

Commerce and a past president of the Columbia Rotary. He was a director of the Columbia Red Cross Chapter, a member of Zembo Shrine, Sojourners, Columbia Lodge No. 286 F. and A. M., Royal Arch Masons, Columbia Chapter 224, Knights Templar Commandry No. 34, a member of the Hamilton Club at Lancaster, Pennsylvania, the Elks, the United Spanish War Veterans, the American Legion and Veterans of Foreign Wars.

Tall, gray and handsome, General Shannon was a colorful character. On a balmy Saturday afternoon in April, in 1941, during the heat of my first campaign for State Senator from the District in which we were both voters, I planned to make a dozen or more calls in Columbia and I chose to call at General Shannon's residence first. I found him at home alone with his wife, having just finished his dinner. He was in a contemplative and reminiscent state of mind and Mrs. Shannon joined us in the drawing room. I made no other call in Columbia on that Saturday afternoon. Late afternoon found me bidding adieu after a three hours' visit as interesting and soul-touching as I have ever experienced. The friendship of his County of Lancaster with my County of Lebanon came in for long discussion. The loyalty of my County to him in his campaign for the Republican nomination for Governor, when other Counties failed him, came in for further discussion. He discussed the result of his candidacy with no rancor but made no pretense of concealing the fact that his disappointment over his defeat was unassuaged. A typical American family, Mrs. Shannon would interrupt him frequently in his reminiscences to correct him, as devoted wives are wont to do. I look back to the visit as one that was crowded to the top with human interest and it raises in me high emotion that it has fallen to my lot to eulogize him today.

In Lebanon County there has been erected and constructed a splendid Facility for the rehabilitation of veterans of the Second World War. I can think of nothing more fitting than that this Facility should be named after this distinguished soldier who lived and died in the district in which the Facility is located. My colleagues have been very kind to me in permitting me to offer this Resolution and I now propose that it be,

Resolved, (if the House of Representatives concur), That the Director of the Veterans Administration of the United States be requested to name and designate the new veterans' Facility and Hospital in Lebanon County as "The General Edward C. Shannon Hospital" in his honor and everlasting memory.

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

BILL INTRODUCED AND REFERRED

Mr. WALKER. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WALKER read in place and presented to the Chair Senate Bill No. 722, entitled:

An Act making an appropriation to the Department of Mines for extinguishing fires in bituminous and anthracite coal mines.

Which was committed to the Committee on Appropriations.

ADJOURNMENT

Mr. TALLMAN. Mr. President, I move that the Senate do now adjourn until Thursday, May 8, 1947, at 11:00 o'clock, a. m. Eastern Standard Time.

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

The Senate adjourned at 3:25 o'clock, p. m., Eastern Standard Time until Thursday, May 8, 1947, at 11:00 o'clock, a. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, May 7, 1947

The House met at 12:00 o'clock noon Eastern Standard Time.

The SPEAKER (Franklin H. Lichtenwalter) in the Chair.

PRAYER

The Chaplain, Rev. Lester C. Updegrave offered the following prayer:

Father of all mercies, Giver of all blessings, the One who is the inspiration of all worthy thought and action, we thank Thee for this day. Help us to bring our possessions of mind, soul, and body as offerings to Thee, that we may be acceptable sons of the living God; thus we shall leave on our pathway something that is worthy of merit and emulation. In every way may we so live that each tomorrow shall be better than today. May we strive to do unto others as we would have them do unto us. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Tuesday, May 6, 1947.

The Clerk proceeded to read the Journal of Tuesday, May 6, 1947, when on motion of Mrs. McCOSKER unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. TAHL. HOUSE BILL No. 1227.

An Act making an appropriation to the Department of Public Instruction for the expenses involved in licensing and regulating certain private schools and classes.

Referred to the Committee on Appropriations.

By Mr. BOIES. HOUSE BILL No. 1328.

An Act to amend section seventeen of the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, probators, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," by imposing an additional tax on scrip, bonds, certificates and evidences of indebtedness assumed

or on which interest is paid by corporations, and providing for the distribution thereof.

Referred to the Committee on Ways and Means.

By Mr. BARRETT. HOUSE BILL No. 1329.

An Act to further amend section one of the act, approved the fifteenth day of July, one thousand eight hundred ninety-seven (P. L. 292), entitled "An act to provide revenue by taxation," by imposing an additional tax upon shares of banks or savings institutions, and providing for the distribution thereof.

Referred to the Committee on Ways and Means.

By Messrs. PRICE, GRAYBILL and NEFF.
HOUSE BILL No. 1330.

An Act making an appropriation to the Juniata Foundation for the blind, Lewistown, Pennsylvania, for maintenance.

Referred to the Committee on Appropriations.

By Mr. VERONA. HOUSE BILL No. 1331.

An Act to further amend section two hundred one of the act approved the twenty-second day of May, one thousand nine hundred thirty-three (P. L. 853) entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws"; making the real estate of public service companies subject to taxation, and providing for certain exceptions.

Referred to the Committee on Public Utilities.

RESOLUTIONS INTRODUCED AND REFERRED

By Messrs. CHUDOFF and ROOT.
(Concurrent) RESOLUTION No. 48.

In the House of Representatives, May 6, 1947.

Whereas, The Philadelphia Inquirer in this morning's issue calls the attention of the public to the fact that new automobiles are currently being sold as used cars at \$500 to \$1,000 above their list prices and that the practice has virtually become an established racket; and

Whereas, The investigation of the said paper disclosed the fact that the new car dealers blamed the used car dealers and the public in turn, the used car dealers blamed the new car dealers, the public and the manufacturers, in that the manufacturers had failed to cancel any of the dealer agency contracts for being a party to such a scheme; and

Whereas, It was heretofore presumed that the shortage of automobiles which created this situation would be eliminated when automobile manufacturers would get into full production but as the demand for new cars cannot be satisfied for some considerable time legislative action must be taken; therefore be it

Resolved, (if the Senate concurs) That a commission of eight members be created, five members to be named by the Speaker of the House and three members to be named by the President Pro Tempore whose duty it shall be to immediately make an investigation of the sale of new and used automobiles in Pennsylvania; and be it further

Resolved, That the said commission shall report its finding to the General Assembly by May 22; and be it further

Resolved, That the sum of \$5,000 be appropriated to the said commission for the purpose of conducting this investigation.

Referred to the Committee on Rules.

By Mr. ANDREWS. (Concurrent) RESOLUTION No. 49.

In the House of Representatives, May 6, 1947.

Whereas, Increases in the cost of living have created serious economic and social problems, and

Whereas, Price increases in the cost of food have served to unbalance household budgets by making necessary increased expenditures for modern conveniences, and

Whereas, It is not compatible with sound industrial economy that household budgets should be depleted by expenditures for food alone, and

Whereas, in combatting increased costs of living it is necessary to mobilize and form public opinion, therefore be it

Resolved, (if the Senate concur), that the Department of Commerce be requested to investigate and report concerning the following matters:

1. Whether the general level of retail prices in the Commonwealth of Pennsylvania is in line with wholesale prices.

2. Whether wholesale prices are in line with manufacturers' costs.

3. Whether the price of any of the essential products of industry are the result of monopoly control.

4. Whether there is specific evidence that the manufacturers of specific products or the distributors, are profiteering at the expense of the public.

5. What part the Commonwealth, through the various agencies of its state government, distributors of essential products and the consuming public can pay in helping hold the price line at levels which honestly reflect the economic necessities of the wage line.

Referred to the Committee on Rules.

BILL SIGNED BY SPEAKER

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

HOUSE BILL No. 554.

An Act providing that in cities of the first class in all cases where taxes are due and unpaid upon a single tract of land and it is desired to divide such tract into separate parcels the Board of Revision of Taxes may apportion such taxes ratably between or among the parcels so divided and providing that upon payment of the taxes and proper costs on any such parcel it shall be released from the lien.

Whereupon,

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

REPORTS FROM COMMITTEES

Mr. COCHRAN from the Committee on Agriculture and Dairy Industries, reported as committed, House Bill No. 477, entitled:

An Act to further amend section fifteen and to add section fifteen point one to the act, approved the eleventh day of May, one thousand nine hundred twenty-one (P. L. 22), entitled, as amended, "An act relating to dogs, and the protection of livestock, poultry and game birds raised in captivity from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock, poultry, and game birds by dogs, and for live stock killed by, or dying from, rabies, and for the illegal killing of licensed dogs, and the pay-

ment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town and township officers and employes, directing the payment of all moneys collected into the State Treasury; and providing penalties," authorizing county treasurers to retain certain moneys collected under said act and the payment thereof to certain societies for prevention or cruelty to animals, upon petition to and under supervision of the courts of common pleas, and providing for the disposition of unexpended funds.

Mr. COCHRAN from the Committee on Agriculture and Dairy Industries, reported as committed, House Bill No. 478, entitled:

An Act to add section fifteen point one to the act, approved the eleventh day of July, one thousand nine hundred seventeen (P. L. 818), entitled "An act relating to dogs, and the protection of livestock and poultry from damage by dogs; providing for the licensing of dogs; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done by dogs, and payment thereof by the proper county to the owners of livestock and poultry, and of damages to licensed dogs; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes, and on city councils of cities of the first and second class; and providing penalties," authorizing the payment of certain moneys collected under the provisions thereof to societies for the prevention of cruelty to animals upon petition to and under the supervision of the court.

Mr. O'CONNOR from the Committee on Municipal Corporations, reported as amended, House Bill No. 551, entitled:

An Act to further amend the act, approved the eighteenth day of July, one thousand nine hundred thirty-five (P. L. 1286), entitled as amended "An act empowering cities, boroughs, incorporated towns, and townships to charge and collect annual rentals for the use of certain sewers, sewage systems and treatment works, including charges for operation, inspection, maintenance, repair, depreciation, and the amortization of indebtedness and interest thereon," clarifying and extending the provisions thereof with respect to the purpose for which and the circumstances under which sewer rentals may be imposed; and adding to such purposes.

Mr. McKINNEY from the Committee on Appropriations, reported as committed, House Bill No. 948, entitled:

An Act making an appropriation to the Local Government Commission to continue its work.

Mr. GALLAGHER from the Committee on Education, reported as committed, House Bill No. 1033, entitled:

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

Mr. DeLONG from the Committee on Motor Vehicles, reported as amended, House Bill No. 1159, entitled:

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

Mr. CHERVENAK from the Committee on Professional Licensure, reported as amended, House Bill No. 1311, entitled:

An Act regulating the practice of the profession of forestry in all of its branches, including timber estimating and defining such branches; providing for the registration of certain powers practicing or offering to practice said profession; creating and conferring certain powers and imposing duties upon the State Registration Board for Professional Foresters, the Department of Public Instruction and the court of common pleas of Dauphin County; and providing penalties.

Mr. TOMPKINS from the Committee on Judiciary, reported as amended, Senate Bill No. 239, entitled:

An Act to amend the last paragraph of section nine of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-three (P. L. 1433), entitled "An act defining the powers of the courts of quarter sessions, the Municipal Court of Philadelphia, and the County or Juvenile Court of Allegheny County, with respect to the care, guidance, control, trial, placement and commitment of delinquent, dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency, neglect and dependency of children; and amending, revising and consolidating the law relating thereto," further defining liability for support of children in private homes, foster homes, children's homes and institutions; and providing for the enforcement thereof.

Mr. YEAKEL from the Committee on Game and Forestry, reported as committed, Senate Bill No. 289, entitled:

An Act to further amend Sections four hundred ten and four hundred eleven of the act approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto", by providing an alternate method for marking boundary lines of regulated shooting grounds; and authorizing fixing of shooting periods thereon under certain conditions.

Mr. GIBSON from the Committee on Game and Forestry, reported as committed, Senate Bill No. 391, entitled:

An Act to further amend section seven hundred one of the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," permitting licenses for temporary possession of game or game flesh to be issued by supervisors or district game protectors and extending such licenses to game birds.

Mr. GUTHRIE from the Committee on Game and Forestry, reported as amended, House Bill No. 454, entitled:

An Act to amend the heading of Article II, and to amend, or further amend, Sections three hundred two, three hundred three, three hundred five, three hundred six, three hundred seven, three hundred eight, three hundred nine, three hundred ten, three hundred eleven, three hundred twelve, three hundred thirteen, three hundred fourteen, three hundred fifteen three hundred eighteen, three hundred nineteen, three hundred twenty-one of the act approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "An act concerning game and wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by establishing a new schedule of resident and nonresident licenses and fees; fixing a termination date for the issuance of free resident licenses to military personnel; authorizing seizure of licenses of persons mentally or physically incapable of handling firearms safely; and changing penalties.

Mr. YESTER from the Committee on Professional Licensure, reported as committed, Senate Bill No. 474, entitled:

An Act to add clause (1) to section one thousand three hundred four 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 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," authorizing the Department of Public Instruction to fix the fees to be charged by professional examining boards.

Mr. CORDIER from the Committee on Welfare, reported as committed Senate Bill No. 477, entitled:

An Act to amend sections three, four and nine of the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-seven (P. L. 808) entitled "An act providing for the use of the Pennsylvania Industrial School at Huntingdon as an institution for the reception, care, maintenance, detention, employment, and training of defective delinquents; authorizing the preparation and equipment (including necessary construction) of the institu-

tion for such purposes, either by the Department of Property and Supplies or the General State Authority, and authorizing the necessary leases or conveyances for this purpose; changing the name of the Board of Trustees of Pennsylvania Industrial School; providing for the commitment and transfer of such persons to such institution and discharge therefrom; conferring powers and imposing duties on the aforesaid board of trustees, the Department of Welfare and courts; and imposing certain charges on counties," further providing for the mental examination of juvenile delinquents and their release or retention.

Mr. WM. P. H. JOHNSTON from the Committee on Game and Forestry, reported as committed, Senate Bill No. 542, entitled:

An Act to amend Section six hundred seven of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by making it unlawful to disturb or tamper with traps set by agents of the Commission

Mr. STIMMEL from the Committee on Professional Licensure, reported as committed, Senate Bill No. 612, entitled:

An Act to further amend sections twenty-seven and forty-five and to add a new section to the act, approved the seventh day of June, one thousand nine hundred one (P. L. 493), entitled as amended "An act providing for the examination, licensure and registration of persons, firms or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations and requirements for the construction of plumbing, house drainage and cesspools, in cities of the second class, second class A and third class and imposing fines, penalties and forfeiture for violation thereof," prescribing further rules, regulations and requirements for the construction of plumbing, house drainage and cesspools.

Mr. STONIER from the Committee on Municipal Corporations, re-reported as amended, House Bill No. 800, entitled:

An Act empowering political subdivisions (except cities of the first class counties of the first class and school districts of the first class) to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes and permitting penalties to be imposed and enforced.

Mr. BOWER from the Committee on Appropriations, re-reported as committed, House Bill No. 1039, entitled:

An Act authorizing and directing the Delaware River Joint Commission, to formulate a specific action program for the promotion of the navigable section of the Delaware River and Bay extending from Trenton, New Jersey and Morrisville, Pennsylvania to the Atlantic Ocean as a highway of commerce, and to make a study for the purpose of formulating a specific plan and report relative to the need for and advisability of constructing additional tunnels or bridges across that section of the Delaware River extending from Trenton, New Jersey and Morrisville, Pennsylvania to the Delaware Bay; and making an appropriation.

The SPEAKER. The Chair requests the gentleman from Venango, Mr. McKinney, to preside during the first reading calendar.

MR. MCKINNEY IN THE CHAIR.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 274, entitled:

An Act to amend sections four thousand three hundred two four thousand three hundred three and four thousand three hundred five of the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" inserting additional provisions relating to retirement basis for apportionment of pension and payments to pension fund by city

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

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 500, entitled:

An Act to add sections ninety-eight and ninety-nine to 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" authorizing and regulating the formation of a state association by prothonotaries and clerks of the court of quarter sessions and providing that certain expenses are to be paid by the counties

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

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 522, entitled:

An Act to amend section eight hundred one of the act approved the fifth day of May one thousand nine hundred thirty-three (P. L. 289) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by allowing the merger and consolidation of domestic and foreign nonprofit corporations

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. 757, entitled:

An Act to further amend sections five and sixteen of the act approved the thirty-first day of March one thousand eight hundred seventy-six (P. L. 13) entitled "An act to carry into effect section five of article fourteen of the Constitution relative to the salaries of county officers and the payment of fees received by them into the State

or county treasury in counties containing over one hundred and fifty thousand inhabitants" providing for the time of payment of salaries to county officers

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. 1118, entitled:

An Act to further amend section three hundred forty-eight 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" extending the provisions relative to the making of certain contracts and further regulating same

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. 1296, entitled:

An Act to promote the welfare and general well-being of the veterans of this Commonwealth creating a State Veterans' Authority as a body corporate and politic with power to purchase sell construct and administer real estate homes or farms in aid of veterans authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act further prescribing the powers and duties of said Authority and making an appropriation

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

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 194, entitled:

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation not authorized to transact business in Pennsylvania, and heretofore conveyed to a citizen or citizens of the United States or a corporation authorized to hold such real estate.

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 Senate Bill No. 246, entitled:

An Act relating to trusts heretofore or hereafter created primarily for the benefit of employes under any stock bonus, pension, disability or death benefit, profit-sharing or other employe-benefit plan, and the application with respect thereto of any statute or rule of law against perpetuities, accumulations, or the suspension of the power of alienation.

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 Senate Bill No. 250, entitled:

An Act permitting certain personnel, of State-owned mental hospitals to certify as to the condition of mental patients in lieu of attendance in person before any court in certain cases.

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 Senate Bill No. 311, entitled:

An Act to amend section four and subsection (a) of Section ten of the Act, approved the fifth day of August, one thousand nine hundred forty-one (P. L. 816) entitled "An act regulating and limiting the rights of slayers in real and personal property and in the benefits from insurance policies arising out of or as a result of the death of the person slain; protecting and saving the rights of purchasers and insurers dealing with slayers without notice of the slaying, and repealing certain legislation" by clarifying the wording thereof applicable when the slayer is a devisee, legatee, or appointee under the will of the person slain.

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 Senate Bill No. 318, entitled:

An Act validating and confirming titles to real estate conveyed by cities of the third class unless proceedings to attack such sales are instituted within one year after the effective date of this act

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 Senate Bill No. 334, entitled:

An Act to amend the act approved the second day of May one thousand nine hundred forty-five (P. L. 382) entitled "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities counties and townships prescribing the rights powers and duties of such Authorities heretofore or hereafter incorporated authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and conferring exclusive jurisdiction on certain courts over rates" by further providing for the incorporation of such Authorities and further prescribing the rights powers and duties of such Authorities

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

BILL RECOMMENDED

Mr. PROPERT. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Utilities for further study and possible amendment.

