

VEToes OF 1925

BILLS RETURNED TO THE LEGISLATURE BY THE GOVERNOR, WITH HIS OBJECTIONS THERETO, DURING ITS REGULAR SESSION ENDING APRIL 16, 1925.

No. 1.

AN ACT

Making an appropriation to the Pennsylvania Institution for the Instruction of the Blind.

Section 1. Be it enacted, &c., That the sum of one hundred and sixty-three thousand three hundred and thirty dollars (\$163,330) is hereby specifically appropriated to the Pennsylvania Institution for the Instruction of the Blind, for the two fiscal years beginning June first, one thousand nine hundred and twenty-five, toward the free education and maintenance of one hundred and sixty-five Pennsylvania pupils, payable in quarterly installments at the rate of four hundred and ninety-five dollars a year for each of such pupils enrolled for the quarter, as shown by the certificate of the principal of the institution.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 2, 1925.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

I herewith return, without my approval, Senate Bill No. 2, entitled "An act making an appropriation to the Pennsylvania Institution for the Instruction of the Blind."

This bill makes an appropriation to the Pennsylvania Institution for the Instruction of the Blind, for the purpose of the education of a definite number of State pupils, at a maximum per capita rate.

Since the introduction of this bill the General Assembly has passed and I have approved Senate Bill No. 311, which establishes a new method for the payment of the tuition and maintenance of State pupils in semi-State institutions for the blind and for the deaf. It provides that the local districts shall pay twenty-five per centum of the cost of the tuition and maintenance and that the remaining seventy-five per centum shall be paid out of the appropriation made to the Department of Public Instruction for special education. The per capita cost of tuition and maintenance is to be determined by the Department of Public Instruction.

In order to render workable this admirable plan for the education

of the State's deaf and blind children in semi-State institutions, it is necessary that an appropriation be made to the Department of Public Instruction sufficient to enable the State's share of the tuition and maintenance of these pupils to be met. That appropriation was originally incorporated in the general appropriation bill, was stricken out by amendment, and has now been restored by amendment.

The bill, which I am herewith returning, is inconsistent with the action of this Legislature in enacting Senate Bill No. 311, which will enable a larger number of pupils to be cared for than could possibly be done under the method provided for in this bill.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 2.

AN ACT

Making an appropriation to the Western Pennsylvania School for the Deaf.

Section 1. Be it enacted, &c., That the sum of two hundred and forty-seven thousand and seventy-three dollars (\$247,073), or so much thereof as may be necessary, is hereby specifically appropriated to the Western Pennsylvania School for the Deaf for the two fiscal years beginning June first, one thousand nine hundred and twenty-five, for the education and maintenance of two hundred and eighty State pupils at an annual rate not exceeding the sum of four hundred and forty dollars (\$440) per pupil, or so much thereof as may be necessary.

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, April 2, 1925.

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

Ladies and Gentlemen:—I herewith return, without my approval, House Bill No. 358, entitled "An act making an appropriation to the Western Pennsylvania School for the Deaf."

This bill makes an appropriation to the Western Pennsylvania School for the Deaf, for the purpose of the education of a definite number of State pupils, at a maximum per capita rate.

Since the introduction of this bill, the General Assembly has passed and I have approved Senate Bill No. 311, which establishes a new method for the payment of the tuition and maintenance of State pupils in semi-State institutions for the blind and for the deaf. It provides that the local districts shall pay twenty-five per centum of the cost of the tuition and maintenance and that the remaining seventy-five per centum shall be paid out of the appropriation made to the Department of Public Instruction for special education. The per capita cost of tuition and maintenance is to be determined by the Department of Public Instruction.

In order to render workable this admirable plan for the education of the State's deaf and blind children in semi-State institutions, it is

necessary that an appropriation be made to the Department of Public Instruction sufficient to enable the State's share of the tuition and maintenance of these pupils to be met. That appropriation was originally incorporated in the general appropriation bill, was stricken out by amendment, and has now been restored by amendment.

The bill which I am herewith returning is inconsistent with the action of this Legislature in enacting Senate Bill No. 311, which will enable a larger number of pupils to be cared for than could possibly be done under the method provided for in this bill.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 3.

AN ACT

Making an appropriation to the Western Pennsylvania School for the Blind, located at Pittsburgh, Pennsylvania.

Section 1. Be it enacted, &c., That the sum of one hundred forty-one thousand one hundred and seventeen dollars (\$141,117), or so much thereof as may be necessary, is hereby specifically appropriated to the Western Pennsylvania School for the Blind, for the two fiscal years beginning June first, one thousand nine hundred and twenty-five, toward the education and maintenance of one hundred and thirty-five State pupils resident in the State, at an annual rate not exceeding five hundred and twenty-five dollars (\$525) per pupil, or so much thereof as may be necessary: Provided, That if any money appropriated for the maintenance of pupils shall remain in the treasury on account of a decrease in the cost per capita through good management, the same may be drawn for maintenance of an extra number of pupils whose maintenance would amount to the said balance, not exceeding the per capita allowed in the act.

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, April 2, 1925.

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

Ladies and Gentlemen:—I herewith return, without my approval, House Bill No. 1020, entitled "An act making an appropriation to the Western Pennsylvania School for the Blind located at Pittsburgh, Pennsylvania."

This bill makes an appropriation to the Western Pennsylvania School at Pittsburgh for the purpose of the education of a definite number of State pupils at a maximum per capita rate.

Since the introduction of this bill, the General Assembly has passed and I have approved Senate Bill No. 311, which establishes a new method for the payment of the tuition and maintenance of State

pupils in semi-State institutions for the blind and for the deaf. It provides that the local districts shall pay twenty-five per centum of the cost of the tuition and maintenance, and that the remaining seventy-five per centum shall be paid out of the appropriation made to the Department of Public Instruction for special education. The per capita cost of tuition and maintenance is to be determined by the Department of Public Instruction.

In order to render workable this admirable plan for the education of the State's deaf and blind children in semi-State institutions, it is necessary that an appropriation be made to the Department of Public Instruction sufficient to enable the State's share of the tuition and maintenance of these pupils to be met. That appropriation was originally incorporated in the general appropriation bill, was stricken out by amendment, and has now been restored by amendment.

The bill which I am herewith returning is inconsistent with the action of this Legislature in enacting Senate Bill No. 311, which will enable a larger number of pupils to be cared for than could possibly be done under the method provided for in this bill.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 4.

AN ACT

Making an appropriation to the Pennsylvania Institution for the Deaf and Dumb, Mount Airy, Philadelphia.

Section 1. Be it enacted, &c., That the sum of four hundred thirty-four thousand four hundred and eighty dollars (\$434,480), or so much thereof as may be necessary, is hereby specifically appropriated to the Pennsylvania Institution for the Deaf and Dumb, located at Mount Airy, Philadelphia, for the two fiscal years beginning June first, one thousand nine hundred and twenty-five, for the education and maintenance of not more than five hundred and five deaf children, residents of the State, at an annual rate not exceeding four hundred and thirty dollars (\$430) per capita; and that the further sum of six thousand dollars (\$6,000) is hereby specifically appropriated to said institution for the education and maintenance of three pupils who are deaf, dumb, and blind, for the two fiscal years beginning June first, one thousand nine hundred and twenty-five; the evidence of the cost per capita to be furnished to the Auditor General before the quarterly settlements: Provided, however, That no part of this appropriation shall become available until the managers of this institution shall have filed with the Department of Public Welfare and the Auditor General a declaration that hereafter all pupils received in this institution shall be taught exclusively by the oral method unless physically incapable of being taught by such method.

Commonwealth of Pennsylvania,
 Executive Chamber,
 Harrisburg, April 2, 1925.

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

Ladies and Genelemen:—I herewith return, without my approval, House Bill No. 1023, entitled "An act making an appropriation to the Pennsylvania Institution for the Deaf and Dumb, Mt. Airy, Philadelphia."

This bill makes an appropriation to the Pennsylvania Institution for the Deaf and Dumb, Mt. Airy, Philadelphia, for the purpose of the education of a definite number of State pupils at a maximum per capita rate.

Since the introduction of this bill the General Assembly has passed, and I have approved Senate Bill No. 311, which establishes a new method for the payment of the tuition and maintenance of State pupils in semi-State institutions for the blind and for the deaf. It provides that the local districts shall pay twenty-five per centum of the cost of the tuition and maintenance, and that the remaining seventy-five per centum shall be paid out of the appropriation made to the Department of Public Instruction for special education. The per capita cost of tuition and maintenance is to be determined by the Department of Public Instruction.

In order to render workable this admirable plan for the education of the State's deaf and blind children in semi-State institutions it is necessary that an appropriation be made to the Department of Public Instruction sufficient to enable the State's share of the tuition and maintenance of these pupils to be met. That appropriation was originally incorporated in the general appropriation bill, was stricken out by amendment, and has now been restored by amendment.

The bill, which I am herewith returning, is inconsistent with the action of this Legislature in enacting Senate Bill No. 311, which will enable a larger number of pupils to be cared for than could possibly be done under the method provided for in this bill.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 5.

AN ACT

To amend clause five of section three of the act, approved the thirteenth day of May, one thousand nine hundred and nine (Pamphlet Laws, five hundred and twenty), entitled "An Act relating to food; defining food; providing for the protection of the public health, and the prevention of fraud and deception, by prohibiting the manufacture or sale, the offering for sale or exposing for sale, or the having in possession with intent to sell, of adulterated, misbranded, or deleterious foods; prescribing certain duties of the Dairy and Food Commissioner in reference thereto; and providing penalties for the violation thereof," as amended.

Section 1. Be it enacted, &c., That clause five of section three of the act, approved the thirteenth day of May, one thousand nine hundred and nine (Pamphlet Laws, five hundred and twenty), entitled

“An act relating to food: defining food; providing for the protection of the public health, and the prevention of fraud and deception, by prohibiting the manufacture or sale, the offering for sale or exposing for sale, or the having in possession with intent to sell, of adulterated, misbranded, or deleterious foods; prescribing certain duties of the Dairy and Food Commissioner in reference thereto; and providing penalties for the violation thereof,” as amended by the act, approved the twenty-sixth day of April, one thousand nine hundred twenty-three (Pamphlet Laws, eighty-eight), entitled “An act to amend clause five of section three of an act, entitled ‘An act relating to food: defining food; providing for the protection of the public health, and the prevention of fraud and deception, by prohibiting the manufacture or sale, the offering for sale or exposing for sale, or the having in possession with intent to sell, of adulterated, misbranded, or deleterious foods; prescribing certain duties of the Dairy and Food Commissioner in reference thereto; and providing penalties for the violation thereof,’ approved the thirteenth day of May, Anno Domini one thousand nine hundred and nine (Pamphlet Laws, five hundred and twenty),” is hereby further amended to read as follows:

Fifth. If it contains any added sulphurous acid, sulphur dioxide, or sulphites, benzoate acid or benzoates, except as hereafter provided; or if it contains any added boric acid or borates, salicylic acid or salicylates, formaldehyde, hydrofluoric acid or fluorides, fluoborates, fluosilicates, or other fluorine compounds, dulein, glucin, saccharin, alum, compounds of copper, betanaphthol, hydronaphthol, abrastol, asaprol, pyroligneous acid, or other added ingredients deleterious to health; or if, in the case of confectionery, it contains any of the substances mentioned in this paragraph, or any mineral substances, or injurious color or flavor, alcoholic liquor, or any other ingredient, not herein mentioned, deleterious to health: Providing, That this act shall not be construed to prohibit the use of harmless colors of any kind in confectionery, when used for coloring, and not for any fraudulent purpose: And provided further, That nothing in this act shall be construed to prohibit the use of common salt, sugar, pure corn syrup, pure glucose, wine vinegar, cider vinegar, malt vinegar, sugar vinegar, glucose vinegar, distilled vinegar, spices or their essential oils, alcohol (except in confectionery), edible oils, edible fats, wood smoke applied directly as generated, or proper refrigeration: And provided further, That in the manufacture of confectionery the use of alcohol shall be permitted as it may be found in customary alcoholic tinctures or extracts used for flavoring purposes only, and as a solvent for glazes, and that oil of sweet birch, or methyl-salicylic ester, may be used as a substitute for oil of wintergreen as a flavor: And provided further, That in the preparation of dried fruits and molasses, sulphur dioxide, either free or in simple combination, may be used in such quantities as will not render said dried fruits or molasses deleterious to health; and that sodium benzoates may be used in the preparation of those articles of food in which it has heretofore been generally used, in quantities not exceeding one-tenth (1-10) of one per centum, or benzoic acid equivalent thereto. [And provided further, That when any quantity of sodium benzoate is used in any article of food, or any quantity of sulphur dioxide is used in the preparation of dried fruits or molasses, the fact that sodium benzoates or sulphur dioxide has been used in the preparation thereof shall be plainly stated on each package of such food.]

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 3, 1925

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

I am herewith returning, without my approval, Senate Bill No. 96, entitled "An act to amend clause five of section three of the act, approved the thirteenth day of May, one thousand nine hundred and nine (Pamphlet Laws, five hundred and twenty), entitled, "An act relating to food, defining food, providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture or sale, the offering for sale, or exposing for sale, or the having in possession with intent to sell of adulterated, misbranded or deleterious foods; prescribing certain duties of the Dairy and Food Commissioner in reference thereto, and providing penalties for the violation thereof,' as amended."

This bill would amend clause five of section three of the act of May 13, 1909 (P. L. 520), by striking out the provisions that when any quantity of sodium benzoate is used in any article of food, or any quantity of sulphur dioxide is used in the preparation of dried fruits or molasses, the fact that sodium benzoate or sulphur dioxide has been used in the preparation thereof shall be plainly stated on each package of such food. I am informed that this amendment of the law was proposed because it is not practicable to state on packages of dried fruits sold from bulk that sulphur dioxide has been used in their preparation.

Since the introduction into the General Assembly of the present bill the Department of Agriculture has amended its rules and regulations in such a way as to accomplish the purpose which the framers of the present bill had in mind. Accordingly the necessity for this legislation has disappeared.

It is very much more desirable that matters of this character should be regulated by rule or regulation, which may be modified from time to time as circumstances require, than that the food laws themselves be amended.

For these reasons I return the bill without my approval.

GIFFORD PINCHOT.

No. 6.

AN ACT

Authorizing cities of the first class to enter into contracts or agreements for the establishment, maintenance, or continuance of maritime service between said cities and other ports, by others; providing among other things for the payment or guarantee of losses or deficiencies incurred therein.

Section 1. Be it enacted, &c., That cities of the first class are hereby authorized to enter into contracts or agreements with steamship companies or others for the establishment, maintenance, carrying on, or continuance by said other parties, of marine passenger, or freight

and cargo service, or a combination thereof; and to lease and acquire wharves, docks, and lands for such purposes; and to aid in the development of wharves, docks, and lands on such terms and conditions as may be deemed desirable by the Council of said cities; and may provide, among other things, as a term of such contracts or agreements, for the payment or guarantee, for fixed periods, of losses or deficiencies that may be incurred or met by the other parties to said contracts or agreements in the carrying on of such service, together with such other terms and conditions as may be agreed upon.

Section 2. All executive functions, duties, and powers under this act, or arising therefrom, shall be exercised by the Department of Wharves, Docks, and Ferries of such cities.

Section 3. All acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 3, 1925.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

I return herewith, without my approval, Senate Bill No. 446, entitled "An act authorizing cities of the first class to enter into contracts or agreements for the establishment, maintenance or continuance of maritime service between said cities and other ports by others, providing among other things for the payment or guarantee of losses or deficiencies incurred therein."

This bill authorizes cities of the first class to enter into contracts with steamship companies and others for the maintenance of maritime service to and from its ports, and to guarantee, for fixed periods, the parties so contracted with against losses incurred by them in the maintenance of such service; also to lease and acquire wharves, docks and land, and to aid in the development thereof.

The consensus of public opinion in this State is against any branch of the government entering into private business, directly or indirectly, or lending its credit to any person or corporation. The people should not be taxed to support any private business.

Article IX, Section 7, of the Constitution, provides:

"The General Assembly shall not authorize any county, city, borough, township or incorporated district * * * to obtain or appropriate money for, or to loan its credit to any corporation, association, institution or individual."

