.,	Haberlen,	McSurdy,	Stank,
Burns,	Haines,	Melchiorre,	Stine,
Burriss,	Hall,	Mihm,	Stockham,
Cadwalader,	Hamilton,	Modell,	Tarr,
Chervenak,	Hare,	Monks,	Tate,
Chudoff,	Harkins,	Mooney,	Taylor,
Cochran,	Heatherington,	Moran,	Thompson, E. F.,
Cohen, R. E.,	Hering,	Muir,	Trout,
Cohen, M. M.,	Herman,	Munley,	Turner,
Cooper,	Hewitt,	Nagel,	Van Alisburg,
Cordier,	Hirsch,	Nunemacher,	Vincent,
Corrigan,	Huntley,	O'Brien,	Voldow,
Cullen,	Imbrie,	O'Connor,	Voorhees,
Dalrymple,	James,	O'Dare,	Wagner,
Dennison,	Jefferson,	O'Mullen,	Watkins,
DiGenova,	Jones, G. E.,	O'Neil,	Weingartner,
Dix,	Jones, P. N.,	Owens,	Wells,
Dolon,	Kenehan,	Pettit,	Welsh, E. B.,
D'Ortona,	Kiine,	Polaski,	Welsh, M. J.,
Duffy,	Knoble,	Polen,	Williams,
Early,	Kolankiewicz,	Powers,	Winner,
Eckels,	Krise,	Reagan,	Wolf,
Elder,	Lee, E. A.,	Readinger,	Wood, L. H.,
Elliot,	Lee, T. H.,	Reese, D. P.,	Woodside,
Elv,	Laisey,	Reese, R. E.,	Woodring,
Falkenstein,	Leonard,	Reynolds,	Wright,
Finestone,	Lesko,	Rhea,	Yeakel,
Finnerty,	Leydic,	Riley,	Yester,
	Lichtenwalter,		Young,

Fisher, Longo, Rose, W. E., Kilroy,
Rosenfeld, Speaker.

NAYS—0

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

Ordered, That the Clerk inform the Senate accordingly.

SENATE ADOPTS CONFERENCE COMMITTEE
REPORT ON SENATE BILL No. 381

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 Senate Bill numbered and entitled as follows:

SENATE BILL No. 381

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth and seventh classes and revising amending and consolidating the laws relating thereto" by authorizing the acquisition operation and leasing of aviation landing fields and airdromes by counties of the second third fourth fifth sixth and seventh classes conferring certain powers of eminent domain upon such counties for the acquisition of lands for aviation landing fields and airdromes authorizing such counties to appropriate for such purposes unredeemed lands purchased at tax sales providing for the jurisdiction of condemnation proceedings where lands are situated in more than one county authorizing such counties to act jointly with certain political subdivisions in the operation and maintenance of aviation landing fields and airdromes and providing for the expenditure of funds for such purposes in cooperation with certain State Federal or other public agencies

HOUSE ADOPTS CONFERENCE REPORT ON SENATE
BILL No. 381

Mr. ACHTERMAN. Mr. Speaker, I call up at this time the Report of the Committee of Conference on Senate Bill No. 381.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 381, entitled:

"An act relating to counties of the second third fourth fifth sixth and seventh classes and revising amending and consolidating the laws relating thereto" by authorizing the acquisition operation and leasing of aviation landing fields and airdromes by counties.

Respectfully submit the following bill as our report:

L. E. CHAPMAN
A. H. LETZLER
LEO C. MUNDY

(Committee on the Part of the Senate.)

ED. C. SCHWAB
HARRY P. ONEILL
MATTHEW T. KNOBLE

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

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (P.

L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth and seventh classes and revising amending and consolidating the laws relating thereto" by authorizing the acquisition operation and leasing of aviation landing fields and airdromes by counties of the second third fourth fifth sixth and seventh classes conferring certain powers of eminent domain upon such counties for the acquisition of lands for aviation landing fields and airdromes authorizing such counties to appropriate for such purposes unredeemed lands purchased at tax sales providing for the jurisdiction of condemnation proceedings where lands are situated in more than one county authorizing such counties to act jointly with certain political subdivisions in the operation and maintenance of aviation landing fields and airdromes and providing for the expenditure of funds for such purposes in cooperation with certain State Federal or other public agencies

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

Section 1 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 and seventh classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding thereto after section four hundred and ninety-five the following section