The motion was agreed to.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 370, entitled:

An Act validating charters of and amendments of the articles of incorporation of certain non-profit corporations incorporated under the Nonprofit Corporation Law.

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

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 492, entitled:

An Act to amend Section 2 of the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 227) entitled "An act authorizing stock corporations with certain exceptions to make provision for and to issue shares of capital stock of any classes or to change shares of authorized or outstanding capital stock of any class into one or more classes with or without nominal or par value and with such designations terms relative rights powers privileges preferences limitations restrictions and qualifications as may be specified regulating such corporations and the liabilities of their directors making other provisions relating to the capital and capital stock of such corporations and repealing all acts or parts of acts inconsistent herewith" by empowering subject to certain conditions the boards of directors of corporations to issue out of the authorized but unissued shares of capital stock the kinds and classes of shares so authorized regulating the creation and issuance of preferred or special stock in series and designating the variations in the relative rights and preferences as between different series and empowering subject to certain conditions the boards of directors of corporations as respects the authorized but unissued shares of preferred or special stock of the corporation to divide the same into series and subject to certain conditions and limitations to fix and determine the relative rights and preferences of any series so established

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 Senate Bill No. 515, entitled:

An Act to amend section three of the act approved the eleventh day of May one thousand nine hundred one (P. L. 166) entitled "An act providing for the commutation of sentences for good behavior of convicts in prisons penitentiaries workhouses and county jails of this State and regulations governing the same" changing the day on which monthly reports shall be forwarded to the Governor

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 Senate Bill No. 543, entitled:

An Act ratifying, confirming and validating certain sales of unused and unnecessary lands sold by any Board of School Directors.

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 Senate Bill No. 557, entitled:

An Act providing for and regulating the merger and consolidation of corporations organized for the transportation and storage of oil by means of pipe lines and tanks defining the rights and powers of the surviving or new

corporation providing for the service of process on foreign corporations and defining the rights of dissenting stockholders.

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

PERMISSION TO ADDRESS HOUSE

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

Mr. Speaker, those of you who read the Philadelphia Inquirer will notice that that newspaper is presently conducting an investigation of the new-used car racket in Philadelphia.

Last week we passed through this House and we passed finally on Monday a series of bills sponsored by the Speaker and the gentleman from Elk, Mr. Sorg, which will go a long way towards protecting the buyers of used cars and new cars in Pennsylvania as far as the interest on unpaid balances is concerned. These bills were the result of two years' study, and in my opinion are one of the finest sets of companion bills ever passed by this House of Representatives. I hope that they will go through the Senate without delay and I am sure that the Governor will sign them.

Nevertheless, we have a far more important problem which is rather an emergency. A racket has grown up throughout the State of Pennsylvania whereby a new car becomes a used car in about thirty seconds. The new car dealers instead of following the list of purchasers who are waiting for cars are simply turning these automobiles over to used car dealers or putting them on lots in Philadelphia and selling them to the public for anywhere from three hundred to one thousand dollars over the list price. We are trying to protect the bonafide buyers of automobiles and I believe we should try to protect the past buyers of automobiles, therefore I think it is imperative that an investigation take place at once by this House and the Senate.

Yesterday in conjunction with Mr. Root, the gentleman from Philadelphia, I introduced a concurrent resolution asking that the Speaker of the House appoint five Members and the President pro tempore of the Senate appoint three Members for the purpose of having an immediate investigation made to report back to this legislature on May 22nd for the purpose of having legislation passed through this session to get rid of this racket in Philadelphia and the rest of the State.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 83, entitled:

An Act to further amend subsection (a) of section six hundred fourteen of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties

upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by providing for the compulsory permanent revocation of operator's license on second conviction of operating a motor vehicle while under the influence of intoxicating liquor or narcotic or habit producing drug

The first section was read.

On the question,

Will the House agree to the section?

Mr. STUART offered the following amendments.

Amend Sec. 1, (Sec. 614), page 5, line 2, by striking out the word "second" and inserting in lieu thereof "third".

Amend sec. 1 (Sec. 614), page 5, line 4, by striking out the word "permanently".

Amend sec. 1 (Sec. 614), page 5, line 5, by inserting after the word "person" the following: "and such operating privilege shall not be restored within a period of three years after such conviction or plea entered. After the expiration of said three year period, an operator's license may be issued to such person upon proof submitted satisfactory to the secretary that the applicant has been cured and no longer becomes under the influence of intoxicating liquor or any narcotic or habit producing drug".

They were agreed to.

The section was agreed to as amended.

The title was read.

On the question,

Will the House agree to the title?

Mr. STUART offered the following amendments:

Amend title, page 2, 3rd from last line of title, by striking out the word "permanent" and inserting in lieu thereof "three year".

Amend title, page 2, 3rd from last line of title, by striking out the word "second" and inserting in lieu thereof "third".

They were agreed to.

The title was agreed to as amended.

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

Ordered, To be transcribed for a third reading.

THE SPEAKER (Franklin H. Lichtenwalter) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Venango, Mr. McKinney, for presiding.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. DAVID P. REESE asked and obtained permission for the Committee on Workmen's Compensation to meet during the session of the House.

HOUSE BILL No. 83

Mr. GOFF. Mr. Speaker, I would like to refer back to the last bill (House Bill 83), the amendments that

were read under (a) subsection. Does it call for a revocation on the third conviction in that amendment proposed?

The SPEAKER. The Chair would inform the gentleman that the amendment amends section one, section 614, page 5, line 2, by striking out the word "second" and inserting in lieu thereof the word "third".

Mr. GOFF. Then, Mr. Speaker, I gather there is no provision in this individual bill as amended for a conviction for a second offense, is that correct, Mr. Speaker?

The SPEAKER. If there is no objection the Chair would suggest to the gentleman from Beaver that he interrogate the sponsor of the bill, the gentleman from Allegheny County, Mr. Stuart.

Will the gentleman from Allegheny, Mr. Stuart, permit himself to be interrogated?

Mr. STUART. I will, Mr. Speaker.

Mr. GOFF. Mr. Speaker, am I to gather that under this amendment that has been submitted the gentleman deletes any punishment for a second conviction of an operator of a motor vehicle and has it apply on a third conviction, when this penalty will come into force?

Mr. STUART. Mr. Speaker, under the amendment of the bill the usual penalty for second offense would be inflicted, but for the third offense it would be a permanent revocation.

Mr. GOFF. Mr. Speaker, in other words, the second offense under this amendment would carry only the usual penalty that exists now?

Mr. STUART. That is correct, Mr. Speaker.

Mr. GOFF. Mr. Speaker, I can't go along and agree with this proposed amendment and I would ask the Members of the House to consider this amendment seriously before voting upon it.

We have had a move here to not penalize a driver who is convicted of an infraction of the Motor Vehicle Code upon the second offense, and only makes it punishable on the third offense. In other words, a man that commits the offense the second time of killing someone, maiming someone, is allowed to do so without any penalty. I ask this House to take that amendment under consideration.

Mr. STUART. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise? The Chair would inform the gentleman that this bill is not before the House, nor are the amendments. This bill has been disposed of.

Mr. GOFF. Mr. Speaker, on the third reading of this bill I will have the amendment read.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1062, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several

administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant-Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by further reorganizing the Department of Welfare and its boards and officers creating the Department of Mental Health prescribing its functions powers and duties and fixing salaries

The first, second, third and fourth sections were separately read and agreed to.

The fifth section was read.

On the question,

Will the House agree to the section?

Mr. BRUNNER offered the following amendments:

Amend sec. 5 (Sec. 207), page 17, lines 17, 18 and 19, by striking out all of said lines.

Amend sec. 5 (Sec. 207), page 18, lines 1 and 2, by striking out both of said lines.

On the question,

Will the House agree to the amendments?

Mr. ANDREWS. Mr. Speaker, I would like to have the sponsor of the amendments explain the theory of the changes that he is making, as the amendments are presented; to what extent they modify the theory of the bill as it appears on the calendar on second reading.

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

Mr. BRUNNER. I shall, Mr. Speaker.

I would like the gentleman from Cambria, Mr. Andrews, to repeat that request.

Mr. ANDREWS. To explain the nature and theory of the amendments that the gentleman is proposing, why they are being proposed, what the effect of them is, and to what extent it changes the theory of the bill as we have it at the present time upon the second reading calendar.

Mr. BRUNNER. Mr. Speaker, I would say there are three significant amendments, the others being in the category of form amendments.

The first amendment amends the requirement of the bill that the Secretary of Mental Health must have been a practicing physician for ten years and be in effect eligible, or in effect a psychiatrist. I think we can justify the elimination of this requirement on the grounds that there are only about twenty-five hundred psychiatrists in the United States, most of whom are busily engaged, and it may in effect be quite difficult for the Governor of the Commonwealth of Pennsylvania to obtain a qualified competent psychiatrist to act as Secretary of Mental Health at this time.

The second amendment deals with a provision in the original bill which required at least three of the members of the Board of Trustees to be women. I as sponsor saw no need for such a requirement. I thought if there were ten good women available in the locality the Governor would probably appoint the ten women, and vice versa. So far as making it mandatory upon him or anyone else to appoint at least three women to the Board of Trustees of the State Mental Institution, I thought it was an unfair restraint upon his power.

Now, Mr. Speaker, the third principal amendment deals with certain well recognized religious groups which in other states have operated hospitals or institutions for the mentally ill who have by their conduct of those hospitals in other states shown ability to cure the mentally ill. They have requested that they be exempt from the provisions of this act, being subject however to the requirements to which all institutions are subject, that they be generally acceptable to the standards of the present Department of Welfare or the new department of Mental Health.

I would say, Mr. Speaker, that in the main this is an explanation of the amendments which have been introduced. I would say also that they have been submitted to the Committee on State Government while the bills were in the House awaiting Committee approval, but that approval was given to the sponsor yesterday afternoon at the conclusion of yesterday's Session, and as a sponsor I am heartily for these amendments.

Mr. ANDREWS. Mr. Speaker, are these amendments drawn in the interest of all religious denominations or drawn in the interest of a particular constituency?

Mr. BRUNNER. Mr. Speaker, I think the House is entitled to a fair answer to that question. I was requested several weeks ago by representatives of the Christian Science Church to prepare amendments to this measure, whereby they, in the operation of their mental hospitals, would be exempt from the operation of this bill should it become a law. At that time I explained to them that the Commonwealth of Pennsylvania, so far as I knew, had at all times been fair and impartial and had at no time transgressed on their church functions. However, as a result of their fear that some future regulation might be made whereby they would be restricted in the operation of their own mental hospitals, should they see fit to have some in Pennsylvania, an amendment was prepared. After reading this amendment I informed the representative of that church that in my opinion the amendment was altogether too broad. The members of the House must realize that there is a constitutional prohibition against our inserting a specific amendment in favor of any particular church, and therefore of necessity we must make a broad, all inclusive provision. Under those circumstances a new amendment was prepared and submitted to the sponsor yesterday or the day before, I forget which, and I thought that it did act in a more restrictive manner than the one which had been submitted originally. I was of the opinion that it was acceptable and should be admitted to the bill.

Mr. ANDREWS. Mr. Speaker, under the amendment drawn would any cult, for instance, who would establish themselves as a religious denomination, like Father Divine—could any group organized as a religious group and for religious purposes, establish its own hospitals under the amendment as drawn?

Mr. BRUNNER. Mr. Speaker, I am of the opinion that if any of those groups which the gentleman mentioned are in the category of well recognized religious denominations, they likewise would be exempt by virtue of this amendment.

Mr. ANDREWS. Mr. Speaker, to what extent from accepted professional standards? What are the exceptions

from accepted professional standards in the case of a religious denomination?

Mr. BRUNNER. Will the gentleman yield until I get a copy of that particular amendment?

May I say to the gentleman from Cambria that I am informed there was a recent opinion, a court opinion, whereby I believe the State of New Jersey, if I am not mistaken, was deemed to have some two hundred and fifty-eight recognized churches or religious denominations. May I ask the gentleman from Allegheny County, Mr. Brown, to corroborate me, if I differ from the version of the facts of the case and of the court's opinion, because I understand he has read that particular opinion, and it was based upon what he told me informally yesterday that I give the gentleman this reply. This amendment, and I think it should be heard again by the Members of this House, says:

"Nothing in this article shall be construed to deny or revoke a license of an applicant or licensee because of the fact that the owner or occupant of the house, place, sanitarium or institution where mental patients reside, or the person having charge of such mental patient, is an adherent of and relies upon treatment by prayer or spiritual means, in accordance with the creed or tenets of any well recognized church or religious denomination. Provided the house, place, sanitarium or institution is lawfully, hygienic and properly maintained so as to afford safe custody."

Mr. ANDREWS. Mr. Speaker, one further inquiry—the amendment we are discussing is in addition to the bill as it appeared originally on the second reading calendar? This is a new statement, is it not?

Mr. BRUNNER. That is true, Mr. Speaker.

Mr. ANDREWS. Mr. Speaker, when we come to consider that particular amendment I would ask for a roll call.

The SPEAKER. The Chair would inform the gentleman from Cambria that the amendments we are now considering are to Section 5. There are also amendments to Section 9. The amendments to which the gentleman is referring are to Section 10. If the gentleman so desires we will have a roll call at that time.

Mr. BROWN. Mr. Speaker, may I ask to be recognized after you read Section 10?

The SPEAKER. Does the gentleman desire to have the amendments read again?

Mr. BROWN. No, I am conversant with the amendments, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

They were agreed to.

The sixth, seventh and eighth sections were separately read and agreed to.

The ninth section was read.

On the question,

Will the House agree to the section?

Mr. BRUNNER offered the following amendments:

Amend sec. 9 (Sec. 401), page 29, lines 2 and 3, by striking out the words "at least three of the members of the following boards of trustees shall be women and",

Amend sec. 9 (Sec. 401), page 29, line 4, by striking out the words "each of the said boards" and inserting in lieu thereof "the following boards of trustees",

Amend sec. 9 (Sec. 401), page 30, line 16, by striking out the words "Board of Trustees" and inserting in lieu thereof "The terms of the first appointees of the boards of trustees",

Amend sec. 9 (Sec. 401), page 30, lines 19 and 20, by striking out the words "shall include at least three women and the terms of the first appointees",

They were agreed to.

The section was agreed to as amended.

The tenth section was read.

On the question,

Will the House agree to the section?

Mr. BRUNNER offered the following amendment:

Amend Sec. 2108A, page 39, by inserting after line 19 the following:

(e) Nothing in this article shall be construed to deny or revoke a license of an applicant or licensee because of the fact that the owner or occupant of the house place sanitarium or institution where mental patients reside or the person having charge of such mental patients is an adherent of and relies upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denomination. Provided the house place sanitarium or institution is lawfully hygienic and properly maintained so as to afford safe custody.

On the question,

Will the House agree to the amendment?

Mr. BROWN. Mr. Speaker, in part answer to the gentleman from Cambria, Mr. Andrews, and to correct the record, in answer to the gentleman from Montgomery, Mr. Brunner, permit me to say to this House that this amendment gave the Committee a question of most serious consideration. We were cognizant of the fact that once the door is open the door must remain open, for there is no yard stick by which this Commonwealth can determine what is a well recognized religious sect or what is not.

The question referred to by the gentleman from Montgomery, Mr. Brunner, arose on the question or discussion of how far we could insert a clause of limitations, so that any religious sect could operate its own mental health sanitarium.

We referred, of course, in our discussion to the now famous decision in the New Jersey Parochial Schools transportation case, wherein the Learned Justice of the Supreme Court, Justice Rutledge, in his dissenting opinion said that once the door is open it is open to all organizations, and that there are in the United States, not in the State of New Jersey, according to Justice Rutledge, 258 religious organizations, and if the door is open to one it would be open to all.

In the light of that the gentleman from Montgomery, Mr. Brunner, and myself, at the direction of the Committee on State Government spent some time last evening with the very courteous representative of the Department of Justice, with the idea of trying to make words of limitation, so that the people of Pennsylvania would be protected. We regret to inform this House that as we understand the law, both from individual standpoints and from the standpoint of those more learned in the law than we are, such limitation cannot exist. We have inserted, or the gentleman from Montgomery has inserted a clause in here, that can be secured. It says "any well recognized organization." We submit to this House that it may be that clause is absolutely meaningless as a matter of law. As I said before, there is no yardstick by which this Commonwealth or any other Commonwealth or the

Congress of the United States can distinguish distinctly between one religious group and another.

Therefore, in answer to the gentleman from Cambria, Mr. Andrews, it is my opinion and I believe the gentleman from Montgomery concurs in it, that if the door is opened it must be open to all. Neither the gentleman from Cambria nor the gentleman from Montgomery nor myself nor any one else has the legal authority to determine for others their religious beliefs. And though they may not coincide they are protected under the Constitution of the United States, and in my opinion would have a right to come within this exception.

Mr. BRUNNER. Mr. Speaker, I wish to concur with the statements made by the gentleman from Allegheny Mr. Brown. When this particular amendment was finally submitted to me as the sponsor of this bill, I agreed to it for the purpose of submitting it to the committee on State Government which had released this particular bill from Committee with the provision that it should not move thru a second reading until amendments had been prepared and considered by the committee, the bill was finally acceptable to the Committee, and it would then move forward. Accordingly the amendment was submitted to the State Government Committee yesterday afternoon, as I informed the members of that Committee, and that Committee agreed to adopt and include this amendment. Under the circumstances I intend to vote "aye".

Mr. ANDREWS. Mr. Speaker, as the gentleman pointed out, there are at least two hundred fifty religious denominations or sects or groups operating in the country. Out of that two hundred and fifty I would not venture to guess how many are composed of people, all of whom should themselves be confined to mental hospitals. I am most emphatically opposed to the bit of legislation that would grant to people who I believe should be in mental hospitals, the right to start one. That is why I am opposed to this amendment.

Mr. BANE. 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 shall, Mr. Speaker.

Mr. BANE. Mr. Speaker, I should like to ask the gentleman from Allegheny in his discussion last evening with the Attorney General's office, whether or not an opinion was expressed in that office as to whether or not it was essential to the validity of the purpose of this bill that this proposed amendment be included?

Mr. BROWN. Mr. Speaker, may I say to the gentleman that the Attorney General's office does not pass on questions of policy. It is kind enough to pass on questions of law. Therefore in my answer I want the gentleman to understand that I am giving him a question of law and not a question of policy, so that the answer will not weigh upon the Members' minds as to how on a question of policy they should vote, for I would be misinterpreting the function of the Department of Justice. It is the opinion of one of the distinguished members of that staff with whom I consulted, and it is my opinion that no constitutional provision will be denied if all religious groups are included.