This bill is in violation of this section of the Constitution in that it authorizes the city to loan its credit to a corporation, and also in that it authorizes the city to obtain and appropriate money for a corporation.

The Supreme Court has held that this provision of the Constitution forbade the union of public and private capital or credit in any enterprise whatever; that it prohibited municipal bodies from participating in any project originated by others, with a view to gain, in such manner as to incur pecuniary expense or liability; and that it was intended to confine the municipal expenditures not only to public objects, but to public officers or agents under their direct responsibility

to the municipality. (Wilkes-Barre Hospital vs. County of Luzerne, 84 Pa. 55, 59.)

The subsidizing of steamship companies, as provided in this bill, is in conflict with the Constitution. I veto the bill with regret, because other parts of it have real merit.

For this reason the bill is not approved.

GIFFORD PINCHOT.

No. 7.

AN ACT

To amend section one of the act, approved the fifteenth day of March, one thousand nine hundred and eleven (Pamphlet Laws, twenty), entitled "An act regulating in criminal trials the cross-examination of a defendant when testifying in his own behalf," by prohibiting the introduction as evidence of certain testimony or records."

Section 1. Be it enacted, &c., That section one of the act, approved the fifteenth day of March, one thousand nine hundred and eleven (Pamphlet Laws, twenty), entitled "An act regulating in criminal trials the cross-examination of a defendant when testifying in his own behalf," is hereby amended to read as follows:

Section 1. Be it enacted, &c., That hereafter any person charged with any crime, and called as a witness in his own behalf, shall not be asked, for any purpose whatsoever, [and, if asked, shall not be required to answer,] any question tending to show that he has committed, or been charged with, or been convicted of any offense other than the one wherewith he shall then be charged, or tending to show that he has been of bad character or reputation, except as to his reputation for truth and veracity, nor shall the Commonwealth be permitted to affirmatively introduce into evidence any such testimony or any record, unless,—

One. He shall have at such trial, personally or by his advocate, asked questions of the witness for the prosecution with a view to establish his own good reputation or character, or has given evidence tending to prove his own good character or reputation; or,

Two. He shall have testified at such trial against a co-defendant, charged with the same offense.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 4, 1925.

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

Ladies and Gentlemen:—I return herewith, without my approval, House Bill No. 29, entitled "An act to amend section one of the act, approved the fifteenth day of March, one thousand nine hundred and eleven (Pamphlet Laws, twenty), entitled 'An act regulating in criminal trials the cross-examination of a defendant when testifying in

his own behalf,' by prohibiting the introduction as evidence of certain testimony or records."

This bill is practically the same as House Bill No. 365 of the Session of 1923, which was not approved by me (Veto of the Governor, Session 1923, page nine).

The act of March 15, 1911, prohibited the elicitation from a defendant, who had offered himself as a witness in his own behalf, of any evidence tending to show that he has committed or been charged with, or been convicted of any offense other than the one wherewith he is then charged, or that he has been of bad character or reputation, unless he has offered evidence of his good character either affirmatively or by cross-examination of the Commonwealth's witnesses or has testified against a co-defendant.

This act did not prohibit proof of such facts by the record of a former conviction when offered for the purpose of testing defendant's credibility as a witness.

This bill amends the act of 1911 by prohibiting the Commonwealth from affirmatively introducing into evidence any such testimony or any record, subject to the exception noted in the act.

As stated in my former veto, I am unwilling to sign a measure which throws additional protection around those accused of crime beyond that already supplied by the act of 1911, quoting therein the statement of Professor Wigmore with reference to the act of 1911, that

"This State (Pennsylvania) has now permitted the following vicious piece of legislation to slip in and thus tenderly to make it easier for astute defenders of villains to juggle their clients out of legal danger." Wigmore on Evidence, Vol. 4, Sec. 2276, Note page 917.

In addition to the above objection I call your attention to the following effects of the provision of this bill prohibiting the introduction by the Commonwealth of any evidence, by the testimony of any witness or by any record, tending to show that the defendant had committed or had been convicted of an offense other than the one wherewith he stands charged.

It would prevent proof of a former conviction by the record thereof for the purpose of applying the acts that provide for increased sentences in cases where the defendant has been theretofore convicted of certain offenses.

In case of the trial of a defendant charged with murder, where it is alleged that such crime was perpetrated by means of poison, arson, rape, robbery or burglary, which under such circumstances is declared to be murder of the first degree, it would prevent the introduction of testimony tending to show that the defendant had committed such arson, rape, etc.

In many criminal trials evidence of the commission of other offenses by the defendant is admissible where such evidence is relevant as part of the *res gestae*; to prove identity of person or of crime; to prove guilty knowledge, intent, motive, system or malice; and to rebut special defenses. It would prevent the introduction of such testimony for these purposes.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 8.

AN ACT

To reimburse Josephine Wrucina for over-payments to the State Treasurer.

WHEREAS, On the seventh day of September, one thousand nine hundred and twenty-three, the Excelsior Trust Company, guardian for the estate of Josephine Wrucina, did pay to the Commonwealth of Pennsylvania the sum of one hundred and thirteen dollars and fourteen cents (\$113.14) for maintenance and support of said Josephine Wrucina at the Philadelphia County Hospital, Philadelphia, Pennsylvania, being payment thereof for fifty-six and one seventh ($56\frac{1}{7}$) weeks at the rate of two dollars (\$2.00) per week—to wit, from the fourth day of August, one thousand nine hundred and twenty-two, to the first day of September, one thousand nine hundred and twenty-three; and

WHEREAS, The Excelsior Trust Company was discharged as guardian for said Josephine Wrucina as of C. P. Number five March Term, one thousand nine hundred and twenty-one, number five thousand two hundred and thirty-four, on the nineteenth day of August, one thousand nine hundred and twenty-four, and by order of said court her estate was to be returned to her; therefore,

Section 1. Be it enacted, &c., That the sum of one hundred and thirteen dollars and fourteen cents (\$113.14) be and the same is hereby specifically appropriated for the repayment of the said Josephine Wrucina, and which said sum was by her estate paid into the State treasury on the seventh day of September, one thousand nine hundred and twenty-three, and was a payment for maintenance and support in excess of the actual maintenance and support received by her.

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, April 4, 1925.

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

Ladies and Gentlemen:—I return herewith, without my approval, House Bill No. 852, entitled "An act to reimburse Josephine Wrucina for over-payments to the State Treasurer."

I feel strongly that the proper method of refunding money paid by mistake into the State Treasury should be by provision of general laws covering the various classes of such mistaken payments and surrounding the inquiry with the safeguard of action by State governmental agencies, like the Board of Finance and Revenue. The amount of such repayments made would then be restricted to the appropriations for that purpose made by the General Assembly from time to time.

Such general laws should also have in all instances, except escheats, a definite limitation of time within which the State agency may consider claims for refund from the Treasury.

Prior to the passage of such laws, any special refunding act should not authorize such refund except after a finding by some competent officer or agency of the State Government that the facts claimed are

true and that refund would be just and equitable. House Bill No. 852 has no provision for such investigation and determination, and it is not possible for me to have a proper investigation made on this or any other similarly defective bills within the short time during which such bills must be considered and acted upon finally.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 9.

A. SUPPLEMENT

To an act, approved the twenty-third day of June, one thousand nine hundred eleven (Pamphlet Laws, eleven hundred and twenty-three), entitled "An act establishing in each county a board of viewers; prescribing their duties; providing for their appointment as viewers, road juries, juries of view, and commissioners to view land; and providing for the charges upon the respective counties in the matter of salaries, costs, and expenses thereof," as the same was amended and supplemented by the subsequent acts; by providing for the compensation to be paid to the members of the board of viewers in counties of the fourth class.

Section 1. Be it enacted, &c., That each member of the board of viewers in counties of the fourth class appointed pursuant to the provisions of the act of Assembly of which this is a supplement shall hereafter receive and be paid out of the treasury of the proper county the sum of ten (10) cents per mile for each mile actually and necessarily traveled by him in the performance of the duties of his office, and each member of the said board of viewers shall receive and be paid out of the treasury of the proper county the sum of ten dollars (\$10) per day for each day actually and necessarily spent by him in the performance of the duties of his office. The same shall be paid monthly under such conditions as to verification of time of employment as may be prescribed by the rules and regulations which shall be made in that behalf by the courts of the respective counties.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 6, 1925.

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

Ladies and Gentlemen:—I return herewith, without my approval, House Bill No. 292, entitled "A Supplement to an act, approved the twenty-third day of June, one thousand nine hundred eleven (Pamphlet Laws, eleven hundred and twenty-three), entitled 'An act establishing in each county a board of viewers, prescribing their duties, providing for their appointment as viewers, road juries, juries of view and commissioners to view land, and providing for the charges upon the respective counties in the matter of salaries, costs and expenses thereof,' as the same was amended and supplemented by subsequent acts, by providing for the compensation to be paid to the members of the board of viewers in counties of the fourth class."

This bill increases the mileage allowance and pay of members of the

board of viewers in counties of the fourth class, the former from five to ten cents per mile, and the latter from \$7.50 to \$10.00 per day.

Under the law as it now stands the remuneration of the members of the board of viewers is as follows: In first-class counties \$5,000, in second-class counties \$6,500, and in all other counties an allowance of five cents per mile for traveling expenses and \$7.50 per day for each day actually and necessarily spent in the performance of the duties of such office.

I see no reason why the mileage allowance and the per diem pay should be greater in fourth-class counties than those of the third, fifth and succeeding classes.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 10.

AN ACT

Validating certain contracts in writing made by boroughs in connection with proper legal requirements of such boroughs involving an expenditure of over five hundred dollars without complying with all of the requirements of an act, approved the fourteenth day of April, one thousand nine hundred and twenty-one (Pamphlet Laws, one hundred and forty-seven), entitled "An act to amend section two of article one of chapter five of an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled 'An act providing a system of government for boroughs and revising, amending and consolidating the law relating to boroughs,' " where such contracts have been either in whole or in part performed by the contractor.

Section 1. Be it enacted, &c., That whenever any borough in this Commonwealth prior to the passage of this act has entered into any contract in writing in connection with proper legal requirements of such borough and such contract has been made with and from the lowest responsible bidder, but without complying with all the requirements of an act, approved the fourteenth day of April, one thousand nine hundred and twenty-one (Pamphlet Laws, one hundred and forty-seven), entitled "An act to amend section two of article one of chapter five of an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled 'An act providing a system of government for boroughs and revising, amending and consolidating the law relating to boroughs,' " and such contract has been either in whole or in part performed by the contractor; such contract is hereby validated and made binding with like force and effect as if compliance had been made with all of the requirements of the said act of April fourteenth, one thousand nine hundred and twenty-one: Provided, That this act shall not apply to any proceeding or suit wherein a final order or judgment of any court of record has already been made or entered.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 9, 1925.

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

Ladies and Gentlemen:—I return herewith, without my approval,

House Bill No. 967, entitled "An act validating certain contracts in writing made by boroughs in connection with proper legal requirements of such boroughs involving an expenditure of over five hundred dollars without complying with all of the requirements of an act, approved the fourteenth day of April, one thousand nine hundred and twenty-one (Pamphlet Laws, one hundred and forty-seven), entitled 'An act to amend section two of article one of chapter five of an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled "An act providing a system of government for boroughs and revising, amending, and consolidating the law relating to boroughs,"' where such contracts have been either in whole or in part performed by the contractor."

This bill is to validate any contracts in writing entered into by any borough in connection with the legal requirements of such borough where such contract has been made with the lowest responsible bidder, "but without complying with all the requirements of" the act of April 14, 1921, P. L. 147, amending Section 2 of Article I of Chapter 5 of the act of May 14, 1915, P. L. 312, known as "The General Borough Act," and where the contract has been in whole or in part performed by the contractor.

The words in this bill "without complying with all the requirements of an act," the act aforementioned, are too general and indefinite. If, for instance, the bill is intended to remedy omissions in the time or manner of advertisement for bids, or any other requirement concerning notice to bidders, said omission should be specified in the bill. Furthermore, to validate contracts made under such circumstances would be decidedly unfair to persons who might otherwise have bid on the contract, with a possible loss to the borough as a direct consequence. To validate such contracts would be an unwise public policy.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 11.

AN ACT

Making an appropriation to the Waynesboro Hospital, Waynesboro, Pennsylvania.

Section 1. Be it enacted, &c., That the sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, is hereby specifically appropriated to the Waynesboro Hospital, Waynesboro, Pennsylvania, for the two fiscal years beginning June first, one thousand nine hundred and twenty-five, for the purpose of maintenance; to be paid according to regulations and in the manner prescribed by law, at the rate of three dollars (\$3.00) per diem for the medical and surgical services rendered to, and maintenance of, each person treated in said hospital who is entitled to free service; and for each day of part pay service such proportion of the aforesaid three dollars (\$3.00) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such service: Provided, however, That no hospital shall receive compensation at a rate exceeding the actual cost of service per capita in the public ward of said hospital.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 10, 1925.

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

Ladies and Gentlemen:—I herewith return, without my approval, House Bill No. 73, entitled "An act making an appropriation to the Waynesboro Hospital, Waynesboro, Pennsylvania."

This bill makes an appropriation to the Waynesboro Hospital, Waynesboro, Pennsylvania. This institution did not make application to the Commonwealth for an appropriation through the Department of Welfare until after the Budget was submitted. I believe it to be a sound policy to grant appropriations only to those institutions which make application to the Commonwealth through its regularly constituted agency, thus affording opportunity for an investigation of the work and needs of the institution, and cannot see my way clear to approve any appropriations for which such application has not been made.

For these reasons I withhold my approval from the bill.

GIFFORD PINCHOT.

No. 12.

AN ACT

Making an appropriation to the Williams Valley Hospital of Williamstown, Pennsylvania.

Section 1. Be it enacted, &c., That the sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the Williams Valley Hospital, of Williamstown, Pennsylvania, for the two fiscal years beginning June first, one thousand nine hundred and twenty-five, for the purpose of maintenance; to be paid according to regulations and in the manner prescribed by law, at the rate of three dollars (\$3) per diem for the medical and surgical services rendered to, and maintenance of, each person treated in said hospital who is entitled to free service; and for each day of part pay service such proportion of the aforesaid three dollars (\$3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service: Provided, however, That no hospital shall receive compensation at a rate exceeding the actual cost of service per capita in the public ward of said hospital.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 10, 1925.

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

Ladies and Gentlemen:—I herewith return, without my approval,

House Bill No. 247, entitled "An act making an appropriation to the Williams Valley Hospital of Williamstown, Pennsylvania."

This bill makes an appropriation to the Williams Valley Hospital, of Williamstown, Pennsylvania. This institution did not make application to the Commonwealth for an appropriation through the Department of Welfare. I believe it to be a sound policy to grant appropriations only to those institutions which make application to the Commonwealth through its regularly constituted agency, thus affording opportunity for an investigation of the work and needs of the institution, and can not see my way clear to approve any appropriations for which such application has not been made.

For these reasons I withhold my approval from the bill.

GIFFORD PINCHOT.

No. 13.

AN ACT

Making an appropriation to the Andrew Kaul Memorial Hospital, at St. Mary's, Elk County, Pennsylvania.

Section 1. Be it enacted, &c., That the sum of eight thousand dollars (\$8,000), or so much thereof as may be necessary, is hereby specifically appropriated to the Andrew Kaul Memorial Hospital, at St. Mary's, Elk County, Pennsylvania, for the two fiscal years beginning June first, one thousand nine hundred and twenty-five, for the purpose of maintenance; to be paid according to regulations and in the manner prescribed by law at the rate of three dollars (\$3) per diem for the medical and surgical service rendered to, and maintenance of, each person treated in said hospital who is entitled to free service; and for each day of part service such proportion of the aforesaid three dollars (\$3) per diem rate as the part of the regular charge which the person so treated is not able to pay bears to the regular ward charge for such free service: Provided, however, That no hospital shall receive compensation at a rate exceeding the actual cost of service per capita in the public ward of said hospital.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 10, 1925.

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

Ladies and Gentlemen:—I herewith return, without my approval, House Bill No. 805, entitled "An act making an appropriation to the Andrew Kaul Memorial Hospital at St. Mary's, Elk County, Pennsylvania."