Section 496 Any county of the second third fourth fifth sixth or seventh classes may acquire by lease purchase or condemnation proceedings any land lying within its territorial limits or the territorial limits of any adjoining county which in the judgment of the county commissioners may be necessary and desirable for the purpose of establishing and maintaining airdromes or landing fields but no such land shall be so acquired in any adjoining county without the assent of the county commissioners thereof Any such county may also appropriate for such purposes any lands heretofore or hereafter purchased by it at any tax sale and which have not been redeemed within the period provided by law

Section 496.1 The proceedings for the condemnation of lands under the provisions of this act and for the assessment of damages for property taken injured or destroyed shall be conducted in the same manner as now provided by law for the condemnation of land or buildings for county purposes in the county in which the land is situated

The title acquired by virtue of any such condemnation shall be a title in fee simple

Section 496.2 Any such county acquiring land for any aeronautical purposes may lease the same or part thereof for an adequate consideration after due public notice and with the consent and approval of the taxing authorities of the county acquiring such land to any individual or corporation desiring to use the same for the purposes of landing or starting an airplane therefrom or for other aeronautical purposes on such terms and subject to such conditions and regulations as may be provided Any such county may enter into a contract in the form of a lease provided for the use of said land any part thereof by the Government of the United States for air mail delivery or other aeronautical purposes upon nominal rental or without consideration

Section 496.3 Any such county acquiring land for any aviation purpose may operate and maintain said airdromes or aviation landing fields jointly with any such city county borough town or township or other political subdivision upon such terms and conditions as may be agreed upon between the corporate authorities thereof and the county commissioners of such county

Section 496.4 Any such county acquiring any land for such purpose may by resolution of the board of commissioners appropriate such funds as are necessary for the engineering design surveys and construction of such an airport either wholly by themselves or in cooperation with State Federal or other public agencies supplying a portion of the necessary funds for said work

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

Section 3 The provisions of this act shall become effective immediately upon final enactment

On the question,

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

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

YEAS—176

- | | | | |
|-----------------|----------------|---------------|------------------|
| Achterman, | Fleming, | Malloy, | Rush, |
| Allmond, | Fletcher, | Maxwell, | Sarrat, |
| Auker, | Flynn, | McClanaghan | Scanlon, |
| Baker, | Foor, | McClester, | Schwab, |
| Balthaser, | French, | McDermott, | Serrill, |
| Bentzel, | Gates, | McDowell, | Shaffer, |
| Boles, | Gerard, | McFall, | Shepard, |
| Boney, | Gillan, | McGrath, | Simons, |
| Boorse, | Gillette, | McIntosh, | Skale, |
| Bower, | Goodwin, | McKinney, | Snyder, |
| Bradley, | Gross, | McLanahan, | Sollenberger, |
| Bretherick, | Gyger, | McMillen, | Sorg, |
| Brown, | Habbyshaw, | McSurdy, | Stambaugh, |
| Brunner, C. H., | Haberlen, | Melchiorre, | Stank, |
| Brunner, P. A., | Haines, | Mibm, | Stine, |
| Burns, | Hall, | Modell, | Stockham, |
| Burris, | Hamilton, | Monks, | Tarr, |
| Cadwalader, | Hare, | Mooney, | Tate, |
| Chervenak, | Harkins, | Moran, | Taylor, |
| Chudoff, | Heatherington, | Muir, | Thompson, E. F., |
| Cohen, M. M., | Hering, | Munley, | Trout, |
| Cohen, R. E., | Herman, | Nagel, | Turner, |
| Cook, | Hewitt, | Nunemacher, | Van Allsburg, |
| Cooper, | Hirsch, | O'Brien, | Vincent, |
| Cordier, | Huntley, | O'Connor, | Voldow, |
| Corrigan, | Imbrie, | O'Dare, | Voorhees, |
| Cullen, | James, | O'Mullen, | Wagner, |
| Dairymple, | Jefferson, | O'Neill, | Watkins, |
| Dennison, | Jones, G. E., | Owens, | Weingartner, |
| DiGenova, | Jones, P. N., | Pettit, | Weiss, |
| Dix, | Kenehan, | Polaski, | Welsh, E. B., |
| Dolon, | Kilne, | Polen, | Welsh, M. J., |
| D'Ortona, | Knoble, | Powers, | Williams, |
| Duffy, | Kolankiewicz, | Rank, | Winner, |
| Early, | Krise, | Readinger, | Wolf, |
| Eckels, | Lee, E. A., | Reagan, | Wood, L. H., |
| Elder, | Lee, T. H., | Reese, D. P., | Woodring, |
| Elliott, | Lelsey, | Reese, R. E., | Woodside, |
| Ely, | Leonard, | Reynolds, | Wright, |
| Falkenstein, | Lesko, | Rhea, | Yeakel, |
| Finestone, | Leydic, | Riley, | Yester, |
| Finnerty, | Lichtenwaller, | Rose, W. E., | Young, |
| Fisher, | Longo, | Rosenfeld, | Kilroy, |
| Fliss, | Lovett, | Royer, | Speaker. |
| | Lyons, | | |

NAYS—0

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

Ordered, That the Clerk inform the Senate accordingly.