Mr. BANE. Mr. Speaker, I thank the gentleman from Allegheny.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Mr. Andrews and Mr. Bane and were as follows:

YEAS—143

Aaronson,	Goodling,	Madigan,	Scott,
Beech,	Greenwood,	Mazza,	Serrill,
Bender,	Greer,	McCosker,	Shoemaker,
Bentzel,	Griffiths,	McDonald,	Smith, C. C.,
Bonawitz,	Guthrie,	McKinney,	Snider,
Boorse,	Gyger,	McMillen,	Sollenberger,
Bower,	Hall,	Mihm,	Sorg,
Brice,	Haller,	Miller,	Stimmel,
Brown,	Haudenshield,	Mintess,	Stockham,
Brunner,	Helm,	Mohr,	Stonier,
Cadwalader,	Henry,	Moore, C. E.,	Stuart,
Cassidy,	Hewitt,	Moore, H. A.,	Thomassy,
Cole,	Hocker,	Morrison,	Thompson,
Cook,	Hoffman,	Myers,	Tittle,
Cordier,	Hoopes,	Najaka,	Toomey,
Crowley,	Horan,	Naumann,	Turner,
Dague,	Imbt,	Nelson,	Upshur,
Dalrymple,	Jennings,	O'Connor,	Vaughan,
Dayison,	Johnson,	Orban,	Verona,
De Long,	Johnston,	Patten,	Wachhaus,
Dennison,	Jones,	Pickens,	Waldron,
Deputy,	Jump,	Polaski,	Wallin,
Dix,	Kean,	Powers,	Walton,
Efenberg,	Kemp,	Price,	Waterhouse,
Elder,	Kent,	Propert,	Watson,
Ewing,	Kirley,	Ragot,	Weidner,
Feola,	Kline,	Readinger,	Weiss,
Fish,	Kohl,	Reese, D. P.,	Wescott,
Fiss,	Kratz,	Reilly, J. M.,	Wheeler,
Fleming,	Krise,	Reilly, W. J.,	Wood,
Foor,	Kurtz,	Richter,	Worley,
Frost,	Laughner,	Riley,	Yeakel,
Gallagher,	Lelsey,	Robbins,	Yester,
Getchey,	Livingston,	Robertson,	Young,
Gibson,	Livingstone,	Royer,	Lichtenwalter,
Goff,	Madden,	Sarraf,	Speaker.

NAYS—27

Andrews,	Chudoff,	Mills,	Scanlon,
Bane,	Cochran,	Mooney,	Smith, C. M.,
Barrett,	Evans,	Needham,	Sproul,
Boies,	Kelley,	O'Neill,	Stank,
Buchin,	Layer,	Petrosky,	Swope,
Capano,	Lovett,	Rosa,	Yetzer,
Chervenak,	Mikula,	Sax,	

NOT VOTING—35

Baumunk,	Flack,	Neff,	Simons,
Bloom,	Gorman,	O'Dare,	Tahl,
Brelschi,	Graybill,	O'Donnell,	Tompkins,
Clevenger,	Lee,	Pichney,	Trout,
Cooper,	Loftus,	Reagan,	Wagner,
Costa,	Lyons,	Reese, R. E.,	Watkins,
Demech,	McCormack,	Root,	West,
Dye,	McCullough,	Rowen,	Wolf,
Erb,	Murray,	Schuster,	

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

The tenth to sixteenth sections inclusive 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.

STUDENTS OF MOORE TOWNSHIP SCHOOL WELCOMED

The SPEAKER. The Chair is very pleased this afternoon to have as guests in the House eighth grade students of Moore Township Schools, Northampton County under

the supervision of Mr. John Topfer and Mr. Albert Leiby. They are the guests of the gentleman from Northampton County, Mr. Jones.

STUDENTS OF CENTER TOWNSHIP WELCOMED

The SPEAKER. The Chair is also pleased to welcome to the House this afternoon the School of Center Township, Perry County, who are present under the direction of Mr. Frank L. Fry, Mrs. Alice Gantt, Mrs. Mildred Sanderson, Mrs. Eda Campbell and Mr. Herman H. Heston. They are the guests of the gentleman from Perry, Mr. Toomey.

SENIOR CLASS OF LANCASTER MENNONITE SCHOOL WELCOMED

The SPEAKER. The Chair is also pleased to welcome to the House this afternoon the Senior Class of the Lancaster Mennonite School of Lancaster, under the direction of Mr. John S. Wenger and Clayton L. Keener. They are the guests of the gentlemen from Lancaster, Messrs. Royer, Murray and Wood.

APPOINTMENT OF MINORITY COMMITTEE

Mr. ANDREWS. Mr. Speaker, I would like to state for the purpose of the record that I am asking the gentleman from Allegheny, Mr. Brown, the gentleman from Berks, Mr. Readinger, and the gentleman from Fayette, Mr. Bane, to act as a committee to pass upon Senate amendments to House Bills. I feel in view of the devious ways of the other Chamber that it is necessary that I be fortified by expert advice in passing upon amendments.

BILLS ON SECOND READING

BILLS PASSED OVER

There being no objection,

Senate Bill No. 49, Printer's No. 46

Senate Bill No. 87, Printer's No. 243

Senate Bill No. 114, Printer's No. 21

Senate Bill No. 152, Printer's No. 245

Senate Bill No. 231, Printer's No. 221

Senate Bill No. 232, Printer's No. 56 and

Senate Bill No. 241, Printer's No. 76

were passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 282, entitled:

An Act to amend article IX of the act approved the fifth day of May one thousand nine hundred thirty-three (P. L. 457) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" by authorizing building and loan associations to grant chattel mortgages in certain cases.

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

Ordered, To be transcribed for third reading.

BILL PASSED OVER

There being no objection,
Senate Bill No. 335, Printer's No. 55
was passed over at the request of the SPEAKER.

Agreeably to order,
The House proceeded to the second reading and consideration of Senate Bill No. 381, entitled:

An Act to further amend subsection (f) of section four hundred forty-eight 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 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" increasing the number of members of The Advisory Board requiring one of such members to be a licensed dentist and one to be a licensed pharmacist

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

Ordered, To be transcribed for third reading.

BILLS PASSED OVER

There being no objection,
Senate Bill No. 419, Printer's No. 157
Senate Bill No. 433, Printer's No. 137
Senate Bill No. 478, Printer's No. 244 and
Senate Bill No. 487, Printer's No. 168
were passed over at the request of the SPEAKER.

BILL ON FINAL PASSAGE

BILL PASSED OVER

There being no objection,
House Bill No. 535, Printer's No. 543
was passed over at the request of Mr. SORG.

BILLS ON THIRD READING

Agreeably to order,
The House proceeded to the third reading and consideration of House Bill No. 37, as follows:

An Act defining and providing for the licensing and regulation of private schools conferring powers and imposing duties on the Department of Public Instruction and imposing penalties

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

Section 1 Wherever used or referred to in this act unless a different meaning clearly appears from the context

(a) "Private school" or "school" shall mean a school maintained or classes conducted for the purpose of

offering educational instruction for a conderation profit or tuition the purpose of which is to generally educate an individual or prepare an individual for higher education and shall nclude all schools of educaton except private trade schools private business schools and private correspondence schools

(b) "Solicitor" shall mean any person whether employed by a private school or operating in his own behalf or whether acting in behalf of any school located within or outside of this Commonwealth who shall personally solicit any individual within the Commonwealth to enroll in a school

(c) "Department" shall mean the Department of Public Instruction

Section 2 The provisions of this act shall not apply to colleges or universities schools maintained or classes conducted by employers for hteir own employes where no fee or tuition is charged schools or classes owned and operated by or under the authority of bona fide religious or eleemosynary institutions or by the Commonwealth of Peinnsylvania or any political subdivision thereof or schools accredited by accrediting associations approved by the State Council of Education

Section 3 The provisions of this act shall be administered by the Department of Public Instruction which in connection therewith shall have the power to make and to enforce rules and regulations and to make and promulgate standards of instruction not inconsistent with the provisions of this act The department may appoint an advisory committee of three or more members selected from persons active in the private school field whose duties shall be to advise and to make recommendations to the department regarding rules codes and other regulations for the licensing of schools and to make and to promulgate standards of qualifications for schools and agents so licensed

Section 4 No private school shall continue operation or be established within the Commonwealth unless such school shall within five (5) months of the effective date of this act apply for and obtain from the department a license in the manner and form prescribed by the department

Section 5 Before any license is issued a verified application shall be made in writing to the department on a form prepared and furnished by the department Such application shall require a statement showing (1) the title or name of the school or classes together with ownership and controlling officers thereof (2) the specific fields of instruction which will be offered (3) the place or places where such instruction will be given (4) a specific listing of the equipment available for instruction in each field (5) the maximum enrollment to be accommodated on equipment available in each specified field (6) the qualifications of instructors and supervisors in each specified field (7) financial resources available to equip and to maintain the school or classes (8) such additional information as the department may deem necessary to enable it to determine the adequacy of the program of instruction and matters pertaining thereto

Section 6 If the department finds that the application and the school or classes for which a license is sought complies with the provisions of this act and the rules and regulations of the department promulgated under the provisions of this act the department shall issue an original license to the applicant

Section 7 Any license issued shall be restricted to the fields or courses specifically indicated in the application for a license The holder of a license shall present a supplementary application as may be directed by the department for approval of additional fields or courses in which it is desired to offer instructions during the effective period of the license

Section 8 Each original license issued shall be effective for a period of one (1) year from the date of issuance and shall be renewed annually thereafter by an application for renewal on a form prepared and furnished by the department

Section 9 Each original application shall be accom-

panied by a license fee of fifty dollars (\$50) and each application for the renewal of a license shall be accompanied by a license fee of twenty-five dollars (\$25) No fee shall be charged for a supplementary application for the approval of additional fields of courses of instruction fees for solicitors shall be five dollars (5) per year all license fees shall be paid into the General Fund in the State Treasury through the Department of Revenue No license fees shall be refunded in the event any license is refused or revoked or for any other reason

Section 10 The department shall maintain a list of schools licensed under the provisions of this act which shall be available for the information of the public

Section 11 No private school or class shall be granted a license or shall be permitted to continue to operate under a granted license unless

(1) It shall permit the department and its representatives to inspect the school or classes and shall make available to the department at any time when requested to do so full information pertaining to any or all items of information contained in the application form which currently is provided by the department to applicants for license

(2) It shall prominently display the current approved license where it may be inspected by students visitors and designated officials of the department

(3) The advertising and representatives made by anyone representing the school or classes as a solicitor or contractual agent to prospective students shall be free from misrepresentation or fraud and shall conform with the rules and regulations of the department governing such advertising or representation

(4) The premises equipment and conditions of the school or classes shall be adequate safe and sanitary in accordance with standards of the Commonwealth of Pennsylvania applicable to such premise and equipment

Section 12 Any license issued under the provisions of this act may be revoked or suspended by the department for cause Before any license is suspended or revoked the department shall serve a notice thereof on the licensee together with a statement of the reason for its action and the licensee upon request therefor shall be entitled to a hearing before the department and shall be afforded a full opportunity to appear before the department or an authorized agent of the department to state his case and to produce such evidence as he shall deem necessary

Section 13 Any person who shall violate or fail to comply with any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than fifty (\$50) nor more than five hundred dollars (\$500) and to undergo imprisonment for a period of not less than six (6) months nor more than one (1) year If the violation shall be by a corporation partnership or association the officers and directors of such corporation or the members of such partnership or association its agents and employes with guilty knowledge of the fact shall also be guilty of a misdemeanor and upon conviction thereof shall be punished as hereinbefore provided

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—204

- | | | | |
|-----------|------------|-------------|---------------|
| Aaronson, | Gallagher, | McCosker, | Sax, |
| Andrews, | Getchey, | McCullough, | Scanlon, |
| Bane, | Gibson, | McDonald, | Schuster, |
| Barrett, | Goff, | McKinney, | Scott, |
| Baumunk, | Goodling, | McMillen, | Serrill, |
| Beech, | Gorman, | Mihm, | Shoemaker, |
| Bender, | Graybill, | Mikula, | Simons, |
| Bentzel, | Greenwood, | Miller, | Smith, C. C., |

- | | | | |
|-------------|--------------|----------------|----------------|
| Bloom, | Green, | Mills, | Smith, C. M., |
| Boies, | Griffiths, | Min'ess, | Snider, |
| Bonawitz, | Guthrie, | Mohr, | Sollenberger, |
| Boorse, | Cyger, | Mooney, | Sorg, |
| Bower, | Hall, | Moore, C. E., | Sproul, |
| Breisch, | Haller, | Moore, H. A., | Stank, |
| Brice, | Haudensheld, | Morrison, | Stimmel, |
| Brown, | Helm, | Murray, | Stockham, |
| Brunner, | Henry, | Myers, | Stonier, |
| Buchin, | Hewitt, | Najava, | Stuart, |
| Cadwalader, | Hocker, | Naumann, | Swope, |
| Capano, | Hoffman, | Needham, | Tahl, |
| Cassidy, | Hoopes, | Neff, | Thomassy, |
| Chervensak, | Horan, | Nelson, | Thompson, |
| Chudoff, | Imbt, | O'Connor, | Tittle, |
| Clevenger, | Jennings, | O'Dare, | Tompkins, |
| Cochran, | Johnson, | O'Donnell, | Toomey, |
| Cole, | Johnston, | O'Neill, | Turner, |
| Cook, | Jones, | Orban, | Upshur, |
| Cooper, | Jump, | Patten, | Vaughan, |
| Cordler, | Kean, | Petrosky, | Verona, |
| Costa, | Kelley, | Pichney, | Wachhaus, |
| Crowley, | Kemp, | Pickens, | Wagner, |
| Dague, | Kent, | Polaski, | Waldron, |
| Dairymple, | Kirley, | Powers, | Wallin, |
| Davison, | Kline, | Price, | Walton, |
| De Long, | Kohl, | Propert, | Waterhouse, |
| Demech, | Kratz, | Ragot, | Watkins, |
| Dennison, | Krise, | Readinger, | Watson, |
| Depuy, | Kurtz, | Reagan, | Weldner, |
| Dix, | Laughner, | Reese, D. P., | Wells, |
| Dye, | Layer, | Reese, R. E., | Wescott, |
| Ebenberg, | Lee, | Reilly, J. M., | West, |
| Elder, | Lelsey, | Reilly, W. J., | Wheeler, |
| Erb, | Livingston, | Richter, | Wolf, |
| Evans, | Livingstone, | Riley, | Wood, |
| Ewing, | Loftus, | Robbins, | Worley, |
| Feola, | Lovett, | Robertson, | Yeake, |
| Flsh, | Ivons, | Root, | Yester, |
| Fiss, | Madden, | Rose, | Yetzer, |
| Flack, | Madigan, | Rowen, | Young, |
| Fleming, | Mazza, | Royer, | Lichtenwalter, |
| Foor, | McCormack, | Sarraff, | Speake |
| Frost, | | | |

NAYS—0

NOT VOTING—1

Trout,

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

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

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 326, as follows:

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

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

Section 1 Licenses Necessary to Marry No person shall be joined in marriage within this Commonwealth until a marriage license shall have been first obtained from the clerk of the orphans' court of any county A license so issued shall authorize the marriage ceremony to be performed in the county where the license is issued or in any other county in this Commonwealth

Section 2 Application for License to Marry No license to marry shall be issued by any clerk of the orphans' court except upon written and verified application made by both of the parties intending to marry Such applications shall contain a statement of (a) the full christian name and surname and date of birth of the applicants (b) the color age occupation birth place and residence of the applicants (c) the full christian name and surname residence color occupation and birth place of their parents including the maiden name of the mothers (d) whether the marriage is the first second or other marriage (e) that neither of the applicants is afflicted with a trans-

missible disease (f) that each of the parties has submitted to an examination within thirty (30) days of the application for the license as to the existence or non-existence of syphilis and has presented a proper statement entitling him or her to a license to marry signed by a duly licensed physician and (g) such other facts as the Department of Health may deem necessary to determine whether any legal impediment to the proposed marriage exists

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

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

(a) Until there shall be in the possession of the clerk of the orphans' court a statement or statements signed by a duly licensed physician of the Commonwealth of Pennsylvania that each applicant within thirty (30) days of the application for the marriage license has submitted to an examination to determine the existence or nonexistence of syphilis which examination has included a standard serological test or tests for syphilis and that in the opinion of the examining physician the applicant is not infected with syphilis or if so infected is not a stage of that disease which is likely to become communicable The physician's statement shall be accompanied by a statement from the person in charge of the laboratory making the test or from some other person authorized to make such statement setting forth the name of the test the date it was made the name and address of the physician to whom a report was sent and the exact name and address of the person whose blood was tested but not setting forth the result of the test

(b) Unless at least one (1) of the applicants is identified to the satisfaction of the clerk of the orphans' court applied to for such license or unless at least one (1) of the applicants has attached thereto a certificate from the alderman magistrate notary public or justice of the peace before whom it was taken stating that the applicant was identified to the satisfaction of such officers

(c) If either of the applicants is under the age of twenty-one (21) years unless the consent of a parent or guardian shall be personally given before the clerk or be certified under the hand of a parent or guardian attested by two (2) adult witnesses and in the latter case the signature of the parent or guardian shall be acknowledged before an officer authorized by law to take acknowledgments When such a minor has no guardian and the judge of the orphans' court is absent or not accessible for any reason the clerk of the orphans' court or a duly appointed assistant clerk of said court may appoint a guardian pro hac vice for such minor

(d) If either applicant therefor be under the age of sixteen (16) years Provided That a judge of the orphans' court shall have discretion to authorize a license to be issued by the clerk of the orphans' court in special cases where one (1) or both of the applicants is under the age of sixteen (16) years

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

(f) If either applicant is or has been within five (5) years preceding the time of the application an inmate of any institution for the insane or home for indigent persons unless it satisfactorily appears that the cause for such condition has been removed and that the male applicant is able to support a family

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

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

was committed during the lifetime of the former husband or wife

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

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

Degrees of Consanguinity

- A man may not marry his mother
- Do.....do.....daughter
- Do.....do.....father's sister
- Do.....do.....mother's sister
- Do.....do.....sister
- Do.....do.the daughter of his son or daughter
- A woman may not marry her father
- Do.....do.....mother's brother
- Do.....do.....father's brother
- Do.....do.....brother
- Do.....do.....son
- Do.....do.....the son of her son or daughter
- A man may not marry his father's wife
- Do.....do.....son's wife
- Do.....do.....wife's daughter
- Do.....do.the daughter of his wife's son or daughter
- A woman may not marry her mother's husband
- Do.....do.....daughter's husband
- Do.....do.....husband's son
- Do.....do.the son of her husband's son or daughter