This bill makes an appropriation to the Andrew Kaul Memorial Hospital at St. Mary's, Elk County, Pennsylvania. This institution did not make application to the Commonwealth for an appropriation through the Department of Welfare. I believe it to be a sound policy

to grant appropriations only to those institutions which make application to the Commonwealth through its regularly constituted agency, thus affording opportunity for an investigation of the work and needs of the institution, and can not see my way clear to approve any appropriations for which such application has not been made.

For these reasons I withhold my approval from the bill.

GIFFORD PINCHOT.

No. 14.

AN ACT

Making an appropriation to the Bethesda Home, Pittsburgh, Pennsylvania.

Section 1. Be it enacted, &c., That the sum of three thousand dollars (\$3,000), or so much thereof as may be necessary, is hereby specifically appropriated to the Bethesda home, located at one thousand three hundred fifteen Liverpool Street, Pittsburgh, Pennsylvania, for the two fiscal years beginning June first, one thousand nine hundred and twenty-five, for the purpose of maintenance; to be paid according to law.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 10, 1925.

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

Ladies and Gentlemen:—I herewith return, without my approval, House Bill No. 1016, entitled "An act making an appropriation to the Bethesda Home, Pittsburgh, Pennsylvania."

This bill makes an appropriation to the Bethesda Home of Pittsburgh.

I am informed that this institution has discontinued the charitable work in aid of which the Commonwealth has heretofore made appropriations to it.

For this reason the bill is not approved.

GIFFORD PINCHOT.

No. 15.

AN ACT

Making an appropriation to The Jefferson Medical College of Philadelphia, Pennsylvania, for Medical Education.

Section 1. Be it enacted, &c., That the following sum, or so much thereof as may be necessary, be and the same is hereby specifically

appropriated to the Jefferson Medical College of Philadelphia for the two fiscal years beginning June first, one thousand nine hundred and twenty-five, for the following purpose, namely:

The sum of one hundred and twenty-five thousand dollars (\$125,000), or so much thereof as may be necessary, for the support and promotion of medical education.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 10, 1925.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

I herewith return, without my approval, Senate Bill No. 330, entitled "An act making an appropriation to the Jefferson Medical College, of Philadelphia, Pennsylvania, for medical education."

This bill makes an appropriation to the Jefferson Medical College, of Philadelphia, for the support and promotion of medical education.

Two years ago the State Council of Education recommended that subsidies to private schools be limited to those then receiving State aid. The Jefferson Medical College, of Philadelphia, was not at that time receiving State aid, and approval of the present appropriation would be a departure by me from the policy recommended by the State Council of Education.

Were the State to depart from the policy recommended by the State Council of Education there are many worthy private schools in Pennsylvania which could properly request State aid if this or any other similar appropriation were approved.

In addition, this institution did not make a request for an appropriation through the Department of Public Instruction prior to the submission of the budget estimates of that department.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 16.

AN ACT

Making an appropriation to the Department of Property and Supplies to reimburse David Cramer for moneys erroneously paid into the State Treasury.

Section 1. Be it enacted, &c., That the sum of five hundred dollars (\$500.00), or so much thereof as may be necessary, is hereby specifically appropriated to the Department of Property and Supplies for the purpose of reimbursing David Cramer for said moneys erroneously paid into the State Treasury.

Section 2. Said moneys shall be paid over to said David Cramer by requisition by the Secretary of Property and Supplies on warrant of the Auditor General in the event that after due examination the Secretary of Property and Supplies finds that said over-payment was actually made.

Commonwealth of Pennsylvania,
 Executive Chamber,
 Harrisburg, April 10, 1925.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

I return herewith, without my approval, Senate Bill No. 450, entitled "An act making an appropriation to the Department of Property and Supplies to reimburse David Cramer for moneys erroneously paid into the State Treasury."

This bill would appropriate to the Department of Property and Supplies five hundred dollars (\$500) to reimburse an individual for moneys alleged to have been erroneously paid into the State Treasury. The bill states as facts that the individual in question purchased an automobile from the Commonwealth at a public sale conducted by the Department of Property and Supplies, and that the Department of Property and Supplies did not deliver to him the automobile which he purchased, but another car, which had a market value five hundred dollars (\$500) less than the value of the automobile purchased.

I am advised by the Department of Property and Supplies that these statements of fact are entirely erroneous. The individual in question bid on the automobile after a physical inspection thereof and the identical automobile which he purchased was delivered to him. Under these circumstances there can be no justification for a payment out of the State Treasury to the individual concerned of any part of the purchase price of the automobile.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 17.

AN ACT

Making an appropriation providing for a deficiency in the maintenance of the Glen Mills Schools, Glen Mills, Delaware County, Pennsylvania.

Section 1. Be it enacted, &c., That the sum of five thousand six hundred and seventy and six one-hundredths dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the Glen Mills Schools, Glen Mills, Delaware County, Pennsylvania, to cover deficiencies in maintenance.

Commonwealth of Pennsylvania,
 Executive Chamber,
 Harrisburg, April 10, 1925.

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

Ladies and Gentlemen:—I herewith return, without my approval, House Bill No. 12, entitled "An act making an appropriation pro-

viding for a deficiency in the maintenance of the Glen Mills Schools, Glen Mills, Delaware County, Pennsylvania.

This bill makes a deficiency appropriation to the Glen Mills Schools.

The 1923 Legislature made a lump sum appropriation to this institution for maintenance without any restrictions in the nature of per capita cost or otherwise, which prevented this institution from paying its maintenance cost during the current biennium out of the amount of the 1923 appropriation. The institution is under the supervision of the Department of Welfare and no request was made to the Department to approve in advance expenditures which would result in a deficiency for the current biennium. The Department of Welfare knows of no reason why the deficiency appropriation is necessary and recommends that none be granted.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 18.

AN ACT

Making an appropriation to the Elmwood Home for Boys, at Erie, Pennsylvania.

Section 1. Be it enacted, &c., That the sum of two thousand dollars (\$2,000), or so much thereof as may be necessary, is hereby specifically appropriated to the Elmwood Home for Boys, at Erie, Pennsylvania, for the two fiscal years beginning June first, one thousand nine hundred and twenty-five, for the purpose of maintenance; to be paid according to law.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 10, 1925.

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

Ladies and Gentlemen:—I herewith return, without my approval, House Bill No. 102, entitled "An act making an appropriation to the Elmwood Home for Boys, at Erie, Pennsylvania."

This bill makes an appropriation to the Elmwood Home for Boys at Erie. The official representative of this institution has stated to the Department of Welfare that the institution does not wish a State appropriation.

For this reason the bill is not approved.

GIFFORD PINCHOT.

No. 19.

AN ACT

Making an appropriation to the Messiah Rescue and Benevolent Home of Harrisburg, Pennsylvania.

Section 1. Be it enacted, &c., That the sum of two thousand dollars (\$2,000), or so much thereof as may be necessary, is hereby specifically appropriated to the Messiah Rescue and Benevolent Home, of Harrisburg, Pennsylvania, for the two fiscal years beginning June first, one thousand nine hundred and twenty-five, for the purpose of maintenance; to be paid according to law.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 10, 1925.

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

Ladies and Gentlemen:—I herewith return, without my approval, House Bill No. 142, entitled "An act making an appropriation to the Messiah Rescue and Benevolent Home, of Harrisburg, Pennsylvania.

This bill makes an appropriation to the Messiah Rescue and Benevolent Home of Harrisburg which, I am advised by the Attorney General, has been held to be a sectarian institution. Under Article III, Section 18 of the Constitution of Pennsylvania, the Legislature is prohibited from making appropriations to denominational or sectarian institutions, corporations or associations.

For this reason the bill is not approved.

GIFFORD PINCHOT.

No. 20.

AN ACT

Making an appropriation to the Benevolent Association's Home for Children, Pottsville, Pennsylvania.

Section 1. Be it enacted, &c., That the sum of four thousand dollars (\$4,000), or so much thereof as may be necessary, is hereby specifically appropriated to the Benevolent Association's Home for Children, Pottsville, Pennsylvania, for the two fiscal years beginning June first, one thousand nine hundred and twenty-five, for the purpose of maintenance; to be paid according to law.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 10, 1925.

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

Ladies and Gentlemen:—I herewith return, without my approval,

House Bill No. 272, entitled "An act making an appropriation to the Benevolent Association's Home for Children, Pottsville, Pennsylvania."

This bill makes an appropriation to the Benevolent Association's Home for Children at Pottsville.

I am advised by the Department of Welfare that the work of this institution is below the minimum standard which should be required of any agency receiving financial aid from the Commonwealth.

For this reason the bill is not approved.

GIFFORD PINCHOT.

No. 21.

AN ACT

Making an appropriation to the Dixmont Hospital, of Dixmont, Allegheny County, Pennsylvania.

Section 1. Be it enacted, &c., That the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, is hereby specifically appropriated to the Dixmont Hospital, of Dixmont, Allegheny County, for the purpose of constructing a retaining wall approximately three hundred and thirty-five feet in length, along the Ohio River, in rear of the power plant of the Hospital.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 10, 1925.

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

Ladies and Gentlemen:—I herewith return, without my approval, House Bill No. 320, entitled "An act making an appropriation to the Dixmont Hospital of Dixmont, Allegheny County, Pennsylvania."

This bill makes an appropriation to the Dixmont Hospital, of Dixmont, Allegheny County, for the purpose of constructing a retaining wall, along the Ohio River, in the rear of the power plant of the hospital.

In view of the fact that there will not be sufficient revenue available during the forthcoming biennium to enable State-owned institutions to receive in full the amounts which they should have for construction work, I cannot see my way clear to approve appropriations to institutions not owned by the Commonwealth for work of this character.

For this reason the bill is not approved.

GIFFORD PINCHOT.

No. 22.

AN ACT

Making an appropriation to the Berean Manual Training and Industrial School.

Section 1. Be it enacted, &c., That the sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary, is hereby specifically appropriated to the Berean Manual Training and Industrial School for the two fiscal years beginning June first, one thousand nine hundred and twenty-five, for the purpose of maintenance; to be paid according to law.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 10, 1925.

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

Ladies and Gentlemen:—I herewith return, without my approval, House Bill No. 407, entitled "An act making an appropriation to the Berean Manual Training and Industrial School."

This bill makes an appropriation to the Berean Manual Training and Industrial School, of Philadelphia. This is a private school, operated by an individual. The Department of Public Instruction advises that the equipment of the school is inadequate and below standard, and that the work done by the school does not come up to the minimum standard which should be required of institutions receiving State aid.

In addition, students can obtain without cost the same work offered by this school in the evening schools of Philadelphia, the standards of which are higher than those of this institution.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 23.

AN ACT

Making an appropriation to the Pittsburgh Newsboys' Home, of Pittsburgh, Pennsylvania.

Section 1. Be it enacted, &c., That the sum of fifteen thousand dollars (\$15,000), or so much thereof as may be necessary, is hereby specifically appropriated to the Pittsburgh Newsboys' Home, of Pittsburgh, Pennsylvania, for the two fiscal years beginning June first, one thousand nine hundred and twenty-five, for the purpose of maintenance; to be paid according to law.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 10, 1925.

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

Ladies and Gentlemen:—I herewith return, without my approval,

House Bill No. 461, entitled "An act making an appropriation to the Pittsburgh Newsboys' Home of Pittsburgh, Pennsylvania."

This bill makes an appropriation to the Pittsburgh Newsboys' Home, the official representative of which has stated to the Department of Welfare that the Home neither desires nor needs a State appropriation.

For this reason the bill is not approved.

GIFFORD PINCHOT.

No. 24.

AN ACT

Making an appropriation to the Diagnostic Hospital, Philadelphia, Pennsylvania.

Section 1. Be it enacted, &c., That the sum of two thousand dollars (\$2,000), or so much thereof as may be necessary, is hereby specifically appropriated to the Diagnostic Hospital, located at seventeen hundred and thirty-one Vine Street, Philadelphia, for the two fiscal years beginning June first, one thousand nine hundred and twenty-five, for the purpose of maintenance; to be paid according to regulations and in the manner prescribed by law, at the rate of three dollars (\$3) per diem for the medical and surgical services rendered to, and maintenance of, each person treated in said hospital who is entitled to free service; and for each day of part service such proportion of the aforesaid three dollars (\$3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service: Provided, however, That no hospital shall receive compensation at a rate exceeding the actual cost of service per capita in the public ward of said hospital.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 10, 1925.

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

Ladies and Gentlemen:—I herewith return, without my approval, House Bill No. 237, entitled "An act making an appropriation to the Diagnostic Hospital, Philadelphia, Pennsylvania."

This bill makes an appropriation to the Diagnostic Hospital, Philadelphia, Pennsylvania. I believe it to be a sound policy not to grant appropriations in small amounts to small specialized institutions which are located in the midst of large general hospitals equally well equipped to render the service. I therefore withhold my approval from this bill.

GIFFORD PINCHOT.

No. 25.

AN ACT

Making a deficiency appropriation to the Western Pennsylvania School for the Deaf.

Section 1. Be it enacted, &c., That the sum of forty-six thousand nine hundred and eighty-five dollars and fourteen cents (\$46,985.14), or so much thereof as may be necessary, is hereby specifically appropriated to the Western Pennsylvania School for the Deaf for the two fiscal years ending May thirty-first, one thousand nine hundred and twenty-five, to cover a deficiency in the education and maintenance of State pupils.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 10, 1925.

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

Ladies and Gentlemen:—I herewith return, without my approval, House Bill No. 357, entitled "An act making a deficiency appropriation to the Western Pennsylvania School for the Deaf."

This bill makes an appropriation to the Western Pennsylvania School for the Deaf. The request for this deficiency was made to the Department of Public Instruction and was refused, to the satisfaction of the Institution.

For this reason I withhold my approval from the bill.

GIFFORD PINCHOT.

No. 26.

AN ACT

Making an appropriation to the Children's Home Society of Pennsylvania.

Section 1. Be it enacted, &c., That the sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the Children's Home Society of Pennsylvania, Incorporated, located at one hundred and thirty-five Penwood Avenue, in the City of Pittsburgh, Pennsylvania, for the two fiscal years beginning June first, one thousand nine hundred and twenty-five, for the purpose of maintenance and the prosecution of its work; to be paid according to law.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 10, 1925.

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

Ladies and Gentlemen:—I herewith return, without my approval, House Bill No. 359, entitled "An act making an appropriation to the Children's Home Society of Pennsylvania."

This bill makes an appropriation to the Children's Home Society of

Pennsylvania. This is a private organization engaged in home-finding, child-placement, and adoption work among children, and maintaining a temporary home for children of Pittsburgh.

This organization up to the present time has not demonstrated its ability or willingness to develop its work in accordance with reasonable minimum standards. It duplicates the work of the Children's Aid Society of Pennsylvania, with headquarters in Philadelphia; of the Children's Aid Society of Western Pennsylvania, with headquarters in Pittsburgh; and also duplicates the work of certain county children's aid societies to which the State already makes appropriation.

The records of the Society are inadequate for the purpose for which they are intended; the children placed out are not adequately supervised after placement. The need for the reorganization of the society, together with the need for improved methods up to a minimum standard of child care, has been repeatedly brought to the attention of the officers and executive of the Society by the Department of Welfare without securing adequate improvement.

For these reasons I withhold my approval from the bill.

GIFFORD PINCHOT.

No. 27.

AN ACT

Making an appropriation to the Western Pennsylvania School for the Blind, located at Pittsburgh, Pennsylvania, to cover deficiency in maintenance and education of State pupils.

Section 1. Be it enacted, &c., That the sum of thirty-five thousand three hundred twenty-eight and twenty-five one-hundredths (\$35,328.25) dollars be and the same is hereby specifically appropriated to the Western Pennsylvania School for the Blind, located in Pittsburgh, Pennsylvania, to cover deficiency in maintenance and education, for the two fiscal years ending May thirty-first, one thousand nine hundred twenty-five, and for the two fiscal years ending May thirty-first, one thousand nine hundred twenty-three.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 10, 1925.

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

Ladies and Gentlemen:—I herewith return, without my approval, House Bill No. 899, entitled "An act making an appropriation to the Western Pennsylvania School for the Blind, located at Pittsburgh, Pennsylvania, to cover deficiency in maintenance and education of State pupils."

This bill makes an appropriation to the Western Pennsylvania School for the Blind, located at Pittsburgh, Pennsylvania, to cover deficiency in maintenance and education of State pupils. The request for this

deficiency was made to the Department of Public Instruction and was refused to the satisfaction of the Institution.