BILL SIGNED BY SPEAKER

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

SENATE BILL No. 1023.

An Act to further amend Section 1033 of the act approved the first day of May one thousand nine hundred 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 pre-

scribed 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

Whereupon,

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

BILL INTRODUCED AND REFERRED

By MR. SOLLENBERGER. HOUSE BILL No. 1951.

An Act making an appropriation to the Department of Public Instruction for the use of the Pennsylvania Historical Commission for preparation, publication and distribution or radio dramatization for public information and for use by the public schools in cooperation with the State Council of Defense, the Department of Public Instruction and other agencies of such pamphlets, books and radio scripts on patriotic aspects of the history of Pennsylvania as will arouse in the hearts and minds of all Pennsylvanians patriotism and pride in the great achievements of the State in democratic government, industry and social progress, and awaken such loyalty to those principles of our democracy which had their birth in historic Pennsylvania, keystone of our liberty independence and democratic progress, as will unify our citizens in this period of National emergency for defense of our freedom.

Referred to the Committee on Appropriations.

REPORTS FROM COMMITTEES

Mr. HARKINS, from the Committee on Workmen's Compensation, reported as committed, House Bill No. 1768, entitled:

An Act to further amend the act, approved the fifth day of December, one thousand nine hundred thirty-six (P. L. 1937, page 2897) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exemptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" by providing therein as to the replacement of certain moneys received pursuant to the provisions of Section three hundred two of the Federal Security Act as amended.

Mr. REUBEN E. COHEN, from the Committee on Liquor Control, reported as committed House Bill No. 1734, (Senate Bill No. 618), entitled:

An Act to further amend section two of the act, approved the sixteenth day of June, one thousand nine

hundred thirty-three (P. L. 252, 1933-34), entitled, as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," by permitting clubs to waive or reduce dues payable by members in military service.

Mr. REUBEN E. COHEN, from the Committee on Liquor Control, reported as committed, House Bill No. 1732 (Senate Bill No. 619), entitled:

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

Mr. D'ORTONA, from the Committee on Welfare, reported as committed, House Bill No. 1926 (Senate Bill No. 457) 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 Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" as amended by enabling the Department of Public Assistance to take measures to rehabilitate persons receiving assistance.

Mr. DIX, from the Committee on Welfare, reported as committed, House Bill No. 1922, (Senate Bill No. 464) 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 assist-

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

Mr. READINGER, from the Committee on State Government, reported as amended, House Bill No. 1899, (Senate Bill No. 1029) entitled:

An Act authorizing the Joint State Government Commission to make a thorough study and investigation of the State Employees' Retirement System providing for the employment of necessary clerks and assistants authorizing the subpoenaing of witnesses and records and making an appropriation.

BILLS ON THIRD READING

Mr. HERING asked and obtained unanimous consent to call up out of order House Bill No. 1878, Printer's No. 1064 on page 16 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1878, entitled:

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

On the question,

Will the House agree to the bill on third reading?

Mr. HERING. 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, last line of title, by inserting after the word "treasurer" the following: "in school districts of the first class; by further providing as the election of school controllers in school districts of the first class and as to vacancies in such office and by providing that certain stationery and books shall be supplied to school treasurers in school districts of the first class.

Amend Sec. 3 (Sec. 2212), page 5, line 1, by inserting a lightface bracket before and after the word "clerk".

Amend Sec. 3 (Sec. 2212), page 5 line 1, by inserting after the word "clerk" the following: "clerks".

Amend Sec. 3 (Sec. 2212), page 5, line 8, by inserting after the word "controller" the following: "and school treasurer".

Amend Sec. 3 (Sec. 2212), page 5, line 8, by inserting a lightface bracket before the word "his" and after the word "salary".

Amend Sec. 3 (Sec. 2212), page 5, line 8, by inserting after the word "salary" the following: "their salaries".

Amend Sec. 3 (Sec. 2212), page 5, line 9, by inserting a lightface bracket before the word "he" and after the word "is".

Amend Sec. 3 (Sec. 2212), page 5, line 9, by inserting after the word "is" the following: "they are".

Amend Sec. 3 (Sec. 2212), page 5, line 10 by inserting a lightface bracket before and after the word "him".