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

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

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

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

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

- (a) The legality of the contemplated marriage
- (b) Any prior marriage or marriages and its or their dissolution if by divorce a certified copy of the decree shall be produced and filed
- (c) All the information required to be furnished on the application for license as prepared by the Department of Health and
- (d) The restriction set forth in section four of this act

The application or applications shall thereupon be com-

pleted in accordance with such examination and duly sworn or affirmed and subscribed to by the applicant or applicants

Upon the completion of any application or applications taken before an alderman magistrate Notary Public or justice of the peace such application or applications shall be promptly transmitted to the clerk of the orphans' court of the county in which the license is to be issued There shall be attached to each application so forwarded a card that the applicant was identified to the satisfaction certificate of the officer before whom it was taken certify- of such officer

The clerk of the orphans' court wherein the application for license is filed when properly completed applications on behalf of each of the parties to the proposed marriage have been taken before him or duly forwarded to him by an alderman magistrate Notary Public or justice of the peace shall if there is no legal objection to the marriage grant a license Such license shall not be granted until three (3) days shall have intervened from the date of the filing in said office of the most recent of the two (2) applications therefore is received by or filed with the clerk of the orphans' court

The clerk of the orphan's court shall provide applica- tion blanks upon request to aldermen magistrates Notaries Public and justices of the peace and also blanks for cer- tifying the identification of applicants

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

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

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

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

Section 9 Form of Marriage Licenses Marriage Cer- tificates (a) The marriage license as issued by the clerk of the orphans' court shall not be valid for a longer period than sixty (60) days from the date of issue and shall be in form substantially as follows to wit

Commonwealth of Pennsylvania Marriage License Docket No

County of ss

To any person authorized by law to solemnize marriage You are hereby authorized to join together in marriage according to the laws of the Commonwealth of Pennsyl- vania A..... B..... of full age and never heretofore married and C..... D..... likewise of full age and never heretofore married

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

thousand A..... B..... Clerk

If either of said parties is not of full age of twenty-one (21) years then in lieu of the words "of full age" his or her age shall be stated and if either of said parties shall have been married previously to the issuing of such license then in lieu of the words "never previously mar- ried" the number of times he or she shall have been pre- viously married and the mode by which said prior mar- riage was or were dissolved shall be stated if by divorce the cause for which such divorce shall have been granted

(b) The license shall have appended to it two (2) certi- cates numbered to correspond with said license (one (1) marked original and one (1) marked duplicate) which shall be in form substantially as follows

I the understigned hereby certify that on the day of one thousand at Pennsylvania and were by me united in marriage in ac- cordance with license issued by clerk of the orphans' court of county Pennsylvania num- bered

(Signed) (Title of person solemnizing marriage)

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

Marriage License Docket To A B C D

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

Given under my hand and seal this day of A D 19.....

A B Clerk

In lieu of the certificate before set forth there shall be appended to such declaration two (2) certificates num- bered to correspond to the declaration of the clerk of the orphans' court in the following form

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

A B C D

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

D E E F

Section 11 Persons Qualified to Solemnize Marriages The chief justice and each justice of the Supreme Court the president judge and each judge of the Superior Court each judge of the court of common pleas judge of the orphans' court judge of a county court judge of a municipal court magistrate alderman justice of the peace mayor of any city and burgess of any borough of this Commonwealth and every minister priest or rabbi of any regularly established church or congregation is hereby authorized to solemnize marriages between such persons as produce a proper marriage license Every religious society religious institution or religious organization in this Commonwealth may join together in marriage such persons as are members of the sad society institution or organiza- tion or when one (1) of such persons is a member of such society institution or organization according to the rules and customs of the society institution to which they or either of them belong

Section 12 Returns of Marriage. The certificate marked "original" shall be given to the parties contracting the marriage and the certificate marked "duplicate" shall be given to the person or by a member of the religious society institution or organization solemnizing the marriage be duly signed and returned to the clerk of the orphans' court who issued the license within thirty (30) days after the solemnizing of said marriage. If the marriage was solemnized by the parties themselves the certificate marked "original" shall be signed by the parties to the marriage and be attested by two (2) witnesses and be retained by the parties contracting the marriage and the certificate marked "duplicate" shall be signed by the parties to the marriage and be attested by the same two (2) witnesses and be returned to the clerk of the orphans' court issuing the same within thirty (30) days.

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

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

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

Section 15 Marriages During Existence of Former Marriage. If a person during the life-time of a husband or wife with whom a marriage is in force enters into a subsequent marriage pursuant to the requirements of this act and the parties thereto live together thereafter as husband and wife and such subsequent marriage was entered into by one (1) or both of the parties in good faith in the full belief that the former husband or wife was dead or that the former marriage had been annulled or terminated by a divorce or without knowledge of such former marriage they shall after the impediment to their marriage has been removed by death of the other party to the former marriage or by annulment or divorce if they continue to live together as husband and wife in good faith on the part of one (1) of them be held to have been legally married from and after the removal of such impediment.

Section 16 Preparation of Forms Applications or Licenses to marry consent certificate statements of physicians and laboratories relative to examination for syphilis and marriage licenses shall be supplied to the clerk of the orphans' court by the county commissioners at the expense of the county and shall be uniform throughout the Commonwealth and specimen forms thereof as prepared by the Department of Health shall from time to time be furnished to the several clerks of the orphans' courts of this Commonwealth.

Section 17 Fees. The fee to be charged by the clerk of the Orphans' court in various counties for issuing a marriage license or declaration and for returns thereof to the Department of Health shall be two dollars and fifty cents (\$2.50) two dollars (\$2) of which shall be for the use of the clerk of the orphans' court of the County wherein such license is issued and fifty (50) cents for the use of the Commonwealth. Where either of the applicants for a license is under the age of twenty-one (21) years and the consent of a parent or guardian is necessary as herein provided the clerk of the orphans' court shall receive for his own use an additional fee of fifty (50) cents for recording the certificate of consent.

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

A magistrate alderman Notary Public or justice of the peace for services rendered by him under the provisions of this act shall be entitled to a fee of fifty (50) cents.

Section 18 Certified Copies of Records Evidence. A certified copy of the record of a marriage license under the hand of the clerk of the orphans' court and the seal of said court or under the hand of the Secretary of Health and the seal of the Department of Health shall be received in all courts of this Commonwealth as prima facie evidence of said marriage between the parties therein named.

Section 19 Penalties. (a) Any clerk of the orphans' court who shall wilfully issue a marriage license in any manner except as provided for in this act or who shall refuse or neglect to enter upon the marriage docket any marriage license application or any marriage license issued from his office immediately after it is issued or to enter any consent certificate or authorization of a judge of the orphans' court or shall fail to keep the marriage docket open for inspection or examination by the public or shall prohibit or prevent any person from making a copy or abstract of the entries in the marriage license docket for the purpose of publishing the same in any regularly published daily or weekly newspaper shall upon conviction in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars (\$50) and cost for each offense.

(b) Any applicant for a marriage license physician or representative of a laboratory who shall misrepresent any of the facts described by paragraph (a) of section four of this act or any licensing officer failing to receive the statements prescribed by said paragraph or who shall have reason to believe that any of the facts thereon have been misrepresented and shall nevertheless issue a marriage license or any person who shall disregard the confidential character of the information or reports required by said paragraph or any other person who shall otherwise fail to comply with the provisions of said paragraph shall upon conviction thereof in a summary proceeding in the county wherein such offense was committed be sentenced to pay a fine of not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) and the costs of prosecution and upon failure to pay such fine and costs shall be imprisoned not less than ten (10) nor more than thirty (30) days.

(c) Any person solemnizing a marriage who shall neglect or refuse to return the "duplicate" certificate of marriage to the clerk of the orphans' court within thirty (30) days after the marriage was solemnized shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of fifty dollars (\$50) and costs.

(d) If any person shall solemnize any marriage ceremony or shall be a party or an attesting witness to the same without the parties to the marriage having first obtained the proper license as provided for in this act he she or they so officiating contracting or attesting shall upon conviction in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars (\$50).

(e) Any person who shall knowingly perform a marriage ceremony between parties when either of said parties is intoxicated shall be guilty of a misdemeanor and upon conviction thereof shall pay a fine of fifty dollars (\$50) or be imprisoned not exceeding sixty (60) days or both.

(f) Any alderman magistrate Notary Public or justice of the peace who shall knowingly insert or permit to be inserted any false statement in any application for marriage license or who shall make any false certification that the applicant named in such application was satisfactorily indentified to him shall upon conviction in a summary proceedings be sentenced to pay a fine not exceeding fifty dollars (\$50) and costs.

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

Section 20 Statistics. Each clerk of the orphans' court shall furnish the Department of Health not later than the tenth day of each month with a transcript or record of each marriage license issued and of each return of the

celebration of a marriage received or filed in his office during the preceding calendar month

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

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

Section 21 Short Title This act shall be known and may be cited as the "Marriage Law"

Section 22 Repeals The following acts and parts of acts are hereby repealed as specifically indicated

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

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

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

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

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

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

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

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

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

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

third day of June one thousand eight hundred eighty-five" absolutely

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

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

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

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

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

The act approved the second day of May one thousand nine hundred twenty-five (P. L. 494) entitled "An act fixing the fee to be charged for the issuing of marriage licenses" absolutely

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

The act approved the seventh day of May one thousand nine hundred thirty-five (P. L. 152) entitled "An act to amend section one of the act approved the twenty-fourth day of July one thousand nine hundred thirteen (P. L. 1013) entitled 'An act regulating the issuance of licenses to marry prohibiting the issuance of such licenses to certain persons regulating the time during which licenses shall be valid and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court and prescribing the duties of the clerk of the orphans' court' by requiring three (3) days to elapse between the application for and the issuance of the license absolutely

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

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

Section 23 Effective Date The provisions of this act shall become effective the first day of January one thousand nine hundred forty-eight

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. READINGER. Mr. Speaker, this bill has a short history with which I would like to acquaint the Members of the House.

This legislation is a codification and a revision of the marriage laws of this Commonwealth, and was first introduced in the 1939 session. It stayed in committee that year, and in 1941 it was again introduced and was supported by the Federation of Women's Clubs in Pennsylvania. The legislation passed that year, was sent to the Governor's desk and was vetoed for the reason that at that time the bill not only abolished common-law marriages but it also contained a provision that any marriage under the age of 18 would be null and void. Since that time the objectionable feature of the bill has been removed. The law has been allowed to remain as it is at the present time, that marriages without the proper consent, and so forth, are simply voidable at the instance of some party and not void. The main change made in this legislation is to abolish common-law marriages.

As I imagine most of you know, a common-law marriage is consummated when a man and a woman otherwise single and eligible to be married live together as husband and wife and take each other as husband and wife by outward appearance, by having people who know them understand them to be husband and wife, and other evidence of such nature.

I suppose when Pennsylvania was a new state or prairie of some nature, transportation was bad, it was hard to get to the county seats, and there was a necessity for recognizing common-law marriages. Today those reasons no longer exist, and there are many other reasons why the courts should not be compelled to recognize common-law marriages. Not so many years ago we passed legislation providing that there should be a three-day waiting period between the time that the marriage license was issued and the time the parties were married. We also have on the statute books legislation relating to examination for syphilis. All of those things can be sidestepped if we are going to recognize common-law marriages, and we think the time has come when they should be abolished. The courts for years have been complaining that much fraud has been perpetrated in the workmen's compensation cases in which common-law marriage was asserted.

I would point out also that this bill does not affect any existing common law marriages. The bill does not become effective until January first of next year, and it only outlaws an attempted common law marriage after that date.

There are other minor amendments made in the law by this bill, none of which are of too great importance. You will recall that earlier in the session we passed House Bill 208 in this body, introduced by Representative Kenneth Wagner, which allowed the use of marriage licenses in any county in the Commonwealth. That change has also been made in this bill. This bill now conforms with the legislation we passed earlier in the session.

The Federated Women's clubs have deserted this matter. They don't seem to pay any attention to it any more. If it was a good idea in 1941 to try to bring into one

group the laws relating to marriage, I think it is still just as good an idea. The ladies are now engaged and are now very busy on the matter of reapportionment of the House and the Senate, and I think that they are going to take on a long job, so they do not have much time to spend on this legislation any longer.

At the end of the bill you will notice that many acts have been repealed or are being repealed. They date back to 1815. One of the reasons for passing a bill such as this is that it gives the layman an opportunity to pick up the law and find out what the law concerning marriages in Pennsylvania might be. Today he must go to a lawyer if he wants to find out what all the laws are or what particular laws might cover the problem he has, and that should not be necessary.

I hope that you gentlemen will give this bill your blessing and vote for it.

On the question recurring,

Shall the bill pass finally?

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

YEAS—159

Aaronson,	Gallagher,	Livingstone,	Robertson,
Andrews,	Getchey,	Loftus,	Rowen,
Bane,	Gibson,	Lyons,	Royer,
Barrett,	Goodling,	Madden,	Sax,
Baumunk,	Gorman,	Madigan,	Scott,
Beech,	Graybill,	Mazza,	Serrill,
Bender,	Greer,	McCosker,	Shoemaker,
Bentzel,	Griffiths,	McCullough,	Smith, C. C.,
Bloom,	Guthrie,	McDonald,	Smith, C. M.,
Boles,	Gyger,	McKinney,	Snider,
Bonawitz,	Hall,	McMillen,	Sollenberger,
Boorse,	Haller,	Miller,	Sorg,
Bower,	Helm,	Mills,	Sproul,
Breisch,	Henry,	Mintess,	Stimmel,
Brice,	Hewitt,	Mohr,	Stockham,
Brown,	Hocker,	Mooney,	Stuart,
Brunner,	Hoffman,	Moore, C. E.,	Swope,
Cadwalader,	Hoopes,	Moore, H. A.,	Thomassy,
Capano,	Horan,	Morrison,	Tittle,
Cassidy,	Imbt,	Murray,	Tompkins,
Cole,	Jennings,	Myers,	Toomey,
Cook,	Johnson,	Najaka,	Turner,
Cordler,	Johnston,	Naumann,	Upshur,
Costa,	Jones,	Nedham,	Wachhaus,
Crowley,	Jump,	Neff,	Walton,
Dague,	Kean,	Nelson,	Waterhouse,
Dalrymple,	Kelley,	O'Neill,	Watson,
De Long,	Kemp,	Orban,	Weidner,
Dennison,	Kent,	Patten,	Weiss,
Depuy,	Kirley,	Powers,	Wescott,
Dix,	Kline,	Price,	West,
Dye,	Kohl,	Propert,	Wheeler,
Efenberg,	Kratz,	Ragot,	Wolf,
Elder,	Krise,	Readinger,	Wood,
Ewing,	Kurtz,	Reese D. P.,	Yeakel,
Feola,	Laughner,	Rally, J. M.,	Yester,
Fish,	Layer,	Rally, W. J.,	Yetzer,
Fiss,	Lee,	Richter,	Young,
Flack,	Leisey,	Riley,	Lichtenwalter,
Frost,	Livingston,	Tobbins,	Speaker

NAYS—13

Buchin,	Evans,	Petrosky,	Vaughan,
Davison,	Lovett,	Polaski,	Waldron,
Erb,	O'Connor,	Stank,	Wallin,
			Worley,

NOT VOTING—33

Chervenak,	Greenwood,	Pickens,	Simons,
Chudoff,	Haudenshield,	Reagan,	Stonier,
Clevenger,	McCormack,	Reese, R. E.,	Tahl,
Cochran,	Mihm,	Root,	Thompson,
Cooper,	Mikula,	Rose,	Trout,
Demech,	O'Dare,	Sarraf,	Verona,
Fleming,	O'Donnell,	Scanlon,	Wagner,
Foor,	Pichney,	Schuster,	Watkins,
Goff,			

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.

LEAVE OF ABSENCE

By consent of the House leave of absence was granted as follows:

Mr. Fleming for Mr. COOPER for tomorrow because of death in the family.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

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

BILLS PASSED OVER

There being no objection,

House Bill No. 958, Printer's No. 432,

House Bill No. 1040, Printer's No. 397 and

House Bill No. 1043, Printer's No. 433

were passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1175, as follows:

An Act authorizing husbands and wives holding property as tenants by the entireties to pledge or give such property as security for the bond or obligation of a third person or for each other and providing that judgments entered upon default in any such bond or undertaking shall bind such property

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

Section 1 Whenever any husband and wife shall undertake to become surety for a third person who is permitted or required by law to make execute or give a bond or undertaking with security for the faithful performance of any duty or for the doing or not doing of anything in said bond or undertaking specified any property held by such husband and wife as tenants by the entireties may be given as the security required for such bond or undertaking and shall be bound by any judgment entered on said bond or undertaking by reason of a default thereon

Section 2 Whenever any husband or wife shall undertake to become surety for the other spouse who is permitted or required by law to make execute or give a bond or undertaking with security for the faithful performance of any duty or for the doing or not doing of anything in said bond or undertaking specified any property held by such husband and wife as tenants by the entireties may be given as the security required for such bond or undertaking the spouse required or permitted by law to give such bond or undertaking shall be the principal thereof and the other spouse shall be the surety thereof Any property so given as security for such bond or undertaking shall be bound by any judgment entered on such bond or undertaking by reason of a default thereon.

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

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TOMPKINS. Mr. Speaker, I would like to interrogate the gentleman from Washington, Mr. Capano.

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

Mr. CAPANO. I shall, Mr. Speaker.

Mr. TOMPKINS. Mr. Speaker, I would like to know the purpose of this bill.

Mr. CAPANO. Mr. Speaker, the purpose of the bill is to allow a husband and wife who hold property by entireties to go bond for themselves or for others, which they cannot do under the present law.

Mr. TOMPKINS. Mr. Speaker, is the purpose of the bill principally limited to that of going bail for others?

Mr. CAPANO. For themselves or others, Mr. Speaker.

Mr. TOMPKINS. I thank the gentleman from Washington.

Mr. Speaker, it has always been a rule of law that a man could do with his property as he saw fit, either go surety or guarantor for another or as an accommodation maker. In the 1945 session of this legislature we also authorized a married woman to deal with her separate property as she saw fit. This is a bill dealing with neither one of those estates but dealing with a joint estate that exists between a man and wife. Such estates are estates established through the joint efforts of the man and wife.

The principal purpose of this bill is to permit parents to go bail for their children when they get themselves involved in the clutches of the law. For every one that might be benefited by it, I believe there are twelve or fifteen who would like to see the law stand as it is. You know and I know that the average individual when he is approached by friends, to become endorser for them, go bond or bail for them, do not like to refuse and cannot refuse.