For this reason I withhold my approval from the bill.

GIFFORD PINCHOT.

No. 28.

AN ACT

Making an appropriation to the Passavant Memorial Homes for the Care of Epileptics, at Rochester, Beaver County, Pennsylvania.

Section 1. Be it enacted, &c., That the sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary, is hereby specifically appropriated to the Passavant Memorial Homes for the Care of Epileptics, at Rochester, Beaver County, Pennsylvania, for the two fiscal years beginning June first, one thousand nine hundred and twenty-five, for the purpose of maintenance; to be paid according to law.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 11, 1925.

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

Ladies and Gentlemen:—I herewith return, without my approval, House Bill No. 768, entitled "An act making an appropriation to the Passavant Memorial Homes for the Care of Epileptics, at Rochester, Beaver County, Pennsylvania."

This bill makes an appropriation to the Passavant Memorial Homes for the Care of Epileptics, at Rochester, Beaver County, Pennsylvania. This institution did not make application to the Commonwealth for an appropriation through the Department of Welfare. I believe it to be a sound policy to grant appropriations only to those institutions as to whose methods and results the regularly constituted agencies of the State have had the opportunity to secure the necessary information. In the absence of such information, I would not be justified in approving this bill.

For these reasons I withhold my approval from the bill.

GIFFORD PINCHOT.

No. 29.

AN ACT

Making an appropriation to the Lee Homeopathic Hospital, of Johnstown, Pennsylvania.

Section 1. Be it enacted, &c., That the sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, is hereby

specifically appropriated to the Lee Homeopathic Hospital, of Johnstown, Pennsylvania, for the two fiscal years beginning June first, one thousand nine hundred and twenty-five, for the purpose of maintenance; to be paid according to regulations and in the manner prescribed by law, at the rate of three dollars (\$3) per diem for the medical and surgical services rendered to, and maintenance of, each person treated in said hospital who is entitled to free services; and for each day of part service such proportion of the aforesaid three dollars (\$3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service: Provided, however, That no hospital shall receive compensation at a rate exceeding the actual cost of service per capita in the public ward of said hospital.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 11, 1925.

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

Ladies and Gentlemen:—I herewith return, without my approval, House Bill No. 287, entitled "An act making appropriation to the Lee Homeopathic Hospital, of Johnstown, Pennsylvania."

This bill makes an appropriation to the Lee Homeopathic Hospital, of Johnstown, Pennsylvania. This institution did not make application to the Commonwealth for an appropriation through the Department of Welfare. I believe it to be a sound policy to grant appropriations only to those institutions as to whose methods and results the regularly constituted agencies of the State have had the opportunity to secure the necessary information. In the absence of such information I would not be justified in approving this bill.

For these reasons I withhold my approval from the bill.

GIFFORD PINCHOT.

VETOES

BILLS FILED IN THE OFFICE OF THE SECRETARY OF THE COMMONWEALTH BY THE GOVERNOR, WITH HIS OBJECTIONS THERETO, WITHIN THIRTY DAYS AFTER THE ADJOURNMENT OF THE LEGISLATURE ON THE 16TH DAY OF APRIL, A. D. 1925.

No. 30.

AN ACT

Making it unlawful to indicate any other than standard time on any public building or thoroughfare, or to furnish any other than standard time in the course of business.

Section 1. Be it enacted, &c., That no person, copartnership, association, corporation, or organization shall wilfully display in, or on any public building, or on any street, avenue, or public highway any time-measuring instrument or device which is calculated or intended to furnish time to the general public set or running so as to indicate intentionally or indicating intentionally any time other than the standard of time as defined by the act, approved the third day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, one hundred twenty-nine), entitled "An act to amend section one of an act approved the thirteenth day of April, one thousand eight hundred and eighty-seven (Pamphlet Laws, twenty-one), entitled 'An act for the establishment of a uniform standard of time throughout the Commonwealth,' prohibiting the adoption of other standards of time."

Section 2. No person, copartnership, association, corporation, or organization engaged in the business of furnishing time for hire by means of any mechanical device, or a part of whose business it is to inform others what the correct time may be shall wilfully or knowingly furnish, indicate, or inform any customer, or subscriber, or inquirer any time other than such standard time.

Section 3. Any person or any officer of any corporation or organization or association violating any provision of this act shall upon summary conviction be fined not more than one hundred dollars, and in default of the payment of such fine and costs of prosecution to undergo imprisonment in the county jail for ten days.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 24, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1425, entitled "An act making it unlawful to indicate any other than standard time on any public building or thoroughfare, or to furnish any other than standard time in the course of business."

This bill has no relation to daylight saving, in spite of the general opinion to the contrary. Its intent and purpose is that clocks and time-pieces which are under control of the Government or municipalities, and those which are placed upon any public street or highway,

shall all show Eastern standard time, which clocks in substantially all cases already show only such time. With this purpose I am heartily in sympathy. The bill, however, does not stop there. I am informed by the Attorney General that, whether intentionally or not, it goes further and provides that clocks and time-pieces displayed in privately owned buildings to which the public resorts, like hotels, stores, theatres and the like, may not show such time as the proprietors deem expedient; for instance, that time-pieces which show London and Paris time, or the time of Chicago, Denver or San Francisco, would be unlawful.

It seems to me wrong that privately owned time-pieces maintained for private purposes should thus be controlled by a criminal statute. For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 31.

AN ACT

To further amend section one thousand four hundred and twelve of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred and nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same and the method of collecting such revenue; and repealing all laws general, special, or local, or any parts thereof that are or may be inconsistent therewith," as amended.

Section 1. Be it enacted, &c., That section one thousand four hundred and twelve of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred and nine), 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," which was last amended by the act, approved the twentieth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, nine hundred and seventy-eight), entitled "An act to further amend section one thousand four hundred twelve, in article fourteen, of an act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred and nine), entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith,' as amended," is hereby further amended to read as follows:

Section 1412. The board of school directors of any school district in this Commonwealth in which there is located any orphan asylum, home for the friendless, children's home, or other institution for the care or training of orphans or other children, shall permit any children who are inmates of such homes, but not legal residents in such

district, to attend the public schools in said district either with or without charge for tuition, text-books, or school supplies, as the directors of the district in which such institution is located may determine. If a charge is made by any school district for tuition for the inmates of any such institution, the officers of the institution shall submit to the board of school directors a sworn statement setting forth the names, ages, and school district liable for tuition of all children who are inmates thereof and desire to attend public school in the district, together with a blank acknowledging or disclaiming residence signed by the secretary of the school district in which the institution declares the legal residence of the child to be. If said district shall fail to file said blank with said institution within fifteen days from the date it is sent to the district by the institution by registered mail, the institution shall again notify said district of its failure to comply with the provisions of this act, and if the district shall fail to comply within fifteen days following this second notice, said failures to return the blank shall be construed as an acknowledgment of said child's residence. If any of said inmates have been received from outside of Pennsylvania, or if the institution cannot certify as to their residence, their tuition shall be paid by the institution having the care or custody of said children. The tuition of such other inmates as are included in the sworn statement to the board of school directors, shall be withheld by the Superintendent of Public Instruction from any moneys due to the district liable for said tuition upon receipt of a sworn statement setting forth the names, ages, tuition, charges, and school district liable for tuition of said inmates; and all moneys thus withheld shall be paid by him to the district entitled to receive the same. The district so charged with tuition may file an appeal with the Superintendent of Public Instruction, in which it shall be the complainant and the institution the respondent. The decision of the Superintendent of Public Instruction, as to which of said parties is responsible for tuition, shall be final.

The cost of tuition in such cases shall be fixed as is now provided by law for tuition costs in other cases, except where for the accommodation of such children it shall be necessary to provide a separate school or to erect additional buildings, in which cases the charge for tuition for such children may include a proportionate cost of the operating expense, rental, and interest on any investment required to be made in erecting such new school buildings. The tuition herein provided for shall be paid annually by the Superintendent of Public Instruction, or the institution, as the case may be.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 30, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1424, entitled "An act to further amend section one thousand four hundred and twelve of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred and nine), entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such

revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith,' as amended."

This bill is identically the same as Senate Bill No. 657, which has been approved.

For this reason the bill was not approved.

GIFFORD PINCHOT.

No. 32.

AN ACT

Making an appropriation to the widow and children of John T. Coax, former guard at the Western Penitentiary of Pennsylvania, who was killed by rebellious prisoners.

WHEREAS, As a result of a transfer of rebellious prisoners at the Western Penitentiary of Pennsylvania, John T. Coax, former guard at the Western Penitentiary of Pennsylvania, was killed, leaving to survive a widow and three children; and

WHEREAS, Said widow and children have no income except twelve dollars per week under the Workmen's Compensation Laws of the Commonwealth, therefore;

Section 1. Be it enacted, &c., That the sum of five thousand dollars (\$5,000) is hereby specifically appropriated to Mrs. Julia Coax, widow of John T. Coax, former guard at the Western Penitentiary of Pennsylvania, who was killed February eleventh, one thousand nine hundred and twenty-four, during a riot at the Western Penitentiary, caused by the transfer of rebellious prisoners, and to Julia Coax, John T. Coax, Jr., and Mary Jean Coax, children of the said John T. Coax; to be paid to said widow and children in accordance with the intestate laws of the Commonwealth.

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, April 30, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1483, entitled "An act making an appropriation to the widow and children of John T. Coax, former guard at the Western Penitentiary of Pennsylvania, who was killed by rebellious prisoners."

This bill appropriates a specific sum to the widow and children of a former guard at the Western Penitentiary, who was killed during a riot in this penitentiary by rebellious prisoners. The bill indicates that the widow and children of this officer are receiving twelve dollars per week under the Workmen's Compensation Laws of this Commonwealth, and have no other source of income.

I regret to say that I am advised that an appropriation of the character which this bill would make would be a gift within the direct prohibition of Article III, Section 18, of the Pennsylvania Constitution, inasmuch as it is neither a pension nor a gratuity for military services. I could not, therefore, properly approve this bill.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 33.

AN ACT

Making an appropriation to the widow and children of John A. Pieper, former Assistant Deputy Warden of the Western Penitentiary of Pennsylvania, who was killed by rebellious prisoners.

WHEREAS, As a result of the transfer of rebellious prisoners at the Western Penitentiary of Pennsylvania, John A. Pieper, former Assistant Deputy Warden of the Western Penitentiary of Pennsylvania, was killed, leaving to survive a widow and three children; and

WHEREAS, Said widow and children have no income except twelve dollars per week payable under the Workmen's Compensation Laws of the Commonwealth, therefore;

Section 1. Be it enacted, &c., That the sum of five thousand dollars (\$5,000) is hereby specifically appropriated to Mrs. Rose Pieper, widow of John A. Pieper, former Assistant Deputy Warden of the Western Penitentiary of Pennsylvania, who was killed February eleventh, one thousand nine hundred and twenty-four, during a riot at the Western Penitentiary of Pennsylvania, caused by the transfer of rebellious prisoners, and to John A. Pieper, Jr., Owen Pieper, and Girard Pieper, children of the said John A. Pieper; to be paid to said widow and children in accordance with the intestate law of the Commonwealth.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 30, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1484, entitled "An act making an appropriation to the widow and children of John A. Pieper, former Assistant Deputy Warden of the Western Penitentiary of Pennsylvania, who was killed by rebellious prisoners."

This bill appropriates a specific sum to the widow and children of a former guard at the Western Penitentiary, who was killed during a riot in this penitentiary by rebellious prisoners. The bill indicated that the widow and children of this officer are receiving twelve dollars per week under the Workmen's Compensation Laws of this Commonwealth, and have no other source of income.

I regret to say that I am advised that an appropriation of the character which this bill would make would be a gift within the direct prohibition of Article III, Section 18, of the Pennsylvania Constitution, inasmuch as it is neither a pension nor a gratuity for military services. I could not, therefore, properly approve this bill.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 34.

AN ACT

Providing for the notification of witnesses for the defendant in criminal cases where the accused is held for want of bail; and imposing certain duties on the district attorney.

Section 1. Be it enacted, &c., That at least four days before any person under indictment for crime, and who is detained in jail for want

of bail, is brought to trial, the district attorney shall notify such person in writing of the time of such trial. Such notice shall contain the direction that the accused may transmit to the district attorney, the names and addresses of any witnesses in his defense, including character witnesses whose attendance he may require at the trial, for the purpose of having them summoned by the district attorney. Such names and addresses may be transmitted to the district attorney by the accused at any time prior to two days before the day set for trial.

Section 2. Upon receipt of any such names and addresses, the district attorney shall promptly mail notices to all such witnesses, to appear at the time and place therein specified; for the purpose of testifying in behalf of the defendant.

Before proceeding with the trial of any case where the accused is held for want of bail, the district attorney must file in open court a certificate that he has complied with the provisions of this act. Until such certificate is filed, the court shall, of its own motion, continue the case.

Section 3. All acts or parts of acts inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 2, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1088, entitled "An act providing for the notification of witnesses for the defendant in criminal cases where the accused is held for want of bail, and imposing certain duties upon the district attorney."

This bill requires the district attorney:

(1) To serve written notice on a person detained in jail under indictment for crime of the date of his trial, such notice to be served at least four days prior thereto, and to contain a direction to the accused that he may at any time, prior to two days before his trial, transmit to the district attorney the names and addresses of any witnesses desired by him at said trial;

(2) To notify all such witnesses by mail to appear in court at said trial for the purpose of testifying in behalf of the defendant; and

(3) To file in open court a certificate that these requirements have been complied with. Until such certificate is filed the court shall of its own motion continue the case.

The law provides that defendants may obtain subpoenas from the clerk of courts requiring the attendance at court of witnesses desired. The attendance of those served may be enforced by attachment.

It is within the province of the court to appoint counsel for impecunious defendants, and the courts are authorized to and do control the time of the trial of such cases so as to give opportunity to subpoena defendant's witnesses where counsel has not been engaged or appointed in time to prepare a defense.

The district attorneys are now overburdened with work in taking care of their usual duties. They should not be charged with the preparation of defendants' cases nor be made subpoena servers for them. In addition thereto, these provisions would create confusion and delay in criminal trials.

The bill offers a method of summoning witnesses in substitution of the time-honored method of subpoena. It would lead the defendant

to rely upon this method of obtaining the attendance of his witnesses, which notice they are not bound to obey, nor can an attachment be issued for non-compliance. It would furnish a fertile field for disputes at the trial as to whether or not the name of an absent witness was actually given to the district attorney.

In case of failure to attend of one who has been so notified, or in case of a dispute as to the names and addresses actually given to district attorneys, the court would be constrained to grant a continuance because the law has led the defendant to rely on some one else to notify his witnesses, thus placing it within the power of the defendant and his friends to delay trials.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 35.

AN ACT

To amend section two hundred and nineteen of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, seven hundred and eighty-nine), entitled "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; providing penalties; and repealing existing Laws."

Section 1. Be it enacted, &c., That section two hundred and nineteen of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, seven hundred and eighty-nine), entitled "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; providing penalties; and repealing existing laws," is hereby amended to read as follows:

Section 219. Records of Department; Annual Report.—The Insurance Commissioner shall preserve, in a permanent form, a full record of his proceedings and a concise statement of the condition of each company, association, exchange, society, and order or agency visited or examined. He shall make a report annually, to be submitted to the General Assembly at its biennial sessions, showing the receipts and expenses of his department, the condition of companies, associations, exchanges, societies, and orders doing business in this Commonwealth, and such other relevant information as will exhibit the affairs or activities of his department; and it shall be the duty of the Insurance Commissioner to transmit a copy of said report to the Department of Property and Supplies; and it shall be the duty of the Secretary of Property and Supplies to have said report immediately printed and distributed in accordance with the laws of the Commonwealth regulating the publication and distribution of public documents.

Commonwealth of Pennsylvania,
 Executive Chamber,
 Harrisburg, May 2, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 838, entitled "An act to amend section two hundred and nineteen of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, seven hundred and eighty-nine), entitled "An act relating to insurance, establishing an insurance department, and amending, revising, and consolidating the law relating to the licensing, qualification, relation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies, and orders the examination and regulation of fire insurance rating bureaus, and licensing and regulation of insurance agents and brokers; providing penalties; and repealing existing laws."