Amend Sec. 3 (Sec. 2212), page 5, line 10, by inserting after the word "him" the following: "them".

Amend Sec. 3 (Sec. 2212), page 5, line 11, by inserting lightface brackets before and after the word "his".

Amend Sec. 3 (Sec. 2212), page 5, line 11, by inserting after the word "his" the following: "their".

Amend Sec. 3 (Sec. 2212), page 5, line 11, by inserting after the word "controller" the following: "or school treasurer".

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?

They 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. ACHTERMAN asked and obtained unanimous consent to call up out of order House Bill No. 1924 (Senate Bill No. 712) Printer's No. 482 on page 20 of today's calendar bills on third reading.

Agreeably to order,

The House proceeded to the third 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 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—176

Achterman,	Fleming,	Lyons,	Royer,
Allmond,	Fletcher,	Malloy,	Rush,
Auker,	Flynn,	Maxwell,	Sarraf,
Baker,	Foor,	McClanaghan,	Scanlon,
Balthaser,	French,	McClester,	Serrill,
Bentzel,	Gates,	McDermott,	Shaffer,
Boies,	Gerard,	McDowell,	Shaw,
Boney,	Gillan,	McFall,	Shepard,
Boorse,	Gillette,	McGrath,	Simons,
Bower,	Goodwin,	McIntosh,	Skale,
Bradley,	Gross,	McKinney,	Snyder,
Bretherick,	Gyger,	McLanahan,	Sollenberger,
Brown,	Habbyshaw,	McMillen,	Sorg,
Brunner, C. H.,	Haberlen,	McSurdy,	Stambaugh,
Brunner, F. A.,	Haines,	Melchorre,	Stank,
Burns,	Hall,	Mihm,	Stine,

Burriss,	Hamilton,	Modell,	Stockham,
Cadwalader,	Hare,	Monks,	Tarr,
Chervenak,	Harkins,	Mooney,	Tate,
Chudoff,	Heatherington,	Moran,	Taylor,
Cochran,	Hering,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Munley,	Trout,
Cohen, R. E.,	Hewitt,	Nagel,	Turner,
Cooper,	Hirsch,	Nunemacher,	Van Aillsburg,
Cordier,	Huntley,	O'Brien,	Vincent,
Corrigan,	Imbrie,	O'Connor,	Voldow,
Cullen,	James,	O'Dare,	Voorhees,
Dalrymple,	Jefferson,	O'Mullen,	Wagner,
Dennison,	Jones, G. E.,	O'Neill,	Watkins,
DiGenova,	Jones, P. N.,	Owens,	Weingartner,
Dix,	Kenehan,	Pettit,	Weiss,
Dolon,	Kline,	Polaski,	Welsh, E. B.,
D'Ortona,	Knoble,	Polen,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Powers,	Williams,
Early,	Krise,	Rank,	Winner,
Eckels,	Lee, E. A.,	Readinger,	Wolf,
Elder,	Lee, T. H.,	Reagan,	Wood, L. H.,
Elliott,	Lelsey,	Reese, D. P.,	Woodring,
Ely,	Leonard,	Reese, R. E.,	Woodside,
Falkenstein,	Lesko,	Reynolds,	Wright,
Finestone,	Leydic,	Rhea,	Yeakel,
Finnerty,	Lichtenwalter,	Riley,	Yester,
Fisher,	Longo,	Rose, W. E.,	Young,
Fiss,	Lovett,	Rosenfeld,	Kilroy, Speaker.

NAYS—0

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

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

Mr. ACHTERMAN asked and obtained unanimous consent to call up out of order House Bill No. 1927 (Senate Bill No. 796) Printer's No. 484 on page 20 of today's calendar bills on third reading.

Agreeably to order,

The House proceeded to the third 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 onstruction of certain structures located on such highways conferring certai 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 3617: Lancaster county

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—176

Achterman,	Fleming,	Lovett,	Rosenfeld,
Auker,	Fletcher,	Lyons,	Royer,
Allmond,	Flynn,	Malloy,	Rush,
Baker,	Foor,	Maxwell,	Sarraf,
Balthaser,	French,	McClanaghan,	Scanlon,
Bentzel,	Gates,	McClester,	Serrill,
Boies,	Gerard,	McDermott,	Shaffer,
Boney,	Gillan,	McDowell,	Shaw,
Boorse,	Gillette,	McFall,	Shepard,