It has been my personal experience through a number of years that people will come to my office before they will go bail for a person and find out whether or not the property is in their joint names, and if they find out that the property is in their joint names they do not care to go bail. They would call me afterwards and thank me for the advice which I had given them to the effect that the property was in their joint name, and they therefore refused to go bail.

I think we will open the door to a lot of practices that I do not believe a man and a wife would care to be subjected to, regarding the joint estate, which they have earned by their joint efforts and which they desire to have preserved for their joint efforts. For that reason I don't believe we should open that door.

Mr. ANDREWS. Mr. Speaker, this bill serves to emphasize the difference between the lively intelligence on this side of the House and the blind follow-your-leader disposition on the other side of the House. We are over here subject to persuasion. We are able to appreciate the value of argument; we can be convinced.

I am inclined to agree with the gentleman who has just spoken. This is not only an unnecessary bill but probably a bad bill, and I want to thank him for having called the attention of this House to the measure. I hope that as this Session goes along it will be possible to find at least some response over on the other side of this House to an appeal to reason.

Mr. CAPANO. Mr. Speaker, I introduced this bill at

the request of a number of lawyers in Washington County. It has been my experience that many times parents will have children get into difficulty and they have no means of going bond for them when they have their property in both their names, and they must submit themselves to bondsmen who charge enormous prices. What good is a person's property if he cannot use it for his own benefit or for his own family?

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:

YEAS—51

Bentzel,	Feola,	Naumann,	Relly, W. J.,
Bower,	Greer,	Needham,	Rowen,
Brunner,	Guthrie,	Nelson,	Smith, C. C.,
Bucchin,	Jones,	O'Connor,	Smith, C. M.,
Capano,	Kean,	O'Dare,	Snider,
Cassidy,	Loftus,	Orban,	Swope,
Chudoff,	Mazza,	Patten,	Wallin,
Cole,	McCosker,	Petrosky,	Weiss,
Costa,	McDonald,	Pichney,	Wheeler,
Crowley,	McKinney,	Pickens,	Worley,
Dalrymple,	Milhm,	Polaski,	Yester,
Dye,	Mohr,	Powers,	Yetzer,
Erb,	Myers,	Price,	

NAYS—112

Andrews,	Goodling,	Livingston,	Sollenberger,
Barrett,	Gorman,	Livingstone,	Sorg,
Baumunk,	Graybill,	Lovett,	Sproul,
Beech,	Greenwood,	Lyons,	Stank,
Bender,	Griffiths,	Madden,	Stimmel,
Bonawitz,	Gyger,	Madigan,	Stockham,
Boorse,	Hall,	McMillen,	Stonier,
Brice,	Haller,	Miller,	Stuart,
Brown,	Haudensheld,	Mintess,	Thomassy,
Cadwalader,	Henry,	Moore, C. E.,	Tittle,
Chevernak,	Hocker,	Murray,	Tompkins,
Clevenger,	Hoffman,	Najaka,	Turner,
Cook,	Hoopes,	Neff,	Upshur,
Cordier,	Horan,	O'Neill,	Vaughan,
Dague,	Jennings,	Ragot,	Verona,
Davidson,	Johnson,	Reese, D. P.,	Wachhaus,
De Long,	Johnston,	Relly, J. M.,	Wagner,
Efenberg,	Kelley,	Richter,	Waldron,
Elder,	Kent,	Riley,	Waterhouse,
Fish,	Kirley,	Robbins,	Watkins,
Flack,	Kline,	Robertson,	Watson,
Fleming,	Kohl,	Rose,	Weidner,
Foor,	Kratz,	Royer,	Wescott,
Frost,	Krise,	Sarraf,	Wolf,
Gallagher,	Kurtz,	Sax,	Wood,
Getchey,	Laughner,	Scott,	Yeakel,
Gibson,	Layer,	Serrill,	Young,
Goff,	Lelsey,	Shoemaker,	Lichtenwalter,
			Speaker.

NOT VOTING—42

Aaronson,	Evans,	Mikula,	Root,
Bane,	Ewing,	Mills,	Scanlon,
Bloom,	Fiss,	Mooney,	Schuster,
Boles,	Helm,	Moore, H. A.,	Simons,
Brelsch,	Hewitt,	Morrison,	Tahl,
Cochran,	Imbt,	O'Donnell,	Thompson,
Cooper,	Jump,	Propert,	Toomey,
Demech,	Kemp,	Readinger,	Trout,
Dennison,	Lee,	Reagan,	Walten,
Deputy,	McCormack,	Reese, R. E.,	West,
Dix,	McCullough,		

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

BILL PASSED OVER

There being no objection,
House Bill No. 1214, Printer's No. 530
was passed over at the request of Mr. FLEMING.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1225, as follows:

An Act to further amend the fifth paragraph of section four hundred seven 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 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 officers and of the several administrative departments 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 further providing for the terms of legislative members of the Pennsylvania Aeronautics Commission

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

Section 1 The fifth paragraph of section four hundred seven 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 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 last amended by the act approved the fifteenth day of May one thousand nine hundred forty-five (P. L. 542) is hereby further amended to read as follows

Section 407 Pennsylvania Aeronautics Commission

The non-legislative members of the commission first appointed under this act [and the legislative members first appointed] shall continue in office for terms of one two three and four years respectively and until their respective successors shall be duly appointed and shall have qualified but their successors shall be appointed for terms of four years Each legislative member shall be appointed for a term to expire with his concurrent term as a legislator and shall serve until his successor is appointed and qualified unless he shall not be elected for the next succeeding term as a member of the General Assembly in which case a vacancy shall occur

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—204

- | | | | |
|-------------|---------------|----------------|----------------|
| Aaronson, | Gallagher, | McCullough, | Sax, |
| Andrews, | Getchey, | McDonald, | Scanlon, |
| Bane, | Gibson, | McKinney, | Schuster, |
| Barrett, | Coff, | McMillen, | Scott, |
| Baumunk, | Goodling, | Mihm, | Serrill, |
| Beech, | Gorman, | Mikula, | Shoemaker, |
| Bender, | Graybill, | Miller, | Simons, |
| Bentzel, | Greenwood, | Mills, | Smith, C. C., |
| Bloom, | Greer, | Mintess, | Smith, C. M., |
| Boles, | Griffiths, | Mo'ir, | Snider, |
| Bonawitz, | Guthrie, | Mooney, | Sollenberger, |
| Boorse, | Gyger, | Moore, C. E., | Sorg, |
| Bower, | Hall, | Moore, H. A., | Sproul, |
| Bretsch, | Haller, | Morrison, | Stank, |
| Brice, | Haudenshield, | McCosker, | Stimmel, |
| Brown, | Helm, | Murray, | Stockham, |
| Brunner, | Henry, | Myers, | Stonier, |
| Bucchin, | Hewitt, | Najaka, | Stuart, |
| Cadwalader, | Hoeker, | Naumann, | Swope, |
| Capano, | Hoffman, | Needham, | Tahl, |
| Cassidy, | Hoopes, | Neff, | Thomassy, |
| Chervenak, | Horan, | Nelson, | Thompson, |
| Chudoff, | Imbt, | O'Connor, | Tittle, |
| Clevenger, | Jennings, | O'Dare, | Tompkins, |
| Cochran, | Johnson, | O'Donnell, | Toomey, |
| Cole, | Johnston, | O'Neill, | Turner, |
| Cook, | Jones, | Orban, | Upshur, |
| Cooper, | Jump, | Patten, | Vaughan, |
| Cordier, | Kean, | Petrosky, | Verona, |
| Costa, | Kelley, | Pichney, | Wachhaus, |
| Crowley, | Kemp, | Pickens, | Wagner, |
| Dague, | Kent, | Polaski, | Waldron, |
| Dairymple, | Kirley, | Powers, | Wallin, |
| Davison, | Kline, | Price, | Walton, |
| De Long, | Kohl, | Propert, | Waterhouse, |
| Demech, | Kratz, | Ragot, | Watkins, |
| Dennison, | Krise, | Readinger, | Watson, |
| Depuy, | Kurtz, | Reagan, | Weldner, |
| Dix, | Laughner, | Reese, D. P., | Wells, |
| Dye, | Layer, | Reese, R. E., | Wescott, |
| Efenberg, | Lee, | Reilly, J. M., | West, |
| Elder, | Lelsey, | Rilly, W. J., | Wheeler, |
| Erb, | Livingston, | Richter, | Wolf, |
| Evans, | Livingstone, | Riley, | Wood, |
| Ewing, | Loftus, | Robbins, | Worley, |
| Feola, | Lovett, | Robertson, | Yeakel, |
| Fish, | Lyons, | Root, | Yester, |
| Fiss, | Madden, | Rose, | Yetzer, |
| Flack, | Madigan, | Rowen, | Young, |
| Fleming, | Mazza, | Royer, | Lichtenwaller, |
| Foor, | McCormack, | Sarra, | Speaker. |

NAYS—0

NOT VOTING—1

Trout,

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 PASSED OVER

There being no objection,

House Bill No. 1230, Printer's No. 461 and

Senate Bill No. 47, Printer's No. 73

were passed over at the request of the SPEAKER.

REPORTS FROM COMMITTEES

Mr. GYGER from the Committee on Education, reported as committed, House Bill No. 125, entitled:

An Act to amend subsection fourteen of section one thousand two hundred nine point one of the act, approved the eighteenth day of May, one thousand nine hundred

eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," permitting boards of school directors to grant temporary increases in salaries from time to time.

Mr. STOCKHAM from the Committee on Appropriations, reported as amended, House Bill No. 577, entitled:

An Act making a deficiency appropriation to aid certain school districts.

Mr. WOOD from the Committee on Appropriations, reported as amended, House Bill No. 1100, entitled:

An Act directing the county commissioners of each county to prepare, certify, and deliver to the Department of Public Instruction at stated intervals a certified list of all real estate conveyances or transfers within such county stating the value of Federal tax stamps affixed to the deed for such conveyance or transfer and the assessed valuation for county tax purposes of such real estate providing for reimbursement to the county by the Department of Public Instruction for such lists and making an appropriation.

Mr. HOFFMAN from the Committee on Mines and Mining, reported as amended, House Bill No. 305, entitled:

An Act to reenact and further amend section one of the act approved the second day of June one thousand eight hundred and ninety-one (P. L. 176) entitled "An act to provide for the health and safety of persons employed in and about the anthracite coal mines of Pennsylvania and for the protection and preservation of property connected therewith" requiring mine inspectors to inspect mines where from two to five persons are employed or engaged in work providing for the correction of unsafe conditions in and unsafe operation of such mines and for remedies to close such mines until such conditions are corrected and providing penalties.

Mr. HELM from the Committee on Education, reported as committed, Senate Bill No. 309, entitled:

An Act to further amend subsection (e) of section three of the act approved the first day of August, one thousand nine hundred forty-one (P. L. 744), entitled "An act requiring school boards in all school districts and board of directors of all vocational school districts to grant leaves of absence to all school employes who shall volunteer or be called for military or naval service in time of war or during a state of national emergency; preserving certain contracts, salaries, increments, retirement rights, seniority, State contributions and grants to local school boards, eligibility lists, reemployment; authorizing school boards and boards of directors of vocational schools to employ substitutes in place of such employes; requiring school districts and vocational school districts to make additional payments into the School Employees' Retirement Fund; reserving all rights and privileges of employes granted leaves of absence under the provisions herein, and superceding or repealing all contrary laws" by providing that former school employes who entered the military or naval service may obtain credit for such period of service when they return to school service.

Mr. HOFFMAN from the Committee on Mines and Mining, reported as amended, Senate Bill No. 601, entitled:

An Act to further amend section five of article three of the act, approved the ninth day of June, one thousand nine hundred eleven (P. L. 756), entitled "An act to pro-

vide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," by further regulating barrier pillars.

Mr. JENNINGS from the Committee on Aeronautics reported as amended, House Resolution No. 34.

FORMER MEMBER WELCOMED

The SPEAKER. The Chair is very pleased to welcome to the Hall of the House this afternoon a former Member from Cumberland County, Dr. Shearer.

ANNOUNCEMENTS

The SPEAKER. The Chair desires to announce a caucus of the Republican Members immediately after the recess in the New House Caucus Room.

Mr. ANDREWS. Mr. Speaker, I desire to announce a caucus of the Democratic Members immediately after recess in the Old House Caucus Room.

RECESS

The SPEAKER. If there is no objection, the Chair will declare a recess until 2:30 p. m. Eastern Standard Time. The Chair hears none, and a recess is declared.

AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER (Franklin H. Lichtenwalter) in the Chair.

SENATE MESSAGES

RESOLUTIONS CONCURRED IN BY SENATE

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

In the House of Representatives, May 7, 1947.

Resolved, (if the Senate concurs), That House Bill No. 1148, Printer's No. 371, entitled "An act to further amend section one thousand four of the act approved the fifteenth day of May, one thousand nine hundred thirty-three (P. L. 624), entitled 'An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers, of private bankers and of the officers, directors, trustees, shareholders, attorneys and other employes of all such corporations or private bankers or of affiliated corporations, associations or persons; restricting the exercise of banking powers by any other corporation, association or person and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds and certain State departments, commissions and officers; imposing penalties and repealing certain acts and parts of acts,' further regulating the pledge of assets for deposits," be recalled from the Governor for the purpose of amendment.

The Clerk of the Senate being introduced, informed

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

In the House of Representatives, May 5, 1947.

Resolved (if the Senate concurs), That House Bill No. 35, Printer's No. 442, entitled "An act to further amend the act approved the twenty-fifth day of July one thousand nine hundred thirteen (P. L. 1024) entitled 'An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof' changing hours of labor and restrictions relative to age in certain employments and extending provisions to include additional persons," be recalled from the Governor for further consideration.

RESOLUTION RECALLING SENATE BILL NO. 148 FROM GOVERNOR

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

In the Senate, May 6, 1947.

Resolved (if the House of Representatives concur), That Senate Bill No. 148, Printer's No. 146, entitled "An act to amend the act approved the fifth day of June one thousand nine hundred thirty-seven (P. L. 1703) entitled 'An act relating to criminal prosecutions, limiting cases of the Commonwealth' providing for the disposition of demurrers by defendants at the close of the trial of cases where evidence has been improperly admitted and the court has failed to sustain the demurrer at the close of the Commonwealth's case," be recalled from the Governor for the purpose of amendment.

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

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILLS CONCURRED IN BY SENATE

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

HOUSE BILL No. 538.

An Act to further amend 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" creating a County Transit and Traffic Commission in counties of the second class providing for its membership and defining its powers and duties

HOUSE BILL No. 659.

An Act to further amend section twenty-three of the hundred eighty-nine (P. L. 420), entitled "A further act, approved the first day of June, one thousand eight hundred and eighty-nine, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by increasing for a further limited period of time the

rate of tax imposed upon the gross receipts of certain companies, limited partnerships, associations, joint-stock associations, copartnerships and persons by making further provisions for the report and payment of the tax and by further defining gross receipts.

HOUSE BILL No. 661.

An Act to reenact and amend the title and the act approved the ninth day of June one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six P. L. 13) entitled "An act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board" as previously reenacted and amended by extending the provisions thereof for a further limited period of time

HOUSE BILL No. 663.

An Act to further amend section three of the act approved the fifth day of May one thousand nine hundred three (P. L. 284) entitled as amended "An act imposing a State tax payable by those herein defined as manufacturers and by others on malt or brewed beverages used sold transported or delivered within the Commonwealth prescribing the method and manner of evidencing the payment and collection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale or in the transportation of malt or brewed beverages taxable hereunder and providing penalties" by temporarily increasing the rates of certain taxes

HOUSE BILL No. 665.

An Act to reenact and amend the title and the act approved the sixteenth day of May one thousand nine hundred thirty-five (P. L. 208) entitled as amended "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties" as previously reenacted and amended by extending the provisions of the act for a further limited period of time and by disallowing any deduction for net operating losses

HOUSE BILL No. 666.

An Act to further amend section twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" postponing the manufacturing exemption with regard to capital stock tax and the franchise tax on domestic and foreign corporations jointstock associations limited partnerships and companies

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

BILLS SIGNED BY SPEAKER

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

SENATE BILL No. 1

An Act to further amend section three hundred forty-one of the act approved three seventeenth day of May one thousand nine hundred twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" further defining and amplifying the powers of foreign insurance companies with relation to real property in this Commonwealth

SENATE BILL No. 2.

An Act to further amend the act approved the seventeenth day of May one thousand nine hundred twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" repealing sections four hundred four four hundred five and four hundred six thereof and adding new sections restating and changing requirements relating to the investment of the capital reserves and surplus of and relating to the real estate which may be held by life insurance companies and authorizing agreements between or among insurance companies concerning ownership and control of real estate.

SENATE BILL No. 109.

An Act to amend section one of the act, approved the tenth day of April, one thousand nine hundred forty-five (P. L. 187), entitled "An act to provide for the receiving, as evidence in any court, office, or other place in this State, official findings, records, reports, or certified copies thereof of death presumed death, missing, or other status issued by the Secretaries of War and Navy, and other Federal officers and employees," providing that official statements of missing in action shall be prima facie evidence of death of the person therein named.

SENATE BILL No. 221.

An Act to add section sixteen point one of the act, approved the seventeenth day of June, one thousand nine hundred 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 extending the time for payment of the tax without interest in certain cases; staying distraint or execution on such taxes; and requiring counties to make certain refunds.

Whereupon,

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

SENATE MESSAGE

The Clerk of the Senate being introduced, presented

extracts from the Journal of the Senate:
Senate Bill for concurrence 593.

STUDENTS FROM UPPER MAHANOHY HIGH SCHOOL WELCOMED

The SPEAKER. The Chair is pleased to have as guests this afternoon pupils from the Upper Mahanoy High School at Leck Kill, under the direction of Mr. Walter E. Boyer, principal. They are the guests of the gentleman from Northumberland, Mr. Kemp.

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. 48.

An Act to add clause XLIX to section one thousand five hundred two of the act approved the twenty-fourth day of June, one thousand nine hundred thirty-one. (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," authorizing acquisition of property for, and establishment and maintenance of parking lots.

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

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 2, line 11, by inserting after the word "gift" the word "or", and by striking out after the word "purchase" the words "or condemnation proceedings"; page 3, lines 5, 6, 7, 8 and 9, by striking out after the word "prescribed" the following: "the provisions of this clause shall not authorize the condemnation of property belonging to or used as a cemetery or place of public worship or property of a public utility company or of any public or parochial school or of any educational or charitable institution".

On the question,

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

Mr. SORG. Mr. Speaker, I request that the House concur in the amendments inserted by the Senate.