This bill would render inapplicable to the Insurance Department the provisions of Section 2104 of the Administrative Code of 1923, which gives to the Department of Property and Supplies the right to edit and, with the approval of the Governor and after consultation with the interested department head, to determine the need, size, quantity and method of distribution of all departmental publications.

I know of no reason why the Insurance Department should be excepted from the operation of this section of the Administrative Code of 1923, which has been found to be flexible, workable, and the means of saving substantial sums of the Commonwealth's money.

For this reason the bill is not approved.

GIFFORD PINCHOT.

No. 36.

AN ACT

Relative to the printing and binding by the Commonwealth for the use of the Department of Internal Affairs, Department of the Auditor General, and the Treasury Department.

Section 1. Be it enacted, &c., That the Secretary of Property and Supplies shall receive all requisitions drawn upon him by the Secretary of Internal Affairs, Auditor General, and State Treasurer, for the printing of all reports required by the Constitution and Acts of Assembly to be made by such officers; and all blank forms, bulletins, stationery, and other kinds of printing and binding, in such sizes, character, quantity, and methods of distribution as they may determine to be needful for the use of their several departments; and shall procure the editing, printing, and distribution of same promptly in such manner as is provided by law.

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

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 2, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1030, entitled "An act relative to the printing and binding by the Commonwealth for the use of the Department of Internal Affairs, Department of the Auditor General and the Treasury Department."

This bill would have the effect of rendering inapplicable to the Department of the Auditor General, the Treasury Department and the Department of Internal Affairs, Section 2104 of the Administrative Code of 1923, which authorizes the Department of Property and Supplies, with the approval of the Governor and after consultation with the department heads involved, to determine the need, size, character, quantity, and method of distribution of the various publications to be printed for the use of the several departments.

It would also render inapplicable to the Department of the Auditor General, the Treasury Department and the Department of Internal Affairs Section 709 (f) of the Administrative Code, which provides that after each biennial appropriation to the Department of Property and Supplies for printing and supplies the Executive Board shall allocate to the several executive departments such amounts thereof as the Board believes their needs will require.

There is no good reason for exempting these three departments from the provisions of the law which give to the Governor and the Executive Board the ability to limit expenditures for printing and supplies.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 37.

AN ACT

To amend section one of the act, approved the fifteenth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, nine hundred sixty-one), entitled "An act fixing the salaries and compensation of the officers, clerks, and employes in the office of the recorder of deeds of any county having a population of one million five hundred thousand inhabitants or over."

Section 1. Be it enacted, &c., That section one of the act, approved the fifteenth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, nine hundred and sixty-one), entitled "An act fixing the salaries and compensation of the officers, clerks, and employes in the office of the recorder of deeds of any county having a population of one million five hundred thousand inhabitants or over," is hereby amended to read as follows:

Section 1. Be it enacted, &c., That the salaries and compensation of the officers, clerks, and employes in the office of the recorder of deeds of any county containing a population of one million five hundred thousand inhabitants or over, as computed by the last preceding United States census, shall be at the following rate per annum:

One deputy recorder, [four thousand five hundred] five thousand

dollars; one solicitor, [four thousand five hundred] five thousand dollars; one chief satisfaction clerk, [two thousand five hundred] three thousand dollars; three assistant satisfaction clerks, two thousand dollars; one chief receiving clerk, three thousand dollars; three assistant receiving clerks, two thousand dollars; one bookkeeper [and assistant cashier], two thousand five hundred dollars; two assistant bookkeepers, one thousand eight hundred dollars; one cashier, [and assistant bookkeeper, one] three thousand [five hundred] dollars; one chief clerk, two thousand seven hundred dollars; one chief search clerk, [two] three thousand [five hundred] dollars; three mortgage search clerks, [one] two thousand [eight hundred] dollars; [two] three conveyance search clerks, [one] two thousand [eight hundred] dollars; one chief deed index clerk, two thousand [one] five hundred dollars; two assistant deed index clerks, two thousand dollars; one chief mortgage index clerk, two thousand [one] five hundred dollars; two assistant mortgage index clerks, [one] two thousand [eight hundred] dollars; [one] miscellaneous clerk, one thousand five hundred dollars; [six] seven miscellaneous clerks, one thousand [five] eight hundred dollars; one chief compare clerk, deeds, two thousand one hundred dollars; one chief compare clerk, mortgages, [one] two thousand [six] one hundred dollars; one clerk in charge of deeds, one thousand five hundred dollars; one clerk in charge of mortgages, one thousand five hundred dollars; three compare clerks, one thousand six hundred dollars; ten compare clerks, one thousand five hundred dollars; [one] two [auditor] auditors, one thousand [five] eight hundred dollars; one stenographer and typewriter, one thousand five hundred dollars; one [receipt] entry clerk, one thousand eight hundred dollars; one assistant [receipt] entry clerk, one thousand [three] five hundred dollars; one delivery clerk, one thousand five hundred dollars; one satisfaction entry clerk, one thousand [two] five hundred [fifty] dollars; one notation clerk, one thousand eight hundred dollars; one superintendent of records, two thousand five hundred dollars; one typist in charge of records, one thousand [six] eight hundred dollars; one assistant typist in charge of records, one thousand five hundred dollars; one typist in charge of charters, one thousand [six] eight hundred dollars; two certificate clerks, one thousand five hundred dollars; four proof typists, one thousand five hundred dollars; one superintendent of typists, one thousand eight hundred dollars; one assistant superintendent of typists, one thousand [six] eight hundred dollars; one messenger in charge of instruments, one thousand five hundred dollars; one recorder's messenger, one thousand one hundred dollars; fifty-five typists, one thousand five hundred dollars; one chief clerk copyist, one thousand eight hundred dollars; one assistant chief clerk copyist, one thousand six hundred fifty dollars; twenty-nine copyists, one thousand five hundred dollars; [thirty] eighty special typists, one thousand five hundred dollars; three registration typists, one thousand five hundred dollars; one state clerk, one thousand five hundred dollars; one chief custodian, one thousand three hundred dollars; one custodian of records, one thousand three hundred dollars; six custodians of records, one thousand four hundred dollars; [two] five assistant custodians of records, one thousand two hundred dollars; [three assistant custodians of records, one thousand two hundred dollars;] one mechanic, one thousand five hundred dollars; two [assistant] watchmen, one thousand fifty dollars; one janitor, nine hundred sixty dollars; two assistant janitors, nine hundred and sixty dollars; one bookbinder, one thousand [two] eight hundred dollars;

[and] two assistant bookbinders, [eight] nine hundred dollars; and one telephone operator, one thousand one hundred dollars.

Such salaries and compensation shall be paid by the treasurer of the respective county out of the fees of such office as provided by law.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 2, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 567, entitled "An act to amend section one of the act, approved the fifteenth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, nine hundred sixty-one), entitled 'An act fixing the salaries and compensation of the officers, clerks, and employes in the office of the recorder of deeds of any county having a population of one million five hundred thousand inhabitants or over.'"

This bill would increase the number of positions in the office of the Recorder of Deeds in counties having a population of more than one million five hundred thousand (1,500,000) inhabitants by sixty-six (66) and the pay-roll of the employes in the office of the Recorder of Deeds in such counties by approximately one hundred and twenty-thousand (\$120,000) dollars per annum.

While it is true that the salaries and compensation of employes in the office of the Recorder of Deeds of these counties are payable out of fees collected by the office, it is also true that the balance of fees not expended for salaries and compensation is payable into the county treasury and available for the general expenses of the government of such counties or of the cities with which such counties are co-extensive.

I am opposed to the passage by the Legislature of acts of Assembly imposing heavy burdens in the shape of salaries upon the treasuries of political subdivisions of the State without the consent of the governments of such subdivisions. Salaries payable out of the county treasuries should generally be fixed by the authorities which levy the taxes and have the responsibility for striking a balance between revenues and expenditures. This is merely the principle of home rule, in which I thoroughly believe. Exceptions should be made only in cases in which the State has an interest in the proper compensation of county officers, which is paramount to the home rule principle.

There is no such paramount interest in the case of employes in the office of the Recorder of Deeds and their number and compensation should, in my judgment, be determined locally and not by State law.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 38.

AN ACT

To amend section one of the act, approved the fifteenth day of March, one thousand nine hundred and eleven (Pamphlet Laws, twenty), entitled "An act regulating in criminal trials the cross-examination of a defendant, when testifying in his own behalf," by prohibiting the introduction as evidence of certain testimony or records.

Section 1. Be it enacted, &c., That section one of the act, approved

the fifteenth day of March, one thousand nine hundred and eleven (Pamphlet Laws, twenty), entitled "An act regulating in criminal trials the cross-examination of a defendant, when testifying in his own behalf," is hereby amended to read as follows:

Section 1. Be it enacted, &c., That hereafter any person charged with any crime, and called as a witness in his own behalf, shall not be asked, [and, if asked, shall not be required to answer] for any purpose whatsoever, any question tending to show that he has committed, or been charged with, or been convicted of any offense other than the one wherewith he shall then be charged, or tending to show that he has been of bad character or reputation, nor shall the Commonwealth be permitted to affirmatively introduce into evidence any such testimony or any record of any former trial or conviction unless,—

One. He shall have at such trial, personally or by his advocate, asked questions of the witness for the prosecution with a view to establish his own good reputation or character, or has given evidence tending to prove his own good character or reputation; or,

Two. He shall have testified at such trial against a co-defendant, charged with the same offense.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 2, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 271, entitled "An act to amend section one of the act, approved the fifteenth day of March, one thousand nine hundred and eleven (Pamphlet Laws, twenty), entitled 'An act regulating in criminal trials the cross-examination of a defendant when testifying in his own behalf,' by prohibiting the introduction as evidence of certain testimony or records."

This bill is identical with House Bill No. 365 of the Session of 1923, and practically the same as House Bill No. 29 of the Session of 1925, neither of which was approved by me.

The act of March 15, 1911, prohibited the elicitation from a defendant, who had offered himself as a witness in his own behalf, of any evidence tending to show that he has committed or been charged with, or been convicted of any offense other than the one wherewith he is then charged, or that he has been of bad character or reputation, unless he has offered evidence of his good character either affirmatively or by cross-examination of the Commonwealth's witnesses or has testified against a co-defendant.

This act did not prohibit proof of such facts by the record of a former conviction when offered for the purpose of testing defendant's credibility as a witness.

This bill amends the act of 1911 by prohibiting the Commonwealth from affirmatively introducing into evidence any such testimony or any record, subject to the exception noted in the act.

As stated in my former veto, I am unwilling to sign a measure which throws additional protection around those accused of crime beyond that already supplied by the act of 1911, quoting therein the statement of Professor Wigmore, with reference to the Act of 1911, that

"This State (Pennsylvania) has now permitted the following vicious piece of legislation to slip in and thus tenderly to make

it easier for astute defenders of villains to juggle their clients out of legal danger.”—Wigmore on Evidence, Vol. 4, Sec. 2276, Note page 917.

In addition to the above objection, I call your attention to the following effects of the provision of this bill prohibiting the introduction by the Commonwealth of any evidence, by the testimony of any witness or by any record, tending to show that the defendant had committed or had been convicted of an offense other than the one wherewith he stands charged.

It would prevent proof of a former conviction by the record thereof for the purpose of applying the acts that provide for increased sentences in cases where the defendant has been theretofore convicted of certain offenses.

In case of the trial of a defendant charged with murder, where it is alleged that such crime was perpetrated by means of poison, arson, rape, robbery or burglary, which under such circumstances is declared to be murder of the first degree, it would prevent the introduction of testimony tending to show that the defendant had committed such arson, rape, etc.

In many criminal trials evidence of the commission of other offenses by the defendant is admissible where such evidence is relevant as part of the *res gestae*; to prove identity of person or of crime; to prove guilty knowledge, intent, motive, system or malice; and to rebut special defenses. It would prevent the introduction of such testimony for these purposes.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 39.

AN ACT

To amend clause four of section thirty-seven of the act, approved the twenty-ninth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws, seventy-three), entitled “An act to provide for the incorporation and regulation of certain corporations,” reducing the period within which building and loan associations may proceed against securities of stockholders neglecting to pay installments.

Section 1. Be it enacted, &c., That clause four of section thirty-seven of the act, approved the twenty-ninth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws, seventy-three), entitled “An act to provide for the incorporation and regulation of certain corporations,” is hereby amended to read as follows:

Clause 4. That the said officers shall hold stated meetings, at which the money in the treasury, if over the amount fixed by the charter as the full value of a share, shall be offered for loan in open meeting, and the stockholder who shall bid the highest premium for the preference or priority of loan shall be entitled to receive a loan of not more than the amount fixed by charter as the full value of a share for each share of stock held by such stockholder: Provided, That a stockholder may borrow such fractional part of the amount fixed by charter as the full value of a share, as the by-laws may provide; good and ample

security, as prescribed by the by-laws of the corporation, shall be given by the borrower to secure the repayment of the loan; in case the borrower shall neglect to offer security, or shall offer security that is not approved by the board of directors, by such time as the by-laws may prescribe, he or she shall be charged with legal interest, together with any expenses incurred, and the loss in premium, if any, on a resale, and the money may be re-sold at the next stated meeting; in case of non-payment of installments or interest by borrowing stockholders, for the space of [six months] ninety days, payment of principal and interest, without deducting the premium paid or interest thereon, may be enforced by proceeding on their securities according to law.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 2, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 890, entitled "An act to amend clause four of section thirty-seven of the act, approved the twenty-ninth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws, seventy-three), entitled 'An act to provide for the incorporation and regulation of certain corporations,' reducing the period within which building and loan associations may proceed against securities of stockholders neglecting to pay installments."

This bill would reduce from six months to ninety days the period which must expire before building and loan associations may proceed against securities of stockholders for non-payment of installments of stock, premiums, dues or interests.

It seems to me that the period of grace allowed by law to holders of building and loan association stock should not be materially reduced without a very good reason for so doing. No such reason has been brought to my attention.

In addition, by the act of July 5, 1917, P. L. 675, which amends Section 5 of the act of April 10, 1879, P. L. 16, it is provided that the time of default as to first mortgages held by building and loan associations shall be six months and as to second mortgages three months. This bill does not specifically amend the act of April 10, 1879, nor does it have a repealing clause to it. Confusion might develop if this bill were approved.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 40.

AN ACT

Prohibiting corporations from pleading usury as a defense.

Section 1. Be it enacted, &c., That no corporation shall hereafter plead or set up usury, or the taking of more than six per cent interest, as a defense to any action brought against it to recover damages on, or enforce payment of, or other remedy on any mortgage, bond, note, or other obligation executed or assumed by said corporation: Provided, That this act shall not apply to any action which is now pending.

Section 2. All acts or parts of acts inconsistent with this act are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 2, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 1215, entitled "An act prohibiting corporations from pleading usury as a defense."

The act of May 28, 1858 (P. L. 622), provides that when a rate of interest for the loan or use of money exceeding that established by law shall have been reserved or contracted for, the borrower or debtor shall not be required to pay the creditor the excess over the legal rate, and may retain and deduct such excess from the amount of any debt.

The present bill would change the law only as to corporations. If this bill were approved, individuals, partnerships, and other unincorporated associations could plead usury as a defense as heretofore, but corporations would be obliged to pay interest under usurious contracts and would be expressly prohibited from declining to pay the excess over the legal rate of interest. For such a discrimination against corporations I can find no justification.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 41.

AN ACT

To fix the salaries of the deputy register, clerks and employes in the office of the register of wills of counties of the first class.

Section 1. Be it enacted, &c., That the salaries or compensation of the deputy register, clerks and employes in the office of the register of wills of any county of the first class shall be as follows: Deputy register, at the rate of four thousand dollars per annum; one chief clerk, three thousand dollars; one cashier and bookkeeper, three thousand dollars; one chief compare clerk, twenty-two hundred dollars; five transcribing clerks, two thousand dollars each; one chief account clerk, twenty-two hundred dollars; five account clerks, two thousand dollars each; five recording clerks, two thousand dollars each; two inventory clerks, two thousand dollars each; five index clerks, two thousand dollars each; three compare clerks, two thousand dollars each; five miscellaneous clerks, two thousand dollars each; one stenographer, two thousand dollars; one search clerk, two thousand dollars; one custodian of records, two thousand dollars; two messengers and custodians, fifteen hundred dollars each; two janitors, one thousand dollars each, per annum. Such salaries and compensations shall be paid monthly by the treasurer of the county according to existing laws.