Bower,	Goodwin,	McGrath,	Simons,
Bradley,	Greenwood,	McIntosh,	Skale,
Bretherick,	Gross,	McKinney,	Snyder,
Brown,	Gyger,	McLanahan,	Sollenberger,
Brunner, C. H.,	Habbyshaw,	McMillen,	Sorg,
Brunner, P. A.,	Haberlen,	McSurdy,	Stambaugh,
Burns,	Haines,	Melchiorre,	Stank,
Burriss,	Hall,	Mihm,	Stine,
Cadwalader,	Hamilton,	Modell,	Stockham,
Chervenak,	Hare,	Monks,	Tarr,
Chudoff,	Harkins,	Mooney,	Tate,
Cochran,	Heatherington,	Moran,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Trout,
Cooper,	Hewitt,	Nagel,	Turner,
Cordier,	Hirsch,	Nunemacher,	VanAllsburg,
Corrigan,	Huntley,	O'Brien,	Vincent,
Cullen,	Imbrie,	O'Connor,	Voidow,
Dalrymple,	James,	O'Dare,	Voorhees,
Dennison,	Jefferson,	O'Mullen,	Wagner,
DiGenova,	Jones, G. E.,	O'Neill,	Watkins,
Dix,	Jones, P. N.,	Owens,	Weingartner,
Dolon,	Kenehan,	Pettit,	Weiss,
D'Ortona,	Kline,	Polaski,	Welsh, E. B.,
Duffy,	Knoble,	Polen,	Welsh, M. J.,
Early,	Kolankiewicz,	Powers,	Williams,
Eckels,	Krise,	Rank,	Winner,
Elder,	Lee, E. A.,	Readinger,	Wolf,
Elllott,	Lee, T. H.,	Reagan,	Wood, L. H.,
Ely,	Lelsey,	Reese, D. P.,	Woodring,
Falkenstein,	Leonard,	Reese, R. E.,	Woodside,
Finestone,	Lesko,	Reynolds,	Wright,
Finnerty,	Leydic,	Rhea,	Yeakel,
Fisher,	Lichtenwalter,	Riley,	Yester,
Fiss,	Longo,	Rose, W. E.,	Young,
			Kilroy, Speaker

NAYS—0

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

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

Mr. ACHTERMAN asked and obtained unanimous consent to call up out of order House Bill No. 1781 (Senate Bill No. 555) Printer's No. 380 on page 20 of today's calendar bills on third reading.

Agreeably to order,

The House proceeded to the third 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 Mother's Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to Mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by regulating the use or disclosure of public assistance lists and records, and adding to penal provisions

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:

YEAS—176

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

NAYS—0

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

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

PERMISSION TO ADDRESS HOUSE

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

Mr. Speaker, I want to thank the majority floor leader in behalf of many of the people of Lancaster County and many of the people of Lebanon County. We certainly appreciate the passage of Senate Bill No. 712 and Senate Bill No. 796. We thank you.

BILL ON THIRD READING

Mr. SARRAF asked and obtained unanimous consent to call up out of order House Bill No. 1107, Printer's No. 87, (Senate Bill No. 51), on page 13 of today's calendar, bill on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1107, (Senate Bill No. 51), entitled:

An Act authorizing and empowering school districts to furnish food including milk to undernourished and poor school children in their districts

On the question,

Will the House agree to the bill on third reading?

Mr. SARRAF. 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 1 of title, by inserting after the word "districts" the following: "with the consent and approval of the Superintendent of Public Instruction."

Amend title, page 1, line 3 of title, by inserting after the word "districts" the following: "and providing that the acceptance and distribution of surplus commodities furnished by the Federal Government shall not be affected or limited thereby."

Amend Sec. 1, page 1, line 1, by inserting after the word "districts" the following: "with the consent and approval of the Superintendent of Public Instruction."

Amend Sec. 1, page 1, line 6, by inserting after the word "district" the following: "The provisions of this act shall not limit or affect the acceptance and distribution by school directors, of surplus commodities made available by the Federal Government".

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.

PERMISSION TO ADDRESS HOUSE

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

Mr. Speaker, there were a great number of recall resolutions presented to the House today, and I wish to explain the Democratic position relative to those recall resolutions. Due to the fact that the Governor is and was away and the final date to act on the bills here or about here, and in order that the Governor might have full opportunity to act and pass upon them, the Democratic Members of the House agreed to cooperate to the end of giving him the opportunity he desires to examine the bills, and therefore, recalled them for that purpose.

ADJOURNMENT

Mr. CROOP. Mr. Speaker, I move that this House do now adjourn until Monday, July 7, 1941, at 8 p.m.

The motion was agreed to, and (at 4:17 p.m.) the House adjourned.