Mr. ANDREWS. Mr. Speaker, I do not want to ask for a roll call, yet I don't want to be regarded as being in favor of these amendments. So maybe the record will do by this statement. I do not favor these amendments, and the Minority group does not favor these amendments.

The SPEAKER. Does the gentleman wish to be recorded as voting "no" on House Bill 48?

Mr. ANDREWS. That would necessitate a roll call, Mr. Speaker, which I do not want to take the time of the House to do. I simply want to have my statement appear on the record.

On the question recurring,

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

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

YEAS—202

- | | | | |
|-------------|--------------|----------------|----------------|
| Aaronson, | Gallagher, | McCullough, | Scanlon, |
| Bane, | Getchey, | McDonald, | Schuster, |
| Barrett, | Gibson, | McKinney, | Scott, |
| Baumunk, | Goff, | McMillen, | Serrill, |
| Beech, | Goodling, | Mihm, | Shoemaker, |
| Bender, | Gorman, | Mikula, | Simons, |
| Bentzel, | Graybill, | Miller, | Smith, C. C. |
| Bloom, | Greenwood, | Mills, | Smith, C. M., |
| Boles, | Greer, | Mintess, | Snider, |
| Bonawitz, | Griffiths, | Mohr, | Sollenberger, |
| Boorse, | Guthrie, | Mooney, | Sorg, |
| Bower, | Gyger, | Moore, C. E., | Sproul, |
| Brelsch, | Hall, | Moore, H. A., | Stank, |
| Brice, | Haller, | Morrison, | Stimmel, |
| Brown, | Haudensheld, | Murray, | Stockham, |
| Brunner, | Helm, | Myers, | Stonier, |
| Bucchin, | Henry, | Najaka, | Stuart, |
| Cadwalader, | Hewitt, | Naumann, | Swope, |
| Capano, | Hocker, | Needham, | Tahl, |
| Cassidy, | Hoffman, | Neff, | Thomassy, |
| Chervenak, | Hoopes, | Nelson, | Thompson, |
| Chudoff, | Horan, | O'Connor, | Tittle, |
| Clevenger, | Imbt, | O'Dare, | Tompkins, |
| Cochran, | Jennings, | O'Donnell, | Toomey, |
| Cole, | Johnson, | O'Neill, | Turner, |
| Cook, | Johnston, | Orban, | Upshur, |
| Cooper, | Jones, | Patten, | Vaughan, |
| Cordier, | Jump, | Petrosky, | Verona, |
| Costa, | Kean, | Pichney, | Wachhaus, |
| Crowley, | Kelley, | Pickens, | Wagner, |
| Dague, | Kemp, | Polaski, | Waldron, |
| Dalrymple, | Kent, | Powers, | Wallin, |
| Davison, | Kirley, | Price, | Walton, |
| De Long, | Kline, | Propert, | Waterhouse, |
| Demech, | Kohl, | Ragot, | Watkins, |
| Dennison, | Kratz, | Readinger, | Watson, |
| Depuy, | Krise, | Reagan, | Weldner, |
| Dix, | Kurtz, | Reese, D. P., | Weiss, |
| Dye, | Laughner, | Reese, E. E., | Wescott, |
| Efenberg, | Layer, | Reilly, J. M., | West, |
| Elder, | Lee, | Reilly, W. J., | Wheeler, |
| Erb, | Leisey, | Richter, | Wolf, |
| Evans, | Livingston, | Riley, | Wood, |
| Ewing, | Livingstone, | Robbins, | Worley, |
| Feola, | Loftus, | Robertson, | Yeakel, |
| Flsh, | Lyons, | Root, | Yester, |
| Flss, | Madden, | Rose, | Yetzer, |
| Flack, | Madigan, | Rowen, | Young, |
| Fleming, | Mazza, | Royer, | Lichtenwalter, |
| Foor, | McCormack, | Sarrafa, | Speaker. |
| Frost, | McCosker, | Sax, | |

NAYS—2

- Andrews, Lovett,

NOT VOTING—1

- Trout,

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

Ordered, That the Clerk inform the Senate accordingly.

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

HOUSE BILL No. 785.

An Act to further amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions

and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by creating the Public Service Institute Board in the Department of Public Instruction and defining its powers and duties.

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

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

Amend Section 1, page 3, line 19 by striking out after the word "boards" the word "commission" and inserting in lieu thereof the word "commissions";

Amend section 2, page 7, line 3, by inserting after the word "duties" the words "which shall not exceed the sum of ten dollars (\$10) per diem and mileage";

Amend section 3, page 8, line 1, by striking out after the first word "and" the word "expand" and insert in lieu thereof the word "expend".

On the question,

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

Mr. SORG. Mr. Speaker, I request that 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:

YEAS—204

- | | | | |
|-------------|---------------|---------------|---------------|
| Aaronson, | Gallagher, | McCosker, | Sax, |
| Andrews, | Getchey, | McCullough, | Scanlon, |
| Bane, | Gibson, | McDonald, | Schuster, |
| Barrett, | Goff, | McKinney, | Scott, |
| Baumunk, | Gooding, | McMillen, | Serrill, |
| Beech, | Gorman, | Mihm, | Shoemaker, |
| Bender, | Graybill, | Mikula, | Simons, |
| Bentzel, | Greenwood, | Miller, | Smith, C. C., |
| Bloom, | Greer, | Mills, | Smit, C. M., |
| Boies, | Griffiths, | Mintess, | Snider, |
| Bonawitz, | Guthrie, | Mohr, | Sollenberger, |
| Boorse, | Gyger, | Mooney, | Sorg, |
| Bower, | Hall, | Moore, C. E., | Sproul, |
| Brelsch, | Haller, | More, H. A., | Stank, |
| Brice, | Haudenshield, | Morrison, | Stimmel, |
| Brown, | Helm, | Murray, | Stockham, |
| Brunner, | Henry, | Myers, | Stonier, |
| Bucchin, | Hewitt, | Najaka, | Stuart, |
| Cadwalader, | Hocker, | Naumann, | Swops, |
| Capano, | Hoffman, | Needham, | Tahl, |
| Cassidy, | Hoopes, | Nef, | Thomassy, |
| Chervenak, | Horan, | Nelson, | Thompson, |
| Chudoff, | Imbt, | O'Connor, | Tittle, |
| Clevenger, | Jennings, | O'Dare, | Tompkins, |
| Cochran, | Johnson, | O'Donnell, | Toomey, |
| Cole, | J inst. a, | O'Neill, | Turner, |
| Cook, | Jones, | Orban, | Upshur, |
| Cooper, | Jump, | Patten, | Vaughan, |
| Cordler, | Kean, | Petrosky, | Varallo, |
| Costa, | Kelley, | Pichney, | Wachhaus, |
| Crowley, | Kemp, | Pickens, | Wagner, |
| Dague, | Kent, | Polaski, | Walton, |
| Dalrymple, | Kirley, | Powers, | Waldron, |
| Davison, | Kline, | Price, | Walln, |
| De Long, | Kohl, | Propert, | Waterhouse, |
| Demech, | Kratz, | Ragot, | Watkins, |
| Dennison, | Krise, | Readinger, | Watson, |
| Depuy, | Kurtz, | Reagan, | Weidner, |
| Dix, | Laughner, | Reese, D. P., | Weiss, |
| Dye, | Layer, | Reese, R. E., | Wescott, |
| Efenberg, | Lee, | Relly, J. M., | West, |
| Elder, | Lelsey, | Relly, W. J., | Wheeler, |
| Evans, | Livingston, | Richter, | Weir, |
| | Livingstone, | Riley, | Wood, |

- | | | | |
|----------|------------|------------|----------------|
| Ewing, | Loftus, | Robbins, | Worley, |
| Feola, | Lovett, | Robertson, | Yeakel, |
| Fish, | Lyons, | Root, | Yester, |
| Fiss, | Madden, | Rose, | Yetzer, |
| Flack, | Madigan, | Rowen, | Young, |
| Fleming, | Mazza, | Royer, | Lichtenwalter, |
| Frost, | McCormack, | Sarrafi, | Speaker. |
| Foor, | | | |

NAYS—0

NOT VOTING—1

Trout,

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

Ordered, That the Clerk inform the Senate accordingly.

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

HOUSE BILL No. 662.

An Act to reenact and amend the title and the act approved the fourteenth day of June one thousand nine hundred thirty-five (P. L. 341) entitled as amended "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the methods and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties" as previously reenacted and amended by increasing the rate of tax by reducing the rate of Commission for affixing stamps and by extending the provisions of the act for a further limited period of time.

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

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

Amend title, page 2, line 2, by striking out after the word "tax" the words "and the permit fee" and inserting in lieu thereof the words "by reducing the rate of commission for affixing stamps and": and line 5, by striking out after the word "time" the following: "and by extending the provisions of the act to impose a tax upon sales or gifts of tobacco products as defined".

Amend section 1, page 3, line 5, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products as herein defined".

Amend section 1, page 3, line 7, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products".

Amend page 3, line 11, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products".

Amend page 3, line 14, by striking out the brackets before and after the word "Cigarette" and the word "Tobacco".

Amend page 4, line 3, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products".

Amend page 4, line 5, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products".

Amend page 4, line 8, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products".

Amend page 4, line 10, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products".

Amend page 4, line 15, by striking out the brackets

before and after the word "cigarettes" and the words "tobacco products".

Amend page 5, after line 9, by striking out lines 10 to 20, inclusive.

Amend page 6 by striking out lines 1, 2 and 3.

Amend page 6, line 8, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products".

Amend page 6, line 13, by striking out the brackets before and after the word "cigarettes".

Amend page 6, line 14, by striking out the words "tobacco products": and the brackets before and after the word "cigarettes".

Amend page 6, line 15, by striking out the word "tobacco".

Amend section 3, page 6, line 18, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products".

Amend page 7, line 1, by striking out the brackets before and after the word "cigarette" and the word "tobacco".

Amend page 7, line 2, by striking out the brackets before and after the word "cigarette" and the word "tobacco".

Amend page 8, line 4, by striking out the brackets before and after the words "one dollar (\$1.00)" and the words "two dollars".

Amend page 8, line 5, by striking out "\$2.00" and striking out after the word "permit" the following: "Provided however That prior to the thirty" and all of lines 6, 7, 8 and 9.

Amend page 8, line 12, by striking out the brackets before and after the word "cigarette" and the word "tobacco".

Amend page 8, line 13, by striking out the brackets before and after the word "Cigarette".

Amend page 8, line 14, by striking out the word "Tobacco".

Amend page 9, line 3, by striking out the bracket before the word "one" and line 4, by striking out the bracket after "\$1.00" and the words "two dollars (\$2.00)".

Amend page 9, line 10, by striking out the brackets before and after the word "cigarette" and the word "tobacco".

Amend page 9, line 13, by striking out the brackets before and after the word "cigarette" and the word "tobacco".

Amend page 9, line 17, by striking out the brackets before and after the word "cigarette" and the word "tobacco".

Amend page 10, line 4, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products" and striking out the bracket before the word "rate".

Amend page 10, line 5, by inserting after the word "cent.)" the words "two cents" and striking out the bracket after the word "except".

Amend page 10, line 6, by striking out the words "following rates".

Amend page 10, by striking out lines 7, to 17 inclusive and the words "apply to" in line 18.

Amend page 10, line 18, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products."

Amend page 11, line 1, by striking out the brackets before and after the words "and except" and the words "nor to."

Amend page 11, line 6, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products."

Amend page 11, line 13, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products."

Amend page 11, line 15, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products."

Amend page 11, line 17, by striking out the brackets

before and after the word "cigarettes" and the word "tobacco," and line 18, by striking out the word "products."

Amend page 11, line 19, by striking out the brackets before and after the word "cigarettes" and line 20, by striking out the words "tobacco products."

Amend page 12, line 1, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products."

Amend page 12, line 3, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products."

Amend page 12, line 6, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products."

Amend page 12, line 8, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products."

Amend page 12, line 10, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products."

Amend page 12, line 16, by striking out the brackets before and after the word "cigarettes and the words "tobacco products."

Amend page 12, line 17, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products."

Amend page 13, line 1, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products."

Amend page 13, line 6, by striking out the brackets before and after the word "cigarettes" and line 7, by striking out the words "tobacco products."

Amend page 13, line 8, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products."

Amend page 13, line 12, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products."

Amend page 13, line 14, by striking out the brackets before and after the word "cigarette" and the word "tobacco, and line 15, the word "products."

Amend page 13, line 18, by striking out the brackets before and after the word "cigarette" and the words "tobacco products."

Amend page 14, line 6, by striking out the brackets before and after the word "cigarettes" and line 7, by striking out the words "tobacco products."

Amend page 14, line 10, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products."

Amend page 14, line 12, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products."

Amend page 14, line 17, by inserting after the word "one-half and heavy bracket" the word "four."

Amend page 15, line 6, by striking out the brackets before and after the word "cigarettes" and the word "tobacco," and line 7, by striking out the word "products."

Amend page 15, line 8, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products."

Amend page 15, line 13, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products."

Amend page 15, line 19, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products."

Amend page 16, line 2, by striking out the brackets before and after the word "cigarettes" and line 3, by striking out the words "tobacco products."

Amend page 17, line 1, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products."

Amend page 17, line 10, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products."

Amend page 17, line 19, by striking out the brackets before and after the word "cigarettes."

Amend page 18, line 1, by striking out the words "tobacco products."

Amend page 18, line 2, by striking out the brackets before and after the word "cigarettes" and line 3, by striking out the words "tobacco products."

Amend page 18, line 8, by striking out the brackets before and after the word "cigarettes" and line 9, by striking out the words "tobacco products."

Amend page 18, line 12, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products."

Amend page 18, line 14, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products."

Amend page 18, line 16, by striking out the brackets before and after the word "cigarettes," and line 17, by striking out the words "tobacco products," and also by striking out the brackets before and after the word "cigarette" and the word "tobacco."

Amend page 19, line 3, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products."

Amend page 19, line 20, by striking out the brackets before and after the word "cigarette" and the words "tobacco products."

Amend page 20, line 2, by striking out the brackets before and after the word "cigarettes" and the words "tobacco products."

Amend Section 2, page 21, line 10, by inserting after the second heavy bracket the words "on the first day of June one thousand nine hundred forty-seven."

On the question,

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

Mr. SORG. Mr. Speaker, I request that the House concur in the amendments inserted by the Senate.

POINT OF ORDER

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

The SPEAKER. The gentleman from Cambria will state it.

Mr. ANDREWS. Mr. Speaker, the Clerk has not read all of the amendments to this bill.

The SPEAKER. The Clerk will continue to read the amendments, if the gentleman from Cambria so desires.

The Clerk continued to read the amendments.

Mr. ANDREWS. Mr. Speaker, some of these tax chickens are back to roost, and judging by the number of times the Clerk had to read "tobacco products," some of those chickens must have laid an egg.

Now, Mr. Speaker, I am opposed to these amendments principally because they are an indictment of the intelligence of this house. We have some tax bills trotted out for our consideration; they were not to be amended. You were asked to swallow them. If you were asked to swallow them they must have been perfect measures. The Majority Leader said they were good measures as they were, and you took them, and lo and behold! your tax program was assaulted by the terrible heat from Lancaster County. And lo and behold! you turned a somersault. The Tobacco League from Lancaster County said, "Oh, no, oh, no, you don't put us on the spot, you don't tax tobacco. My goodness, Mr. Speaker, we raise tobacco in Lancaster County. Look around for something else that we are not engaged in."

Well the rest of the House interposed the notion that they were being placed upon the spot by various other taxes that were proposed, but the leadership said, "No,

you fellows in these other counties, you have narrow majorities, some of you, and you have to go out and fight, but we have a big majority in Lancaster County, and we don't want to fight, it isn't in accordance with our religious beliefs, we don't believe in taxes particularly, and personally we do not believe in taxes levied on us. So these bills come back and we find in line after line, line after line, that "tobacco products" is stricken out.

Now, Mr. Speaker, there isn't any more reason why you should not tax tobacco than there is why you should not tax anything else. If you are going across the board looking for things to tax just because of some special interest in which only one particular county is concerned, you say, "No, we won't tax it."

Well, I am opposed to these amendments for another reason, because they bolster up a tax program to which we stand opposed. I am opposed to these amendments because we want to defeat these bills. If we can defeat these bills we can bring this House back to a reasonable proposition of financing the building program of this State by means of a building authority and stretch the expenditure over the coming years instead of levying all the taxes in the years 1947 and 1948 on a building program to last ten years, a building program that ought to last ten years after that, and an expenditure at the beginning of the program that ought to result in the expenditure of one hundred and fifty million dollars.

We are for the building program of this present administration. In fact we are for this building program because we began it and we began it by means of a sensible, feasible program that did not place the burden of ten years or five years upon current revenues. As I pointed out, we object to these amendments because of the special favor, special consideration given to a special group. There isn't any reason in my mind why you should have to swallow the rest of it and take the burden in your county so that this great and populous county of Lancaster can go free.

Mr. Speaker, the only mistake that has been made is that a few of them do not wear whiskers and have broad brimmed hats, and if they had, and most of them live in Lancaster County, I am quite certain you would not have the features that are contained in the next bill that will come before this House for consideration.

The SPEAKER. The Chair would just like to clarify one statement. Did the Chair understand the gentleman correctly when he said that tobacco was grown in Lancaster County and smoked in Cambria County?

Mr. ANDREWS. Mr. Speaker, we smoke some of it; we chew some of it.

Mr. SORG. Mr. Speaker, is this the minority that bled so much on charges of discrimination against particular interests when these tax measures were originally adopted? Many Members of this House would like to vote for the amendments inserted by the Senate because it isn't such a violent change as we were led to believe. The tax we are going to vote for as a substitute for this one is a tobacco tax. The same thing is mentioned from pages two to five probably fifteen or eighteen times as the gentleman from Cambria has insisted.

We agree with the gentleman when he said that he is voting against these amendments because he is voting against the tax program, and the reason he says he will

vote against the tax program is because he says it is not necessary. He is for the appropriations we are about to pass in this House of Representatives. He is for the expenditures that we are about to make and provide for, but Mr. Speaker, we follow different tactics and we consider it a matter of good faith and honesty on our part. When this administration says that we are going to spend 100 million dollars we say we will raise the 100 million dollars that we are going to spend.

We say further there have been alternatives offered previously. We can plead for a tax on cigarettes but what we are trying to avoid more than anything else in the world is a tax on bread and butter and the things that are vitally necessary. Furthermore, Mr. Speaker, the other alternative that was offered is the floating of bonds and general authorities to do this particular work.