This act shall become effective on the day of one thousand nine hundred and twenty-.....

Section 2. All laws or parts of laws inconsistent herewith the hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 2, 1925.

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House Bill No. 676, entitled "An act to fix the salaries of the deputy register, clerks, and employes in the office of the register of wills of counties of the first class."

This bill would increase the number and compensation of the employes in the office of the register of wills, in counties of the first class, without giving to the tax-levying authorities of such counties any voice in the matter. On principle I am opposed to legislation which increases the burdens of local taxpayers independently of the local authorities. Such legislation violates the principle of home rule. It seems to me that the Legislature is justified in fixing salaries by statute only when there is some interest of the Commonwealth paramount to the recognition of the home rule principle. Such an interest does not exist in the case of employes in the office of the register of wills of these counties.

In addition I call attention to the fact that, as presented to me, this bill provides that it shall become effective on an unnamed day of an unnamed month in the year 1920. This is apparently an error, but it would require me to withhold my approval from the bill, even were I otherwise disposed to approve it.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 42.

AN ACT

Providing for the compensation of county solicitors.

Section 1. Be it enacted, &c., That the compensation of the county solicitor in each county shall be fixed by the county commissioners of the county.

Section 2. Section fourteen of an act, approved the thirty-first day of March, one thousand eight hundred and seventy-six (Pamphlet Laws, thirteen), entitled "An act to carry into effect section five, of article fourteenth, 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," and the act, approved the second day of July, one thousand eight hundred and ninety-five (Pamphlet Laws, four hundred and twenty-four), entitled "An act to amend an act, 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; approved the thirty-first day of March, one thousand eight hundred and seventy-six, providing for assistant district attorneys, and fixing the salary of the same, and increasing the salary of county solicitor, clerk of the courts, recorder of deeds, register of wills and treasurer, county prison warden or jailer, county commissioners, con-

trollers, coroners, county directors of the poor, jury commissioners and county detective, and decreasing the salaries of auditors and county surveyor," are hereby repealed insofar as they fix the salary of county solicitors. The act, approved the twelfth day of June, one thousand nine hundred and thirteen (Pamphlet Laws, four hundred and ninety-two), entitled "An act fixing the salaries and providing for the expenses of county solicitors, in counties of this Commonwealth over one hundred and fifty thousand population, and less than two hundred and fifty thousand population," and the act, approved the twenty-first day of July, one thousand nine hundred and thirteen (Pamphlet Laws, eight hundred and seventy), entitled "An act to fix the salary of county solicitor in counties containing a population of more than two hundred and fifty thousand, and less than one million, and providing for the payment thereof," are hereby repealed. All other acts and parts of acts inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 2, 1925.

I file herewith, without my approval, in the office of the Secretary of the Commonwealth, House Bill No. 436, entitled "An act providing for the compensation of county solicitors."

This bill provides that hereafter the compensation of county solicitors in all counties shall be fixed by the county commissioners.

I have already approved House Bill No. 712, which provides that in counties of the third and fourth classes the compensation of the county solicitor shall be fixed by the salary board.

Counties of the third and fourth classes are those which have respectively populations of two hundred and fifty thousand (250,000) to eight hundred thousand (800,000) and one hundred and fifty thousand (150,000) to two hundred and fifty thousand (250,000) inhabitants.

Prior to the approval of House Bill 712 the salaries of county solicitors in counties of the fourth class were fixed by the act of June 12, 1913, P. L. 492, and the salaries of county solicitors in counties containing more than two hundred and fifty thousand (250,000) and less than one million (1,000,000) inhabitants were fixed by the act of July 21, 1913, P. L. 870. In all other cases salaries of county solicitors were authorized to be fixed by county commissioners under the act of May 22, 1895, P. L. 101, as amended by the act of March 5, 1903, P. L. 11.

As applied to counties of the third and fourth classes the present bill is in direct conflict with House Bill No. 712, already approved, and it would be impossible to reconcile their provisions. As to counties having a population of less than one hundred and fifty thousand (150,000) inhabitants or more than one million (1,000,000) inhabitants the present bill is unnecessary, as the salaries of county solicitors in such counties may now be fixed by the county commissioners.

While I approve of the principle that salaries of local officers should be fixed by the local authorities, I believe that the proper body to fix salaries is the salary board. It is for this reason that House Bill No. 712 was approved, and it would be an absurdity now to nullify the effect of House Bill No. 712 by approving a contradictory measure.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

AN ACT

To further amend section thirty-five of the act, approved the thirtieth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, six hundred and seventy-eight), entitled "An act relating to, and regulating the use and operation of motor vehicles and vehicles propelled by, or trailing after, motor vehicles; requiring the registration of the same, and the licensing of all operators thereof; providing the fees therefor, and the disposition of such fees; prohibiting the unauthorized use of, and tampering with, motor vehicles; limiting and defining the powers of cities, boroughs, incorporated towns, townships, and counties, as to the regulation of the use and equipment of motor vehicles, and the taxing, registration, or licensing thereof; imposing certain duties on the State Highway Commissioner, and on proprietors of public garages; providing procedure and penalties for violations thereof, and the disposition of fines collected, and regulating the service of process and proceedings in actions for damages arising from the use of any motor vehicle," providing for the disposition of fines, penalties, and forfeited bail.

Section 1. Be it enacted, &c., That section thirty-five of the act, approved the thirtieth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, six hundred and seventy-eight), entitled "An act relating to, and regulating the use and operation of motor vehicles and vehicles propelled by, or trailing after, motor vehicles; requiring the registration of the same, and the licensing of all operators thereof; providing the fees therefor, and the disposition of such fees; prohibiting the unauthorized use of, and tampering with, motor vehicles; limiting and defining the powers of cities, boroughs, incorporated towns, townships, and counties, as to the regulation of the use and equipment of motor vehicles, and the taxing, registration, or licensing thereof; imposing certain duties on the State Highway Commissioner, and on proprietors of public garages; providing procedure and penalties for violations thereof, and the disposition of fines collected, and regulating the service of process and proceedings in actions for damages arising from the use of any motor vehicle," which was amended by section twenty-nine of the act, approved the fourteenth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, seven hundred and eighteen), entitled "An act to amend an act, approved the thirtieth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, six hundred and seventy-eight), entitled 'An act relating to, and regulating the use and operation of motor vehicles and vehicles propelled by, or trailing after, motor vehicles; requiring the registration of the same, and the licensing of all operators thereof; providing the fees therefor, and the disposition of such fees; prohibiting the unauthorized use of, and tampering with, motor vehicles; limiting and defining the powers of cities, boroughs, incorporated towns, townships, and counties, as to the regulation of the use and equipment of motor vehicles, and the taxing, registration, or licensing thereof; imposing certain duties on the State Highway Commissioner, and on proprietors of public garages; providing procedure and penalties for violations thereof, and the disposition of fines collected, and regulating the service of process and proceedings in actions for damages arising from the use of any motor vehicle,' as amended; by further regulating the use of registration plates; prescribing fees for omnibuses, and changing other existing fees; changing the date for the licensing year; limiting the weights of certain trailers; providing for the examination of operators; authorizing the State Highway Commissioner to publish and sell lists of registrations; authorizing municipalities to enact certain ordinances; making appropriation for refunding moneys; and providing penalties; and repealing sec-

tion seventeen of said act," is hereby further amended to read as follows:

Section 35. All fines and penalties collected under the provisions of this act for violations of the same and all bail forfeited [shall be paid to the State Treasurer, to be placed in a deposit-fund to be available for the use of the State Highway Department as hereinbefore provided, except those collected for violations of the provisions as to speed or weight, which fines and penalties] shall be paid to the treasurer of the city, borough, town, or township wherein the violation occurred, except where the violation occurred on a county highway, in which case they shall be paid to the treasurer of the county, to be used by such city, borough, town, township, or county for the construction, repair, and maintenance of the highways thereof, and sworn statements of all fines and penalties so collected shall also be made by the burgess, magistrate, justice of the peace, or other officer imposing or receiving the same, to the treasurers of the respective cities, boroughs, towns, townships, and counties. Said reports shall be made monthly, not later than the tenth (10th) day of the month. Any burgess, magistrate, justice of the peace, or other officer, who shall fail to make such monthly reports and returns, or either of them, shall be deemed guilty of a misdemeanor in office, and, upon conviction thereof, shall be subject to a fine of not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars, or imprisonment in the county jail for a period of sixty (60) days, or both, at the discretion of the court.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 2, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 299, entitled "An act to further amend section thirty-five of the act, approved the thirtieth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, six hundred and seventy-eight), entitled 'An act relating to and regulating the use and operation of motor vehicles, and vehicles propelled by, or trailing after motor vehicles; requiring the registration of the same, and the licensing of all operators thereof; providing the fees therefor, and the disposition of such fees; prohibiting the unauthorized use of, and tampering with motor vehicles; limiting and defining the powers of cities, boroughs, incorporated towns, townships, and counties, as to the regulation of the use and equipment of motor vehicles, and the taxing, registration, or licensing thereof; imposing certain duties on the State Highway Commissioner and on proprietors of public garages; providing procedure and penalties for violations thereof, and the disposition of fines collected; and regulating the service of process and proceedings in actions for damages arising from the use of any motor vehicle'; providing for the disposition of fines, penalties, and forfeited bail."

Under existing law fines imposed for violations of the motor vehicle law, except those for violation of the speed limit and the maximum weight requirements, are returned to the State Treasury, where they are placed in the motor vehicle fund, which is appropriated to the use of the Department of Highways. The principal use to which this fund is applied, after payment of department salaries and inci-

dental expenses, is to pay for the maintenance of State Highways and the State's share of the maintenance of State-aid highways.

This bill provides that all such fines shall be paid to the city, borough, town, or township in which occurred the offense for which it was imposed, except in those cases in which the offense occurred on a county road, when it shall be paid into the county treasury. Thus the motor vehicle fund is materially reduced; the amount received by the State during 1924 from this source having been approximately \$230,000.

This Legislature has placed considerable additional burdens on the Department of Highways, which must be paid for out of the motor vehicle fund, and in addition thereto has increased the mileage of the State Highway System by over a thousand miles, the maintenance of which must be assumed during this biennium. The Department of Highways cannot meet its increased obligations if the motor vehicle fund is further depleted.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 44.

AN ACT

To fix the salaries of the judges of the Supreme and Superior Courts, the courts of common pleas, and the judges of the orphans' courts, county courts, municipal courts, and attached judicial districts.

Section 1. Be it enacted, &c., That from and after the passage of this act the judges of the Supreme and Superior Courts, the courts of common pleas, and the judges of the orphans' courts, county courts, municipal courts, and attached judicial districts, shall receive the compensation hereinafter provided.

Section 2. The annual salary of each of the judges of the courts of common pleas of the first judicial district, to wit, the county of Philadelphia, shall be fifteen thousand dollars (\$15,000). The annual salary of each of the judges of the fifth judicial district, to wit, the county of Allegheny, shall be fifteen thousand (\$15,000) dollars. The annual salary of each of the judges of the courts of common pleas learned in the law in judicial districts of this Commonwealth having a population of three hundred and fifty thousand, and less than one million, as determined by the last United States Census, shall be thirteen thousand five hundred dollars (\$13,500).

Section 3. The annual salary of each of the judges of the courts of common pleas learned in the law in judicial districts of this Commonwealth having a population, as determined by the last United States census, of one hundred and forty thousand (140,000), and less than three hundred and fifty thousand (350,000), shall be twelve thousand five hundred dollars (\$12,500); in judicial districts of this Commonwealth having a population of ninety thousand (90,000), and less than one hundred and forty thousand (140,000), the annual salary of each of the judges of the courts of common pleas learned in the law shall be eleven thousand five hundred dollars (\$11,500); in judicial districts of this Commonwealth having a population of less than ninety thousand (90,000), and more than sixty thousand (60,000), the annual

salary of each of the judges of the courts of common pleas learned in the law shall be nine thousand five hundred (\$9,500); in judicial districts of this Commonwealth having a population of less than 60,000 the annual salary of each of the judges of the courts of common pleas learned in the law shall be eight thousand dollars (\$8,000): And provided further, That each of the judges of the courts of common pleas of Dauphin county shall receive three thousand dollars (\$3,000) additional for trying the civil cases for the Commonwealth: And provided further, That each of the judges of the Supreme Court and the Superior Court shall receive the sum of fifteen hundred dollars (\$1,500) per year in addition to the salaries that they now receive.

Section 4. The annual salary of each of the judges of the municipal court of the county of Philadelphia shall be ten thousand dollars; and the annual salary of each of the judges of the county court of Allegheny county shall be ten thousand dollars.

Section 5. The annual salaries hereinbefore provided shall be paid monthly, by warrant drawn by the Auditor General on the State Treasurer.

Section 6. In the counties where separate orphans' courts are established the annual salary of each of the judges of the said courts shall be the same as is paid to the judges of the courts of common pleas in the respective counties where such separate orphans' courts are established, to be paid in the same manner as the salaries of the said judges of the courts of common pleas may be by law payable.

Section 7. Each of the judges of the court of common pleas having a separate judicial district and having one or more counties attached to said district shall receive one thousand dollars per annum additional for holding the courts of the counties so attached to said separate judicial district, or a judicial district of more than one county shall receive an additional one thousand dollars (\$1,000) per annum for holding the courts of the additional counties in said districts.

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

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 5, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 279, entitled "An act to fix the salaries of the judges of the Supreme and Superior Courts, and the courts of common pleas, and the judges of the orphans' courts, county courts, municipal courts and attached judicial districts."

This bill would raise the salary of every judge in Pennsylvania at a time when the people of the State and Nation are alike in demanding a reduction in the cost of government. I am convinced that a further increase in the salaries of judges at this time would arouse such resentment among our people as seriously to reduce the respect of the people for the judiciary of this Commonwealth.

The opinions of the judges themselves which have reached me, directly or indirectly, are overwhelmingly in favor of vetoing the bill. It is probably true that a few of the judges are under-paid. This is equally true, and always will be, of the best servants of the State. The incentive for the best public service must always come in large part from the desire to serve and from the honor of serving.

This bill would add about \$750,000 to the biennial expenses of the State. The most important revenue bill enacted by the Legislature just adjourned is of doubtful constitutionality, and additions and subtractions to revenue made in other bills just about balance. The people have every right to demand, and this Administration has undertaken to see, that Pennsylvania shall live within her income. It would be impossible to sign this bill without great danger of putting the Commonwealth back into debt.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 45.

AN ACT

Relating to jurors; excusing from jury duty persons over sixty-five years of age.

Section 1. Be it enacted, &c., That all persons over the age of sixty-five years, upon request made to the proper court, shall be excused by the court from jury duty.

Section 2. All acts and parts of acts inconsistent with this act are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 6, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 61, entitled "An act relating to jurors; excusing from jury duty persons over sixty-five years of age.

This bill provides that all persons over the age of sixty-five years shall, upon request, be excused by the court from jury duty. Age is not per se a disqualification for jury service. The experience and ripened judgment of persons over sixty-five years of age is needed in the jury box as well as in other places. Upon the arrival at that age the cares and burdens of life of many men and women have been lightened and their services on juries should not be dispensed with.

The only justification for a provision of this kind is that a larger percentage of persons over sixty-five years of age are physically unable to attend to the duties of jury service than of persons under sixty-five years of age. This is not a sufficient reason for requiring courts to excuse all persons over that age. The courts have ample authority to excuse from jury service those who, because of physical or mental condition, or unusual business or household duties, are unable to serve.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 46.

AN ACT

Providing for the presentation of libels in divorce to the several courts of common pleas, and the awarding of subpoenas thereon.

Section 1. Be it enacted, &c., That from and after the passage of this act any libel in divorce may be presented to the court of common pleas

when in session, or in vacation to a judge thereof at chambers, and a subpoena may be awarded thereon returnable at the option of the court or judge awarding the same, either to the next or a subsequent term or to such next or subsequent monthly or intermediate return day as shall have been, or may be established for such court of common pleas, either by statute or rule of court, or both: Provided, however, That the time to which such subpoena is made returnable shall not be less than thirty days after the award thereof.