There is only one answer to practices of that kind and that is if an administration undertakes certain commitments and obligations, and then through a General State Authority or some such means says, "You kids, if you are ten years old now, if you are fifteen years old now, you are going to hit the spot just right and not have to pay a penny, let us say." But you pay all of the taxes to which we are committed. And I want to reiterate as I said before, we hope that the Members of this House will concur in the amendments for raising taxes so that we can do the job we are committed to do, and we ourselves will take whatever measure of blame there might be in distasteful taxes:

Mr. LOVETT. Mr. Speaker, I rise to oppose these amendments. We talk about food taxes. We first taxed the five cent drink and then we taxed tobaccos. Now we reduce the tax on tobacco and put it on cigarettes. Who do you think you are kidding? The people who can afford to pay the tax on cigars are not going to be taxed; we are going to tax the poor people now, the fellow that smokes cigarettes, the fellow who cannot afford to buy cigars. Don't kid yourselves, you have a lot of them that cannot afford to buy a cigar but they can afford to buy cigarettes. You can laugh and have all the fun you want to and pass all the cigars you want to, but you will admit that you are putting the tax on the poor people. In every move that you make, even to the extent of where your Senate amended the bills, and now the poor people have to pay the tax on cigarettes. If there are going to be any more cigars passed over here, this will wind up to be the most profitable speech I have made in this session of the legislature. You fellows are only asking for it because I can make long speeches and the more you send over here the more you will hear from me. My colleague back here said you are going to lose all the ladies' votes because they don't smoke cigars, they smoke cigarettes.

The SPEAKER. The Chair might say that this pay-off is tax exempt.

Mr. LOVETT. Mr. Speaker, they can give it to me now or hereafter and it will still be tax exempt, all except the cigarettes.

Mr. Speaker, now, let's be fair. I don't think anybody else will bring any more cigars over here. Wait, there is one more, but it is perfectly all right with me. I want to be fair anyhow, I will divide it with them any time. This one is for Petrosky.

So, my friends, let's be fair and vote down these tax

measures, and take up the cudgels of my good leader, the gentleman from Cambria, Mr. Andrews, and let us get some legislation here that will over a period of time relieve the tax from the poor people and make those best able to pay the tax in the State of Pennsylvania pay it. I ask you to vote against concurrence in these amendments.

Mr. CHUDOFF. Mr. Speaker, before saying what I have to say about these amendments I want it distinctly understood that I don't smoke but I do eat Hershey bars. If you have any Hershey bars send them over here.

These amendments take the tax off tobacco products and make the tax on a package of cigarettes four cents. That means 40 cents a carton. I get over to Camden once in a while. It is a simple procedure to take the Highspeed line at Eighth and Market Streets and in seven minutes, you are in Camden where you can buy all the cigarettes you want for \$1.20 a carton. In Philadelphia they cost you \$1.79 per carton after this tax bill is passed. That is .59 cents a carton difference. You are going to have thousands of people going from Philadelphia to Camden to buy cigarettes by the carton, buy two cartons, and buy cigarettes by the case, and I am afraid that after we get through buying all of these cigarettes in New Jersey, the yield on this tax is not going to be as much as you thought it was going to be. In order to stop this you may have to set up another bureau in the Department of Revenue to station at the Philadelphia-Camden bridge a State policeman or investigator for the Department of Revenue to search every automobile that is coming back from New Jersey loaded with cigarettes.

Speaking for a fair tax, I think that in my history, my four terms that I have been here, this is the most unfair tax and it is going to lead to a tremendous amount of bootlegging of cigarettes. The gentleman from Bucks, Mr. Stockham, knows that everybody in his own county is going to buy cigarettes in towns in the State of New Jersey, and the towns in Pennsylvania bordering New Jersey are not going to sell cigarettes but they will buy them in New Jersey and save fifty or sixty cents a carton.

Mr. SORG. Mr. Speaker, I am sure that the gentleman from Philadelphia must have a different opinion of the people of Pennsylvania than I do. When they know or realize that this four cents, the money that they are going to pay on a package of cigarettes will go for the comfort and the treatment of our mentally ill, and for the children who need this treatment so very badly, they are not going to go to New Jersey to buy their cigarettes.

On the question recurring.

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

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

YEAS—168

Aaronsen,	Goff,	Madden,	Rowen,
Baumunk,	Goodling,	Madigan,	Royer,
Beech,	Gorman,	Mazza,	Sax,
Bender,	Graybill,	McCormack,	Scott,
Bloom,	Greenwood,	McCosker,	Serrill,
Bonawitz,	Greer,	McCullough,	Shoemaker,
Boorse,	Griffiths,	McDonald,	Simons,
Bower,	Guthrie,	McKinney,	Smith, C. C.,
Brelsch,	Gyger,	McMullen,	Smith, C. M.,
Brice,	Hall,	Mikula,	Sollenberger,
Brunner,	Haller,	Miller,	Sorg,
Jadwalader,	Haudenshield,	Mintess,	Sproul,

Cassidy,	Helm,	Mohr,	Stimmel,
Clevenger,	Henry,	Moore, C. E.,	Stockham,
Cook,	Hewitt,	Moore, H. A.,	Stonier,
Cooper,	Hocker,	Morrison,	Stuart,
Cordier,	Hoffman,	Murray,	Tahl,
Costa,	Hoopes,	Myers,	Thomassy,
Crowley,	Horan,	Najaka,	Thompson.
Dague,	Imbt,	Naumann,	Tittle,
Dairymple,	Jennings,	Neff,	Tompkins,
Davison,	Johnson,	Nelson,	Toomey,
De Long,	Johnston,	O'Connor,	Turner,
Demech,	Jones,	O'Dare,	Upshur,
Dennison,	Jump,	O'Donnell,	Vaughan,
Deputy,	Kean,	Orban,	Wachhaus,
Dix,	Kelley,	Patten,	Wagner,
Dye,	Kemp,	Pichney,	Waldron,
Efenberg,	Kent,	Pickens,	Wallin,
Elder,	Kline,	Price,	Walton,
Erb,	Kohl,	Propert,	Waterhouse,
Ewing,	Kratz,	Ragot,	Watkins,
Feola,	Krise,	Reagan,	Watson,
Flsh,	Kurtz,	Reese, D. P.,	Weidner,
Flss,	Laughner,	Relly, J. M.,	Wescott,
Flack,	Layer,	Relly, W. J.,	West,
Fleming,	Lee,	Richter,	Wolf,
Foor,	Lelsey,	Riley,	Wood,
Frost,	Livingston,	Robbins,	Worley,
Gallagher,	Livingstone,	Robertson,	Yeakel,
Gatchey,	Loftus,	Root,	Young,
Gibson,	Lyons,	Rose,	Lichtenwalter,
			Speaker.

NAYS—36

Andrews,	Chudoff,	Needham,	Schuster,
Bane,	Cochran,	O'Neill,	Snider,
Barrett,	Cole,	Petrosky,	Stank,
Bentzel,	Evans,	Polaski,	Swope,
Boies,	Kirley,	Powers,	Verona,
Brown,	Lovett,	Readinger,	Weiss,
Buechlin,	Mihm,	Reese, R. E.,	Wheeler,
Capano,	Mills,	Sarra,	Yester,
Chervenak,	Mooney,	Scanlon,	Yetzer,

NOT VOTING—1

Trout,

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

Ordered, That the Clerk inform the Senate accordingly.

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

HOUSE BILL No. 664.

An Act to provide revenue by imposing a state tax payable by those herein defined as manufacturers and bottlers and by others of syrups and bottled soft drinks prepared used sold transported or delivered within the Commonwealth requiring persons as herein defined engaged in the manufacture bottling distribution sale and transportation of syrup and bottled soft drinks to secure permits prescribing the method and manner of evidencing the payment and collection of such tax or assessing the tax conferring powers and imposing duties on the Department of Revenue and those manufacture bottling distribution sale and transportation of syrup or bottled soft drinks taxable hereunder and providing penalties

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

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

Amend section 1, page 2, line 9, by striking out after the word "not" the following: "except milk and natural or undiluted fruit juices"; page 3, line 4, by inserting after the word "syrup" the following: "The term 'bottled

soft drinks' shall not include natural undiluted fruit juice vegetable juice or fluid milk (not powdered or reconstituted) to which flavoring alone is added constituting a product containing not less than two and one-half (2½) percentum butterfat when bottled closed or sealed".

Amend section 1, page 3, line 12, by striking out after the word "ingredient" the word "used" and inserting in lieu thereof the words "practically and commercially usable"; page 3, line 19, by striking out after the word "manufactured" the words "sold or used" and inserting in lieu thereof the words "and practically and commercially usable"; page 4, line 7 by striking out after the word "Syrup" the words "for use" and inserting in lieu thereof the words "practically and commercially usable".

Amend section 3, page 7, line 17, by inserting after the word "business" the word "and".

Amend section 4, page 10, lines 13 and 14, by striking out after the word "of" the word "one" and inserting in lieu thereof the words "one-half"; and striking out after the word "cent" the bracket and figure "(1c)" and inserting in lieu thereof the bracket and figure "(½c)".

Amend Section 5, page 12, by inserting after the word "persons" the words "except as provided in clause (a)"; page 12, line 17, by inserting after the word "or" the following: "due to existing stocks of unstamped crowns in the possession of manufacturers or bottlers on the effective date of this act or due to"; page 13, line 3, by inserting after the word "authorized" the words "and required"; page 12, line 6, by inserting after the word "shall" the words "prepare manufacture or use syrups or bottled soft drinks or shall"; page 13, line 9, by inserting after the first word "the" the word "original".

Amend the bill by striking out all of Section 6 and insert in lieu thereof the following:

Section 6 Assessment on failure to pay tax procedure for assessment review (a) if any person shall fail to pay any tax imposed by this act for which he is liable the department is hereby authorized and empowered to make an assessment of additional tax due by such person based upon any information within its possession or that shall come into its possession

(b) Promptly after the date of such assessment the department shall send by registered mail a copy thereof to the person against whom it was made within ninety (90) days after the date upon which the copy of any such assessment was mailed such person may file with the department a petition for reassessment of such taxes every petition for reassessment shall state specifically the reasons which the petitioner believes entitle him to such reassessment and it shall be supported by affidavit that it is not made for the purpose of delay and that the facts set forth therein are true it shall be the duty of the department within six (6) months after the date of any assessment to dispose of any petition for reassessment notice of the action taken upon any petition for reassessment shall be given to the petitioner promptly after the date of reassessment by the department

(c) Within sixty (60) days after the date of mailing of notice by the department of the action taken on any petition for reassessment filed with it the person against whom such assessment was made may by petition request the Board of Finance and Revenue to review such action every petition for review filed hereunder shall state specifically the reason upon which the petitioner relies or shall incorporate by reference the petition for reassessment in which such reasons shall have been stated the petition shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true if the petitioner be a corporation joint stock association or limited partnership the affidavit must be made by one of the principal officers thereof a petition for review may be amended by the petitioner at any time prior to hearing thereon as hereinafter provided the Board of Finance and Revenue shall act finally in disposition of such petitions filed with it within six (6) months

after they have been received and in the event of the failure of said board to dispose of any such petition within six (6) months the action taken by the department upon the petition for reassessment shall be deemed sustained the Board of Finance and Revenue may sustain the action taken on the petition for reassessment or it may reassess the tax due upon such basis as it shall deem according to law and equity notice of the action of the Board of Finance and Revenue shall be given by mail or otherwise to the department and to the petitioner

(d) Any person or the Commonwealth of Pennsylvania aggrieved by the decision of the Board of Finance and Revenue or by the Board's failure to act upon his petition for review within six (6) months may within sixty (60) days appeal to the Court of Common Pleas of Dauphin County from the decision of the Board of Finance and Revenue or from the decision of the department as the case may be in the manner now or hereafter provided by law for appeals in the case of tax settlement

(e) In all cases of petitions for reassessment review or appeal the burden or proof shall be upon the petitioner or appellant as the case may be

(f) Whenever any assessment of additional tax is not paid within ninety (90) days after the date thereof if no petition for reassessment has been filed or within sixty (60) days from the date of reassessment if no petition for review has been filed or within sixty (60) days from the date of the decision of the Board of Finance and Revenue upon a petition for review or the expiration of the Board's time for acting upon such petition if no appeal has been made and in all cases of judicial sales receiverships assignments or bankruptcies the department may call upon the Department of Justice to collect such assessment in such event in a proceeding for the collection of such taxes the person against whom they were assessed shall not be permitted to set up any ground of defense that might have been determined by the department the Board of Finance and Revenue and the courts as aforesaid the department may also provide adopt promulgate and enforce such rules and regulations as may be appropriate to prevent further shipment or transportation of syrup or bottled soft drinks into this Commonwealth by the person against whom such unpaid assessment shall have been made

Amend Section 7, page 22, lines 11 and 12, by inserting after the word "commissions" the words "discounts advances"; page 23, by inserting after line 11, the following:

The department is hereby authorized and required to allow to each purchaser of tax stamps or tax crowns a discount of eight (8) per centum of the purchase price of the tax value of stamps or crowns purchased upon the payment by him into the State Treasury through the department of any moneys due to the Commonwealth by reason of the sale delivery or consignment to such purchaser of such stamps or crowns

The said discount shall be allowed by the department in lieu of any claim for refund by reason of (1) the breakage or destruction of containers stamped or crowned as provided in this act in possession of the purchaser or (2) the loss or destruction of tax stamps or tax crowns

The department is hereby authorized and required in proper cases and upon application to advance to manufacturers and bottlers of syrup or bottled soft drinks tax crowns or tax stamps for a period not exceeding thirty (30) days in such amount or of such tax value as shall be determined by the department upon construction and determination of the following (1) the applicant's satisfactory credit rating (2) the applicant's average monthly rate of use of stamps or crowns and (3) the applicant's average monthly credit extension on accounts receivable for syrups or bottled soft drinks sold the department shall further require the applicant to file a bond in the form prescribed by the department in twice the amount of the tax value of the stamps or crowns to be advanced

Amend Section 12, page 27, lines 10 and 11, by striking out after the word "destroyed" the words "as unfit for" and inserting in lieu thereof the words "by fire flood or disaster" and by striking out the word "sale"; page 29,

line 7, by striking out after the word "by" the words "him as unfit for sale," and inserting in lieu thereof the words "fire, flood or disaster."

Amend Section 18, page 34, line 4, by striking out after the word "effective" the words "thirty days after its final enactment" and inserting in lieu thereof the words "on the first day of June one thousand nine hundred forty-seven."

On the question,

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

Mr. SORG. I request that the House concur in the amendments made by the Senate.

Mr. ANDREWS. Mr. Speaker, I rise to oppose these amendments. My reason for opposing the amendments is that I want to be confronted with a demonstrated need for them. Before we elaborate our tax program we say and we reiterate our original position, that we should know how much we are going to spend for the schools; we should know how much we are going to spend for the building program; how much we are going to spend during the next two years. We should know how much of the ten million dollars that you are asking for dams in this state, you are going to spend during the next two years.

We are standing on the principle that this Legislature should finance this biennium, that it should finance this biennium liberally; that it should make adequate appropriations for the schools; that it should make adequate appropriations for conservation; that it should make adequate appropriations for relief; that we should swallow the Governor's welfare program entirely, but that we should know, and we should know before we put the final test or final seal on these tax bills how much the Governor intends to spend during the next two years, and when we know what the Appropriations Committee is going to sanction, then we will make some provision to finance the agreed upon program.

There has not as yet been a demonstrated necessity for the money that this House Bill 664 will raise. You don't know and I don't know what you are going to spend for the schools; you don't know and I don't know how much you are going to spend for various other purposes; you don't know and I don't know whether a single penny that you propose raising by this bill is to be used during the next biennium, because we don't know and because there is every reason why we should delay action.

MOTION TO LAY ON TABLE

Mr. ANDREWS. Mr. Speaker, I move that the message from the Senate on House Bill No. 664, together with the amendments thereto, be laid upon the table.

On the question,

Will the House agree to the motion?

Mr. ANDREWS. Mr. Speaker, we should take a roll call on the motion to table and accept that roll call on the question of concurring. We can take this roll call both on the motion to lay on the table and on the motion to concur.

The SPEAKER. The Chair would state that the constitution requires that we take a roll call on concurrence.

Would the gentleman from Cambria be kind enough to withdraw his motion temporarily so that the Chair may recognize the gentleman from Elk, Mr. Sorg, because this motion is not debatable?

MOTION TO LAY ON TABLE WITHDRAWN

Mr. ANDREWS. I will withdraw my motion, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. SORG. Mr. Speaker, I thank the gentleman. I was going to rise to a question of parliamentary inquiry on that very point. I am sure that the gentleman did not intend to cut off debate.

I desire only to direct the attention of the membership to the demonstrated need as set forth in the budget message of His Excellency the Governor of the Commonwealth last month. It looks as if we are going to need 550 million dollars in the general fund of the Commonwealth to finance the contemplated affairs of the Commonwealth for the next biennium. Mr. Speaker, it takes only the usual amount of observation in a drive through this State, as our own Committee on Welfare has, in an examination and investigation of the conditions in our mental institutions. The many, many things that we have certainly call for an absolute minimum of an additional 133 million dollars in taxes. I ask the Members to support the motion to concur in the amendments.

Mr. ANDREWS. Mr. Speaker, I desire to interrogate the gentleman from Elk, Mr. Sorg.

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

Mr. SORG. I shall, Mr. Speaker.

Mr. ANDREWS. Mr. Speaker, if the gentleman has a minimum program involving a definite expenditure why doesn't he trot that program out and bring it to the attention of this House so that we can operate more intelligently with reference to the tax bills?

Mr. SORG. Mr. Speaker, I again say it is good to have the money before you spend it. I promise the gentleman some appropriation measures that he is going to be glad to support, that will consume the entire amount of additional taxes.

MOTION TO LAY ON TABLE

Mr. ANDREWS. Mr. Speaker, I renew my motion that the message from the Senate on House Bill No. 664, together with the amendments thereto, be laid upon the table, and I ask for a roll call.

On the question.

Will the House agree to the motion?

The yeas and nays were required by Mr. Andrews and Mr. Weiss and were as follows:

YEAS—37.

Andrews,	Cochran,	O'Connor,	Schuster,
Bane,	Cole,	O'Neill,	Snider,
Barrett,	Evans,	Petrosky,	Stank,
Bentzel,	Kirley,	Polaski,	Swope,
Boies,	Lovett,	Powers,	Verona,
Brown,	Mihm,	Readinger,	Weiss,
Bucchin,	Mills,	Reese, R. E.,	Wheeler,
Capano,	Mooney,	Sarraf,	Yester,
Chervenak,	Needham,	Scanlon,	Yetzer,
Chudoff,			

NAYS—167.