Section 2. Any alias or pluries subpoena or order for publication may likewise be made returnable at the option of the court or judge awarding the same, either to the next or a subsequent term or to such next or subsequent monthly or intermediate return day as shall have been or may be established for such court of common pleas, either by statute or rule of court, or both: Provided, however, That the time to which such subpoena or order of publication is made returnable shall not be less than thirty days after the award of such alias or pluries subpoena or order of publication: And provided, That every order of publication shall provide for notice by publication at least once a week for three successive weeks, as now required by law.

Section 3. All acts and parts of acts inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 6, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 49, entitled "An act providing for the presentation of libels in divorce to the several courts of common pleas and the awarding of subpoenas thereon."

This bill would change the practice in divorce in several respects. It would require a common pleas judge in the case of every subpoena in divorce to determine whether the subpoena should be returnable to the next or to a subsequent term. The same decision would have to be made in connection with every issuance of an alias or pluries subpoena and every order of publication.

At the present time original subpoenas in divorce are returnable at a definite term and upon a definite return day. There is no occasion for any determination by the court with respect either to the term or the return day. Alias or pluries subpoenas and orders for publication are now issued, at least in the larger counties, as of course upon precept of the prothonotary. They do not require any action by the court. They are automatically returnable to the next monthly return, at least thirty days after the issuance of the writ.

If approved the present bill would require attention by common pleas judges to details in connection with divorce matters to which they are not at present required to give attention. The additional burden which would thus be thrown upon the judges would not further the ends of justice nor in anywise simplify the practice as it now exists. On the other hand, it would probably tend, in the larger counties at least, to occasion inconvenience and delay.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 47.

AN ACT

Relating to the issuing, executing, signing, and endorsing of negotiable instruments and all other contracts by corporations, and actions thereon against and defenses by corporations to such instruments.

Section 1. Be it enacted, &c., That every negotiable instrument and all other contracts hereafter executed, issued, or endorsed by, or on behalf of, any corporation of this Commonwealth, shall be executed, issued, or endorsed in the name of the corporation, and signed, executed, or endorsed by at least two officers of said corporation.

Section 2. In any suit or action against a corporation upon a negotiable instrument, or any other contract issued or executed or signed or endorsed in the name of the corporation and signed by at least two of its officers, it shall not be a defense that such negotiable instrument or other contract was issued, signed, executed, or endorsed by officers of the corporation contrary to the by-laws of the corporation, unless the party or parties suing thereon knew or had actual notice of the provisions of such by-laws.

Section 3. This act shall not apply to any negotiable instrument or any other contract issued, signed, executed, or indorsed in the name of a corporation prior to the date of the approval of this act.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 6, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 540, entitled "An act relating to the issuing, executing, signing and endorsing of negotiable instruments and all other contracts by corporations and actions thereon against and defenses by corporations to such instruments."

This bill would provide that every negotiable instrument and all other contracts executed, issued or endorsed by or on behalf of any corporation of this Commonwealth shall be executed, issued or endorsed in the name of the corporation and signed, executed or endorsed by at least two officers thereof. It would further provide that in any suit against a corporation upon a negotiable instrument or other contract issued, executed, signed or endorsed in the name of the corporation, and signed by at least two of its officers, it shall not be a defense that such negotiable instrument or other contract was issued, signed, executed or endorsed by officers of the corporation contrary to its by-laws, unless the plaintiff knew or had actual notice of the provisions of such by-laws.

This bill would be an unwarrantable interference with the ordinary method in which business is transacted by corporations. It would prevent the execution of orders for the purchase of goods without the signatures of two officers of a corporation. It would prevent an agreement between an individual and a corporation or between two corporations from being consummated by letter unless the corporation or corporations involved executed the correspondence by at least two officers. In addition the bill would apply only to Pennsylvania corporations which would thus be subject to restrictions in their method of doing business from which foreign corporations doing business in

Pennsylvania would be free. This would tend seriously to discourage incorporations under the laws of Pennsylvania.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 48.

AN ACT

Fixing the compensation of tipstaves of the several courts in counties of the third class.

Section 1. Be it enacted, &c., That in all counties of the third class the tipstaves of the several courts shall each be paid an annual salary not to exceed eighteen hundred dollars; said salaries to be paid monthly out of the treasury of the particular county in which the services shall be rendered.

All acts or parts of acts inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 6, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 171, entitled "An act fixing the compensation of tipstaves of the several courts in counties of the third class."

This bill provides that in all counties of the third class tipstaves of the several courts shall be paid annual salaries, not to exceed eighteen hundred (\$1800), to be paid monthly out of the respective county treasuries.

I am informed that in counties of the third class it is not necessary for tipstaves to be full-time employes. If this is so, there can be no justification for compensating them on an annual basis.

In any event, I am of the opinion that salaries to be paid out of the county treasuries should, except in rare instances, be fixed by the salary board, or possibly, in the case of court employes, by the local judges, who are familiar with local conditions. Clearly the judges who preside over the courts in counties of the third class are better qualified to determine the compensation tipstaves should receive than is the General Assembly. I can, therefore, find no justification for a statute rendering it mandatory upon counties of the third class to pay tipstaves in such counties upon an annual salary basis.

It is also to be noted that while the present bill provides that the salaries of tipstaves shall not exceed eighteen hundred dollars (\$1800) per annum, it fails to give to any person or persons the authority to fix a lower salary.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 49.

AN ACT

Providing for the publication and distribution of the reports of examinations of building and loan associations.

Section 1. Be it enacted, &c., That the Department of Banking shall each year publish its report of examinations of the various building and loan associations throughout the State of Pennsylvania. Three thousand copies of said report shall be printed by the Department of Property and Supplies. Each member of the Senate of Pennsylvania shall be furnished with at least fifteen copies of said report, and each member of the House of Representatives shall be furnished with at least ten copies.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 6, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 785, entitled "An act providing for the publication and distribution of the reports of examination of building and loan associations."

Prior to the approval of the Administrative Code, the law required that the annual reports made to the Governor by the Secretary of Banking should contain a summary of the state and condition of every corporation and person from whom reports were received during the preceding year. Copies of the annual "called" reports of the various building and loan associations were, therefore, included in the Secretary's report. These "called" reports contain merely a financial statement and not information of a confidential nature.

The bill under consideration provides for the publication of the "report of examinations of the various building and loan associations throughout the State of Pennsylvania." This would clearly be unwise. It might be very harmful to the institutions to make public the confidential information contained in the examiner's reports to the Secretary of Banking. No good purpose would be served by the approval of this bill.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 50.

AN ACT

Authorizing executors and administrators in all cases in which they have filed their accounts, and in which decrees of distribution have been entered, and which shall have become absolute, to apply by petition to the Orphans' Court having jurisdiction of their accounts for leave to pay into court the distributive shares of any person or persons named as distributees in such decrees of distribution who cannot be found after diligent or reasonable search; providing for notice by publication of the facts set forth in said petition, or by registered mail; and for the entry of a decree upon said petition; providing further for the payment of the costs and expenses of such proceeding, and for appeal as in other cases.

Section 1. Be it enacted, &c., That in all cases in which any Executor or Administrator shall have filed his account in the Orphans' Court

of any county in this Commonwealth, and the said Orphans' Court shall have entered a decree of distribution therein, which said decree shall have become absolute, and the person or persons to whom payment is directed to be made in such decree of distribution cannot be found after diligent and reasonable search, it shall be lawful for such executor or administrator to apply by petition to the Orphans' Court of the county having jurisdiction of his, her or their account setting forth the facts, and praying for leave to pay said moneys into court. Whereupon the said Orphans' Court shall make an order directing such petitioner to give public notice of the facts set forth in said petition, by publication once a week for three weeks in one or more newspapers published in said county; requiring the person or persons to whom such distributive share is due and payable to appear in court on a day designated, not less than ten days after the last publication of said notice, and show cause why the amount so due and payable, as set forth in said petition, should not be paid into said court: Provided, however, That where the distributive share of such person or persons is less than one hundred dollars, publication of notice of the facts set forth in such petition may be dispensed with and notice may be given to such absent person or persons by registered letter, mailed to his, her or their last known postoffice address.

Section 2. If no person shall appear to show cause as aforesaid, or if the person or persons appearing shall fail to show that he, she or they are entitled to such moneys, the court being satisfied of the truth of the facts set forth in said petition shall enter a decree that the amount of such distributive share due and payable as aforesaid be paid into court, and the entry of such decree shall be noted by the clerk of said court, on the record of such decree of distribution.

Section 3. All moneys, when paid into Court under the provisions of this Act, shall remain therein until the distributee, or other person claiming the same, shall present a petition for the distribution thereof, whereupon the court shall, after due notice to all parties interested, make distribution of said moneys to the persons legally entitled to receive the same, or may in its discretion appoint an auditor for the purpose of making such distribution.

Section 4. All costs of proceedings under this Act, including a reasonable allowance for counsel fees, for petitioner shall be paid out of said funds, as may be directed by said court.

Section 5. Any party aggrieved by any definite order or decree, entered by the Orphans' Court as aforesaid, under any of the provisions of this Act, may appeal from such order or decree to the proper appellate court, as in other cases.

Section 6. All acts or parts of acts inconsistent herewith be, and the same are, hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 6, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1531, entitled "An act authorizing executors and administrators in all cases in which they have filed their accounts, and in which decrees of distribution have been entered and which shall have become absolute, to apply by petition to the Orphans' Court having jurisdiction of their accounts, for leave to pay into

court the distributive shares of any person or persons named as distributees in such decrees of distribution who cannot be found after diligent or reasonable search; providing for notice by publication of the facts set forth in said petition, or by registered mail, and for the entry of a degree upon said petition: Providing further, for the payment of the costs and expenses of such proceeding and for appeal, as in other cases."

This bill would authorize executors and administrators, after their accounts have been filed and decrees of distribution entered, to apply by petition to the appropriate Orphans' Court for leave to pay into court the distributive share of any persons named as distributees in the decrees of distribution who cannot be found after diligent and reasonable search. It further provides that, after any such moneys shall have been paid into court, they shall remain in the custody of the court until the distributees or other persons claiming the same shall present a petition for the distribution thereof, whereupon the court shall, after due notice to all parties interested, make distribution of the moneys to the persons legally entitled to receive the same.

I am advised that, so far as concerns the payment of distributive shares into court, this bill is unnecessary, as the Orphans' Courts of the Commonwealth now have ample power to permit such payments to be made.

So far as concerns the provisions of the bill which provide for distribution of moneys paid into court, the bill would apparently repeal, by implication, the provisions of the Escheat Act of May 16, 1919, P. L. 169, as amended by the act of April 21, 1921, P. L. 216. No reason has been brought to my attention which justifies any change in the method now provided by law for disposing of unclaimed shares of estates.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 51.

AN ACT

To amend sections eight and twenty-one of an act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, eight hundred and sixty-nine), entitled "An act providing for the organization, government, discipline, maintenance and regulation of the armed land forces of this Commonwealth."

Section 1. Be it enacted, &c., That section eight of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, eight hundred and sixty-nine), entitled "An act providing for the organization, government, discipline, maintenance and regulation of the armed land forces of this Commonwealth," is hereby amended to read as follows:

Section 8. The major general commanding the division, Pennsylvania National Guard, shall have in time of peace, so far as practicable, all the power and authority of a major general of a tactical division, under the rules and regulations prescribed, or hereafter to be prescribed for the government of the armies of the United States, subject to the orders and direction of the Governor as Commander-in-Chief. He shall be responsible to the Governor for the training, instruction, discipline, administration and efficiency of all troops of the Pennsylvania National Guard, and shall cause such inspections and reports

to be made as are required by this act. He may, with the consent of the Governor, employ such officers, clerical and other force, as may be required at his headquarters. Officers so employed shall be considered as on active duty. The Adjutant General shall pay such officers in accordance with section twenty-one of this act, and such clerical and other force at rates of compensation as may be deemed by the Commander-in-Chief to be just and proper.

Section 2. That section twenty-one of said act is hereby amended to read as follows:

Section 21. Commissioned officers may be ordered upon special duty at the discretion of the Governor as Commander-in-Chief. An officer of the Pennsylvania National Guard who, under competent authority, is performing active military duty for the Commonwealth, either permanently or temporarily, but not necessarily in the field, and whose assignment is provided for by the laws of the United States, and rules and regulations promulgated thereunder for the government of the armies of the United States, shall receive the same pay and allowances as an officer of like grade, length of service, and assignment in the United States Army: Provided, That when the duty required is a duty enjoined by law regulations or tables of organization for the armies of the United States upon an officer of higher grade, the officer shall receive the pay of such higher grade: Provided further, That officers of the staff or line may be detailed to perform active military duty enjoined by law regulations or tables of organization upon some other officer without vacating the commission or assignment of either.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 6, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1072, entitled "An act to amend sections eight and twenty-one of an act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, eight hundred and sixty-nine), entitled 'An act providing for the organization, government, discipline, maintenance and regulation of the armed land forces of this Commonwealth.'"

This bill, if approved, would materially increase the compensation of certain employes of the Commonwealth in the Department of Military Affairs whose compensation is now fixed in accordance with the classification tentatively adopted by the Executive Board. In some cases the rate of pay provided by this bill would almost double that received at the present time. The result would be the establishment of a pay scale for the Department of Military Affairs entirely out of harmony with that adopted for employes of other departments doing similar work.

Even if the bill were otherwise unobjectionable, I could not approve it because, in preparing the budget for the Department of Military Affairs for the next biennium, an increase of compensation such as that contemplated by this bill was not considered, and the Department would be unable to meet the requirements of this bill out of the funds appropriated by the General Assembly.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 52.

AN ACT

Making it unlawful for any district attorney, assistant district attorney or other prosecutor to sit within the bar of the court in counties of the first class, and providing for the removal of such officers from office on quo warranto by the Attorney General, in certain cases.

Section 1. Be it enacted, &c., That it is unlawful for any district attorney, or any assistant district attorney, or any other public or private prosecutor, in conducting the trial of any criminal case in counties of the first class, to sit in a different relative location, with respect to the bench, in the court room than the defendant and defendant's counsel, or, if the court room is equipped with a bar, within the bar of the court where he is conducting such trial, unless the defendant and defendant's counsel also sit within the bar.

Section 2. Any such person, violating the provisions of section one of this act shall be held in contempt of court, and shall suffer such penalty as the court may direct.

Section 3. Any district attorney or assistant district attorney, persisting in such violation, shall be removed from office on quo warranto at the instance of the Attorney General.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 6, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 100, entitled "An act making it unlawful for any district attorney, assistant district attorney, or other prosecutor, to sit within the bar of the court in counties of the first class, and providing for the removal of such officers from office on quo warranto by the Attorney General in certain cases."

I am informed that from time immemorial the district attorney of Philadelphia County has during the trial of criminal cases occupied a position within the rail of the court, while the defendant's counsel has occupied a position at the table ordinarily reserved for the counsel of litigants.

This bill provides that it shall be unlawful for the district attorney to sit in a different relative location, with respect to the Bench, than the defendant and defendant's counsel. Violation of this provision shall constitute a contempt of court, and persistent violation shall constitute cause for removal from office on quo warranto proceedings, at the instance of the Attorney General.

The district attorney is an officer of the court, which is fully cognizant of the reasons underlying the custom complained of, and in which ample authority is vested to discontinue it if detrimental to the proper administration of justice. I am not convinced that there is sufficient merit in the objections urged against the practice to justify legislative interference.

For this reason the bill is not approved.

GIFFORD PINCHOT.

No. 53.

AN ACT

Providing for the payment of traveling expenses to sheriffs and their deputies in counties of the fourth class.

Section 1. Be it enacted, &c., That sheriffs and their deputies in counties of the fourth class shall be paid by the county, in addition to their salaries fixed by law, all their actual and necessary traveling expenses incurred in the administration of their official duties. No such officer shall be paid, as traveling expenses, a sum greater than the amount authorized by law to be paid as mileage. The combined salaries and traveling expenses paid to any sheriff and his deputies shall not exceed the fees of his office.

Section 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 7, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1489, entitled "An act providing for the payment of traveling expenses to sheriffs and their deputies in counties of the fourth class."

This bill authorizes the payment of traveling expenses to sheriffs and their deputies in counties of the fourth class, with limitation that such expenses shall not exceed the amount authorized by law to be paid as mileage, and the further limitation that the combined salaries and traveling expenses paid to any sheriff and his deputies shall not exceed the fees of his office.