Aaronson,	Goff,	Madden,	Royer,
Baumunk,	Goodling,	Madigan,	Sax,
Beech,	Gorman,	Mazza,	Scott,
Bender,	Graybill,	McCormack,	Serrill,
Bloom,	Greenwood,	McCosker,	Shoemaker,
Bonawitz,	Greer,	McCullough,	Simons,

Boorse,	Griffiths,	McDonald,	Smith, C. C.,
Bower,	Guthrie,	McKinney,	Smith, C. M.,
Breisch,	Gyger,	McMillen,	Sollenberger,
Brice,	Hall,	Mikula,	Sorg,
Brunner,	Haller,	Miller,	Sproul,
Cadwalader,	Haudenschild,	Mintess,	Stimmel,
Cassidy,	Helm,	Mohr,	Stockham,
Clevenger,	Henry,	Moore, C. E.,	Stonier,
Cook,	Hewitt,	Moore, H. A.,	Stuart,
Cooper,	Hocker,	Morrison,	Tahl,
Cordier,	Hoffman,	Murray,	Thomassy,
Costa,	Hoopes,	Myers,	Thompson,
Crowley,	Horan,	Najaka,	Tittle,
Dague,	Imbt,	Naumann,	Tompkins,
Dalrymple,	Jennings,	Neff,	Toomey,
Davidson,	Johnson,	Nelson,	Turner,
De Long,	Johnston,	O'Dare,	Upshur,
Demech,	Jones,	O'Donnell,	Vaughan,
Dennison,	Jump,	Orb 1,	Wachhaus,
Depuy,	Kean,	Patten,	Wagner,
Dix,	Kelley,	Pichney,	Waldron,
Dye,	Kemp,	Pickens,	Wallin,
Efenberg,	Kent,	Price,	Walton,
Elder,	Kline,	Propert,	Waterhouse,
Erb,	Kohl,	Ragot,	Watkins,
Ewing,	Kratz,	Reagan,	Watson,
Feola,	Krise,	Reese, D. P.,	Weldner,
Fish,	Kurtz,	Relly, J. M.,	Wescott,
Fiss,	Laughner,	Relly, W. J.,	West,
Flack,	Layer,	Richter,	Wolf,
Fleming,	Lee,	Riley,	Wood,
Foor,	Leisey,	Robbins,	Worley,
Frost,	Livingston,	Robertson,	Yeakel,
Gallagher,	Livingstone,	Root,	Young,
Getchey,	Loftus,	Rose,	Lichtenwalter,
Gibson,	Lyons,	Rowen,	Speaker.

NOT VOTING—1.

Trout.

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

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

Mr. POLASKI. Mr. Speaker, I rise to oppose the amendments to House Bill No. 664. In doing so, Mr. Speaker, I would like to assure the Members of the House that we on this side of the House are not opposed to teachers' salary raises, nor are we opposed to the Governor's hospital program. We, however, maintain and say that the money for teachers' salaries and for the Governor's hospital program could more readily be followed by an Authority method of financing. It is not unusual for someone who buys a home to pay for that home in the course of five or ten years, and we maintain that the program of construction could be met by an Authority program on a ten or twenty year basis instead of paying for this program out of current revenues. We maintain that these amendments are grossly unfair because they are a tax levied on the children of the Commonwealth of Pennsylvania.

The children of the Commonwealth have no lobby in Harrisburg to make sure that this tax, and these amendments are defeated. It also follows that these amendments are eventually going to put the pop men out of business in Pennsylvania. I speak from experience as a business man. My family has been in the variety field for over thirty-six years. I myself have worked for my dad in a variety store for twenty-six years, and I happen to know from experience how you can proportionately reduce the sale of a five cent item by adding one cent or two cents to its sale price.

This tax, or rather the tax provided by this amend-

ment, is going to increase the price of pop to six or seven cents. From my experience the number of sales that you can have on a commodity of that type goes down, or rather varies inversely with the amount of tax which you impose on that sale. In other words, if the pop now costs six cents, you will thus raise the price of pop twenty percent, and it follows that you will cut the sale of pop from twenty to eighty percent because there is a natural inertia on the part of the customer to refuse to pay the one cent.

Furthermore when a father or mother gives a child some spending money it is usually five cents, not six cents. That is why we maintain these amendments are unfair.

I know that some means must be found to raise the money for paying the teachers. I know that means must be found to raise the money to pay for the Governor's over-all program. We are also opposed to a general sales tax, but we maintain a tax on pop is a tax on food, because pop contains sugar and dextrose, and anything that contains sugar and dextrose, like candy or pop, is considered a food, and that is another reason why we consider these amendments discriminatory.

You are also squeezing the pop manufacturer between two walls, because if they wish to absorb the amount of this tax they cannot absorb it for the simple reason that if they wanted to absorb the tax and work on a volume basis and still maintain the price of five cents they couldn't do so because they cannot get enough sugar to manufacture as much pop as they want to manufacture.

A tax of this type provided for by these amendments is putting the pop manufacturer out of business in many states of these United States, and I believe that there is only one state in the Union to-day which levies such a tax on pop, and that is South Carolina. Other states have been forced to call special sessions to remove the tax in order to save the pop manufactures.

I again say that we oppose this tax because it is an unfair tax on the children of the Commonwealth. We oppose these amendments, and we maintain that a vote against these amendments is a vote for the children of the Commonwealth.

Mr. SORG. Mr. Speaker, I desire to interrogate the gentleman from Erie, Mr. Polaski.

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

Mr. POLASKI. I shall, Mr. Speaker.

Mr. SORG. Did I understand the gentleman to make the statement, Mr. Speaker, that this tax will raise the price of soft drinks to seven cents?

Mr. POLASKI. Mr. Speaker, it is my feeling and my understanding of the bill that you are first taxing the syrup, are you not?

Mr. SORG. We are taxing either one or the other.

Mr. POLASKI. That is right, you are taxing the syrup. You are also taxing the finished packaged bottle of pop.

Mr. SORG. That is not correct, Mr. Speaker.

Mr. POLASKI. The tax is levied at the rate of one-half cent per ounce for a bottle of pop, is that right?

Mr. SORG. That is not correct. This tax is a tax of one cent on twelve fluid ounces of the bottled product

and one-half cent on the syrup that is used on the non-bottled soft drinks.

Mr. POLASKI. I thank the gentleman.

Mr. Speaker, this tax is then a tax of one cent on each twelve fluid ounces of pop, which makes twenty-four cents on a case of twenty-four bottles, and also beside this the retailer will have to pay for the icing of this pop. In other words I cannot see how a price of five cents can still be maintained on pop after paying the tax and after paying the icing expense.

Mr. SORG. Mr. Speaker, I am very much afraid that the gentleman almost admitted that the tax on pop in Pennsylvania is not five cents. He goes just all the way from five cents to twenty-five cents—all over the map.

The tax is decent. We admit it to be a tax on the consumer at the rate of one cent per bottle, and it is also set up so that it can be done without loss to the manufacturer of the pop. We predict that this tax will not seriously affect the operating profits of those who engage in this particular type of business. A very few months will show that that is correct.

The gentleman says this is a tax on children. This is not a head tax; it is not a personal tax; it is a tax on a commodity. Let the gentleman take his choice. He admits there are things that we must tax to raise revenue whether we place a tax on soft drinks or a tax on bread and butter. We are prepared on this side, Mr. Speaker, to make our choice.

Mr. POLASKI. Mr. Speaker, in answer to the gentleman from Elk, Mr. Sorg, I wish to make myself clear on some items which I have heard presented.

I did not say that the tax on pop is all the way from five cents to twenty-five cents. What I wanted to bring out was that the most popular size of pop today is the six ounce size, which means that on the six ounce size we will be paying one-half cent tax. I believe I am right, Mr. Speaker. At the present time one-half cent on a six ounce size bottle would therefore levy a tax of one cent on a bottle of pop. Normally the retailer pays eighty cents for a case of 24 bottles, which means this tax should raise their price to \$1.04 a case. The retailer cannot absorb that additional cost, nor can he absorb the cost of the ice. Therefore I still maintain, Mr. Speaker, that he will not be able to maintain a five cent price on pop.

In answer to the gentleman propounding the question as to whether this tax is a tax on the children of the Commonwealth, I would remind the gentleman that most of the pop today is consumed by the small children and by the bobby-socks brigade. They will be the greatest sufferers by this tax.

Mr. ANDREWS. Mr. Speaker, I had not intended to get into this discussion, but there is one statement that I cannot permit to go unchallenged, and that is the one that has been used so many times by the Majority Leader about not taxing bread and butter. He has one hundred thirty-three millions dollars worth of new taxes, and out of that one hundred thirty-three million dollars he proposes to tax business profits of corporations to the tune of forty-four million dollars, and place the rest of the one hundred thirty-three million dollars upon the masses of the people. There never has been any proposition to tax bread and butter; its just a nice phrase that

occurs to one when they cannot think of something better.

Mr. SORG. Mr. Speaker, answering the gentleman's reference to forty-four million dollars on business profits in the new revenues, our budget calls for taxes on corporations to the extent of very nearly fifty per cent of the entire budget. I want to respectfully submit, Mr. Speaker, that we have tried to put our finances and revenue and every thing else on a fair basis but it doesn't make any difference as to the form that the tax can take; you can only determine what and how it shall be paid, but in the final analysis Mr. John Q. Public is the one that pays the whole bill.

Mr. ANDREWS. Mr. Speaker, may I ask the majority leader one question in addition?

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

Mr. SORG. I shall, Mr. Speaker.

Mr. ANDREWS. If it is John Q. Public, Mr. Speaker, that pays all these taxes, why in thunder do the utilities maintain so many able men here in Harrisburg when the legislature is in session to help defeat any measure to increase utility taxes or corporations taxes, if they can pass them so easily to John Q. Public?

Mr. SORG. Mr. Speaker, the answer is this; it is not so difficult. The gentleman will recall that the utilities are only a medium through which the people pay taxes. If we tax them to any considerable extent, you know and I know and every Member of this House knows that up go the rates on the gas, water and electricity and every thing that you use in your house, and that's where it is paid.

Mr. PETROSKY. Mr. Speaker, I do not want to further tax the patience of the Membership, but I submit to you that originally I had opposed this tax, and I am continuing to do so now.

I submit the following reasons to be placed in the record, and I want to say to the Membership of the House this afternoon, not being a prognosticator of any note, that I deeply feel that in a very short time by the passage of this tax measure you will so injure the industry, you will so deplete the sales of this commodity that you will have a special session to call us back here for the repealing of this tax.

On the question recurring,

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

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

YEAS—168

Aaronson,	Goodling,	Madigan,	Royer,
Baumunk,	Gorman,	Mazza,	Sax,
Beech,	Graybill,	McCormack,	Scott,
Bender,	Greenwood,	McCosker,	Serrill,
Bloom,	Greer,	McCullough,	Shoemaker,
Bonawitz,	Griffiths,	McDonald,	Simons,
Boorse,	Guthrie,	McKinney,	Smith, C. C.,
Bower,	Gyger,	McMillen,	Smith, C. M.,
Bresch,	Hall,	Mikula,	Sollenberger,
Brice,	Haller,	Miller,	Sorg,
Brunner,	Haudenschild,	Mintess,	Sproul,
Cadwalader,	Helm,	Mohr,	Stimmel,
Cassidy,	Henry,	Moore, C. E.,	Stockham,
Clevenger,	Hewitt,	Moore, H. A.,	Stonier,
Cook,	Hocker,	Morrison,	Stuart,
Cooper,	Hoffman,	Murray,	Tahl,
Cordier,	Hoopes,	Myers,	Thomassy,

Costa,	Horan,	Najaka,	Thompson,
Crowley,	Imbt,	Naumann,	Tittle,
Dague,	Jennings,	Neff,	Tompkins,
Dalrymple,	Johnson,	Nelson,	Toomey,
Davison,	Johnston,	O'Connor,	Turner,
De Long,	Jones,	O'Dare,	Upshur,
Demech,	Jump,	O'Donnell,	Vaughan,
Dennison,	Kean,	Orban,	Wachhaus,
Depuy,	Kelley,	Patten,	Wagner,
Dix,	Kemp,	Pichney,	Waldron,
Dye,	Kent,	Pickens,	Wallin,
Efenberg,	Kline,	Price,	Walton,
Elder,	Kohl,	Propert,	Waterhouse,
Erb,	Kratz,	Ragot,	Watkins,
Ewing,	Krise,	Reagan,	Watson,
Feola,	Kurtz,	Reese, D. P.,	Weldner,
Fish,	Laughner,	Relly, J. M.,	Weiss,
Fiss,	Layer,	Relly, W. J.,	Wescott,
Flack,	Lee,	Richter,	West,
Fleming,	Lelsey,	Riley,	Wolf,
Foor,	Livingston,	Robbins,	Wood,
Frost,	Livingstone,	Robertson,	Worley,
Gallagher,	Loftus,	Root,	Yeakel,
Getchey,	Lyons,	Rose,	Young,
Gibson,	Madden,	Rowen,	Lichtenwalter,
Goff,			Speaker.

NAYS—36

Andrews,	Chudoff,	Needham,	Schuster,
Bane,	Cochran,	O'Neill,	Snider,
Barrett,	Cole,	Petrosky,	Stank,
Bentzel,	Evans,	Polaski,	Swope,
Boies,	Kirley,	Powers,	Verona,
Brown,	Lovett,	Readinger,	Wheeler,
Buechin,	Mihm,	Reese, R. E.,	Yester,
Capano,	Mills,	Sarrafi,	Yetzer,
Chervenak,	Mooney,	Scanlon,	

NOT VOTING—1

Trout,

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

Ordered, That the Clerk inform the Senate accordingly.

REASONS FOR VOTE

Mr. PETROSKY filed the following reasons for his vote on House Bill No. 664.

1. Wage earners in the lower income group are among the largest consumers of soft drinks. We consider it manifestly unfair that this group should be the one asked to bear a tax on a simple, everyday, innocent drink which gives pleasure and benefit to large groups of people in the low income class.

2. The proposed tax would have an adverse effect on industry, with accompanying decreased employment in the State of Pennsylvania because the experience of other states shows that the bottling industry, geared as it is to mass volume sales, would be seriously injured by a tax which would cut down on this volume of sales. Many small bottlers would be put out of business entirely, and unemployment would result not only among workers directly in the soft drink industry but also in industry and allied products supplying the soft drink industry.

3. Many active workers depend on soft drinks for energy on their jobs, and depriving these workers of this energizing food product is against their health interests.

4. The proposed tax is against the principles of economy, expressed in President Truman's current economy drive to bring down the high cost of living for the public. Soft drinks are one of the few food products which are still available to large masses of people at low cost, and to add a 20 percent increase to the cost of this particular food product through the proposed tax puts an extra burden on the family food budget which it should not be called upon to bear at this time.

5. The proposal to tax soft drinks is in effect a luxury tax on the poor man's pleasure.

COMMUNICATION FROM THE GOVERNOR

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

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 35

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 7, 1947.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 35, Printer's No. 442, for further consideration.

Accordingly, the original bill is herewith returned.

JAMES H. DUFF.

COMMUNICATION AND BILL LAID ON TOBLE

Mr. SORG. Mr. Speaker, I move that House Bill No. 35, together with the communication from the Governor, be laid upon the table.

The motion was agreed to.

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. 48.

An Act to add clause XLIX to section one thousand five hundred two of the act approved the twenty-fourth day of June one thousand nine hundred thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" authorizing acquisition of property for and establishment and maintenance of parking lots

HOUSE BILL No. 538.

An Act to further amend 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" creating a County Transit and Traffic Commission in counties of the second class providing for its membership and defining its powers and duties

HOUSE BILL No. 659.

An Act to further amend section twenty-three of the act, approved the first day of June, one thousand eight hundred eighty-nine (P. L. 420), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by increasing for a further limited period of time the rate of tax imposed upon the gross receipts of certain companies, limited companies, limited partnerships associations, copartnerships and persons by making further provisions for the report and payment of the tax by further defining gross receipts.

HOUSE BILL No. 661.

An Act to reenact and amend the title and the act, approved the ninth day of June, one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six P. L. 13), entitled "An act imposing

an emergency State Tax for a limited period of time on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board," as previously reenacted and amended by extending the provisions thereof for a further limited period of time.

HOUSE BILL No. 662.

An Act to reenact and amend the title and the act approved the fourteenth day of June one thousand nine hundred thirty-five (P. L. 341) entitled as amended "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties" as previously reenacted and amended by increasing the rate of tax by reducing the rate of commission for affixing stamps and by extending the provisions of the act for a further limited period of time

HOUSE BILL No. 663.

An Act to further amend section three of the act approved the fifth day of May one thousand nine hundred thirty-three (P. L. 284) entitled as amended "An act imposing a State tax payable by those herein defined as manufacturers and by others on malt or brewed beverages used sold transported or delivered with the Commonwealth prescribing the method and manner of evidencing the payment and collection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale or in the transportation of malt or brewed beverages taxable hereunder and certain taxes

HOUSE BILL No. 664.

An Act to provide revenue by imposing a state tax payable by those herein defined as manufacturers and bottlers and by others of syrups and bottled soft drinks prepared used sold transported or delivered within the Commonwealth requiring persons as herein defined engaged in the manufacture bottling distribution sale and transportation of syrup and bottled soft drinks to secure permits prescribing the method and manner of evidencing the payment and collection of such tax or assessing the tax conferring powers and imposing duties on the Department of Revenue and those manufacturing bottling distributing selling and transporting syrup or bottled soft drinks taxable hereunder and providing penalties

HOUSE BILL No. 665.

An Act to reenact and amend the title and the act approved the sixteenth day of May one thousand nine hundred thirty-five (P. L. 208) entitled as amended "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net income of certain corporations joint-stock associations and limited partnerships providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties" as previously reenacted and amended by extending the provisions of the act for a further limited period of time and by disallowing any deduction for net operating losses

HOUSE BILL No. 666.

An Act to further amend section twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" postponing the manufacturing exemption with regard to capital stock tax and the franchise tax on domestic and foreign corporations joint-stock associations limited partnerships and companies

HOUSE BILL No. 785.

An Act to further amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant

Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and al lother assistants and employes of certain departments boards and commissions shall be determined" by creating the Public Service Institute Board in the Department of Public Instruction and defining its powers and duties

Whereupon,

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

COMMITTEE MEETING

Aeronautics, Room No. 331, Thursday, May 8, 1947, at 10:30 a. m., D. S. T.

ADJOURNMENT

Mr. WACHHAUS. Mr. Speaker, I move that this House do not adjourn until Thursday, May 8, 1947 at 10:00 p. m. Eastern Standard Time.

The motion was agreed to, and (at 4:10 p. m. EST) the House adjourned.