Since the act of March 31, 1876, passed in pursuance to the requirements of Article XIV, Section 5 of the Constitution, sheriffs in all counties containing a population of more than one hundred and fifty thousand have been paid for their services by a salary. Section 15 of that act provided that such salary should be in lieu of all or any moneys, fees, perquisites or mileage. No provision has been made for the payment of traveling expenses in addition to the salary received.

If this universal system is to be changed, it should be considered and changed for all counties affected, there being no reason why sheriffs of fourth class counties should be paid this additional compensation, while sheriffs of first, second and third class counties remain on a straight salary basis.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 54.

AN ACT

To amend section nineteen of the act, approved the twenty-eighth day of March, one thousand eight hundred and fourteen (Pamphlet Laws, three hundred and fifty-two), entitled "An act establishing a fee bill," by increasing the fees of the coroner in counties of the third, fourth, fifth, sixth, seventh, and eighth classes.

Section 1. Be it enacted, &c., That section nineteen of the act, approved the twenty-eighth day of March, one thousand eight hundred

and fourteen (Pamphlet Laws, three hundred and fifty-two), entitled "An act establishing a fee bill," is hereby amended to read as follows:

Section XIX. And be it further enacted by the authority aforesaid, That the fees to be received by the coroner of each county of the third, fourth, fifth, sixth, seventh, and eighth classes shall be as follows, namely, for viewing a dead body, five dollars fifty cents; summoning and qualifying inquest, drawing and returning inquisition, three dollars seventy-five cents; summoning and qualifying each witness, fifty cents, to be paid out of the goods, chattels, lands or tenements of the slayer (in case of murder or manslaughter), if any he hath, otherwise by the county, with mileage at the rate of ten cents for each mile circular traveled from the court house to the place of viewing the body; executing any process or writs of any kind, the same fees as are allowed to the sheriff and the same mileage.

Section 2. All acts and parts of acts, general, local or special, inconsistent herewith, are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 11, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 879, entitled "An act to amend section nineteen of the act, approved the twenty-eighth day of March, one thousand eight hundred and fourteen (Pamphlet Laws, three hundred and fifty-two), entitled 'An act establishing a fee bill,' by increasing the fees of the coroner in counties of the third, fourth, fifth, sixth, seventh, and eighth classes."

This bill would increase the fee chargeable by coroners in counties of the third to eighth classes inclusive.

The fees prescribed by the bill would permit coroners in these counties to make the same charge for viewing the body as is authorized for counties of the second class, which is higher than the fee chargeable in counties of the first class. The fee for summoning an inquest and returning the inquisition would be higher than that allowed in counties of the first and second classes.

It seems to me that if there is any occasion for increasing the fees of coroners in a majority of the counties of the State, legislation making such increase should provide a uniform scale of fees for the entire State.

In addition I have not been convinced that there is any necessity for increasing these fees in the counties affected by this bill.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 55.

AN ACT

Conferring upon cities of the second class the power to authorize the construction, maintenance, and use of overhead passageways across, and of underground passageways beneath, public highways by the owners or lessees of the abutting properties, and ratifying and approving existing ordinances authorizing such underground and overhead passageways in said cities.

Section 1. Be it enacted, &c., That cities of the second class shall have power to authorize the construction, maintenance, and use of

overhead passageways across, and also underground passageways beneath, public highways within the limits of said cities by the owners or lessees of the properties abutting on said highways, which said passageways when constructed will connect. Such passageways shall be subject to such reasonable terms, regulations, and conditions with regard to public convenience and safety as the municipal authorities shall deem necessary. All existing ordinances authorizing such overhead passageways across, and also existing ordinances authorizing such underground passageways beneath, public highways in cities of the second class are hereby ratified and approved.

Section 2. All acts and parts of acts inconsistent with this act are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 11, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1147, entitled "An act conferring upon cities of the second class the power to authorize the construction, maintenance, and use of overhead passageways across, and of underground passageways beneath, public highways by the owners or lessees of the abutting properties, and ratifying and approving existing ordinances authorizing such underground and overhead passageways in said cities."

This bill would accomplish two results. First, it would authorize cities of the second class, by ordinance, to permit the construction, maintenance and use of passageways over city streets and also of underground passageways beneath city streets, such overhead or underground passageways to be constructed by the owners or lessees of the properties abutting on the city streets over or under which the passageways would run. Secondly, the bill would also ratify any ordinances heretofore passed permitting such overhead or underground passageways to be constructed.

I am of the opinion that authority should be given to cities to permit the construction by private individuals of passageways over or under the public highways only if there is a pressing necessity for such legislation. Except under unusual circumstances, municipalities should preserve for themselves all of the rights which they have in, or in connection with, public highways.

I have not been informed of any necessity which would justify the approval of this measure.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 56.

AN ACT

To regulate and establish the fees to be charged by justices of the peace, aldermen, and magistrates in this Commonwealth.

WHEREAS, Owing to greatly changed conditions and largely increased

labor and expense devolving upon said officials, their present fees are wholly inconsistent and inadequate; therefore,

Section 1. Be it enacted, &c., That from and after the passage of this act the fees of justices of the peace, magistrates, and aldermen shall be as follows, to wit, for:

Information or complaint, on behalf of the Commonwealth, one defendant, seventy-five cents.

Warrant or *capias*, on behalf of the Commonwealth, one defendant, seventy-five cents.

Each additional defendant named on information or warrant, ten cents.

Docket entry of action, on behalf of the Commonwealth, seventy-five cents.

Hearing in each criminal case, each day occupied, or fraction of day, one dollar.

Administering oath in criminal cases, ten cents.

Docket entry of confession or plea of guilty in criminal cases, seventy-five cents.

Making docket entry of testimony in cases of summary conviction, each witness, fifty cents.

Taking bail for a hearing or for appearance at quarter sessions, each defendant, seventy-five cents.

Entering judgment on conviction, for fine, seventy-five cents.

Recording conviction, thirty cents.

Recording sentence, thirty cents.

Warrant to levy fine or forfeiture, seventy-five cents.

Bail-piece and return, one dollar.

Commitment of each defendant, seventy-five cents.

Discharge to jailer, seventy-five cents.

Entering discontinuance in criminal cases, fifty cents.

Transcript and certificate for any purpose, to any one, in criminal case, one dollar.

Entering actions in civil cases, fifty cents.

Issuing summons, fifty cents.

Issuing an attested copy of summons in civil or criminal case, fifty cents.

Each additional name after the first, on summons, subpoenas, or *capias*, ten cents.

Capias in civil case, seventy-five cents.

Entering return on summons, *capias*, attachment, or similar writ, fifty cents.

Subpoena or subpoena *duces tecum* in criminal or civil case, fifty cents.

Qualifying constable to return, twenty-five cents.

Entering bail on *capias*, or when bail is required in any civil action, seventy-five cents.

Every continuance of suit, thirty cents.

Trial and judgment in civil case, one dollar.

Administering oath in civil case, ten cents.

Entering satisfaction in civil cases, thirty cents.

Entering discontinuance of civil cases, thirty cents.

Entering amicable suit or confession of judgment, seventy-five cents.

Entering rule to take deposition of witnesses, fifty cents.

Interrogatories attached to rule, fifty cents.

Entering return of rule to take depositions, or rule to refer, fifty cents.

Issuing rule of reference, fifty cents.

Notice to each referee, and each copy, fifty cents.

Entering report of reference and judgment thereon, seventy-five cents.

Written notice, in any case, twenty-five cents.

Execution and return, seventy-five cents.

Scire facias, fifty cents.

Return on scire facias, fifty cents.

Opening judgment for rehearing of any case, fifty cents.

Making transcript of judgment and certificate, one dollar.

Return of proceedings on appeals or certiorari, including affidavit, bail, and certificate, one dollar and fifty cents.

Receiving the amount of a judgment, and paying the same over, not over ten dollars, twenty-five cents.

Over ten, and not over forty, fifty cents.

Over forty, and not over sixty, seventy-five cents.

Over seventy-five, and not over one hundred dollars, one dollar.

And a like amount on each additional one hundred dollars or fraction thereof.

Affidavit in case of attachment, fifty cents.

Entering action in case of attachment, fifty cents.

Attachment and attested copy thereof, one dollar.

Rule on garnishee, fifty cents.

Interrogatories, filing and issuing, fifty cents.

Return of rule or of interrogatories, fifty cents.

Bond in case of attachment, seventy-five cents.

Appointing freeholders, fifty cents.

Order to sell goods, in any case, fifty cents.

Entering complaint in landlord and tenant proceedings, seventy-five cents.

Issuing process in landlord and tenant proceedings, seventy-five cents.

Hearing and determining cases in landlord and tenant proceedings, one dollar.

Recording proceedings in landlord and tenant proceedings, one dollar and fifty cents.

Writ of possession and return in landlord and tenant proceedings, one dollar.

Issuing venire to summon jury, making return, one dollar.

Holding trial by jury, and entering judgment, two dollars.

Information of strays taken up, fifty cents.

Warrant to freeholders to appraise damage, fifty cents.

Receiving and entering return of appraisers, and judgment thereon, seventy-five cents.

Publishing proceedings of appraisers, not including cost of printing, fifty cents.

Order for relief of pauper, seventy-five cents.

Order for removal of pauper, seventy-five cents.

Order to seize goods for the maintenance of wife or children, seventy-five cents.

Order for premium for wolf, fox, or other scalps, each scalp to be paid by county, fifty cents.

Entering transcript of judgment from another justice or alderman, seventy-five cents.

Every acknowledgment of deed or other instrument of writing, first name, fifty cents.

Each additional name after the first, twenty-five cents.

Certificate to obtain land warrant, one dollar.

Marrying each couple, making record thereof, and certificates to the parties, five dollars.

Swearing and affirming county, township, or other public officer, each officer fifty cents.

Probating accounts, fifty cents.

Writing affidavits or affirmations, fifty cents.

Justifying parties on bond for liquor license, one dollar and fifty cents.

Each copy of claim in civil suit under law of one thousand and eight hundred and seventy-nine, seventy-five cents.

Affidavit of defense in such case, seventy-five cents.

The fees for service under the laws of the United States shall be as follows:

For certificate of protection, fifty cents.

For certificate of lost protection, twenty-five cents.

Warrant, twenty-five cents.

Summons for seamen, in admiralty case, twenty-five cents.

Hearing thereon, with docket entry, fifty cents.

For certificate to clerk of the district court to issue admiralty process, twenty-five cents.

For affidavits of claims and copies thereof, twenty-five cents.

The fees for services not herein specially provided shall be the same as for similar services.

Section 2. The act, approved the twenty-third day of April, one thousand nine hundred and nine (Pamphlet Laws, one hundred and sixty), entitled "An act to regulate and establish the fees to be charged by justices of the peace, aldermen, and magistrates, in this Commonwealth," is hereby repealed.

All acts or parts of acts inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 11, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 607, entitled "An act to regulate and establish the fees to be charged by justices of the peace, aldermen and magistrates in this Commonwealth."

This bill would increase by approximately fifty per centum the fees to be charged by justices of the peace, aldermen and magistrates, and would repeal the act of April 23, 1909, P. L. 160, establishing the fees to be charged by these officers.

I do not believe that an increase in fees to the extent proposed by this bill is warranted.

The cost of enforcing our criminal laws has been continually increasing. To a large extent this expense must be borne by the taxpayers. This is a burden which I am unwilling to increase without a clear justification for so doing.

In civil cases coming before the officers affected by this bill, it is also highly desirable that the expense of the litigation be kept down to a minimum.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 57.

AN ACT

Defining and regulating the business of auctioneers; providing for State and local licensing thereof; imposing duties upon the Secretary of the Commonwealth; and providing penalties.

Section 1. *Oath of Auctioneer.*—Be it enacted, &c., That an auctioneer shall not advertise, represent, or hold forth a sale of goods, wares, or merchandise at public auction within this Commonwealth unless before so doing he shall have obtained a license from the Secretary of the Commonwealth as auctioneer, which said license shall be good for one year from the date thereon; and the application for such license shall state under oath to the Secretary of the Commonwealth the name in which applicant intends to operate, the place or places in the Commonwealth of Pennsylvania where he will conduct his business, and the class of goods, wares, and merchandise which he intends to offer at public auction.

Section 2. *State and Local Licenses.*—An auctioneer, whether principal or agent, before beginning business shall take out a State and local license in the manner hereafter prescribed, but the right of a municipal corporation to pass such additional ordinances relative to auction as may be permissible under the general law or its charter shall in no way be affected.

Section 3. *State License.*—An auctioneer desiring to do business in this State shall deposit with the Secretary of the Commonwealth the sum of five thousand dollars as a special deposit or shall furnish a bond satisfactory to the Secretary of the Commonwealth in the sum of fifteen thousand dollars, and thereafter upon application in proper form and the payment of a further sum of one hundred dollars as a State license fee such Secretary of Commonwealth shall issue to him a State Auctioneer's License authorizing him to do business in this Commonwealth for one year from the date thereof. Such license shall set forth a copy of the application upon which it is granted. The license shall not be transferable.

Section 4. *Licensee May Have Assistants.*—A licensee described in the next preceding section may have the assistance of one or more persons, who may aid him in conducting his business.

Section 5. A licensee shall not employ by-bidders or what are commonly known as "cappers," nor shall he offer or make any false bid to buy or pretend to buy any such goods, wares, or merchandise sold or offered for sale at any such auction sale.

Section 6. *Truthful Representation.*—An auctioneer when offering for sale at such public auction any such goods, wares, and merchandise shall in describing the same be truthful with respect to the quality, kind,

and description of the same, and which for the purpose thereof shall be considered as warranties.

Section 7. *Auctioneer Defined.*—The term “auctioneer” shall, for the purposes of this act, mean and include all persons, copartnerships, associations, or corporations, whether principals or agents, who advertise, represent, or hold forth a sale of goods, wares, or merchandise at public auction and who for the purposes of carrying on such business, hire, lease, or occupy any building or public structure for the exhibition of such goods, wares, or merchandise. No auctioneer shall be relieved or exempted from the requirements hereof by reason of associating himself temporarily with any local dealer, trader, or merchant, or by conducting such business in connection with or as a part of the business of or in the name of any such local dealer, trader, or merchant. The provisions of this act shall not, however, apply to judicial sales or sales by executors or administrators, nor to sales by or in behalf of licensed pawnbrokers in manner prescribed by law, nor to the sale of farm products, farming implements, live stock, household goods, real estate, machinery and equipment, nor personal property not in the general line of merchandise, nor to sales at public auction of stock on hand of any person, firm, or corporation that shall for the period of one year next preceding such sale have been continuously in business in the Commonwealth as a retail or wholesale merchant of goods, wares, or merchandise: And provided further, That such sale at public auction of the stock on hand of such merchant or merchants shall not be fed in anticipation of such auction sale or pending or during such auction sale, and that said auction sale shall be held on successive days, Sundays and legal holidays excepted, and shall not continue for more than ten days within the period of one year.

Section 8. *Local License.*—Before selling under a State license an auctioneer shall exhibit it to the clerk or mayor of a municipal corporation where he proposes to do business. Upon payment to such clerk or mayor of a local license fee as provided by ordinance or, in the absence of such ordinance, such amount as the clerk or mayor determines, and proof of payment of all other license fees legally chargeable upon local auction sales, the clerk shall record such State license, indorse upon it the words “local license fee paid,” and affix his official signature with the date of such indorsement. He shall then issue a local license authorizing an auction sale within the limits of such city or village.

Section 9. *Penalty.*—Failure to obtain a local license and have proper indorsements made on the State license shall be subject to like penalty as if a State license had not been issued.

Section 10. *Production of License upon Demand.*—The mayor, clerk, city solicitor, or assistant solicitor of any municipal corporation within this State shall have power to demand the production of the proper local and State licenses from an auctioneer advertising or actually engaged in business in such municipal corporation, and failure to produce such license shall be prima facie evidence that such auctioneer has none.

Section 11. *Expiration and Surrender of State License Disposition of Special Deposit.*—State licenses shall expire by limitation one year from the date thereof and may be surrendered at any time prior thereto for cancellation. Upon the expiration and surrender of a State license the Secretary of the Commonwealth shall cancel it, endorse the date of delivery and cancellation thereon, and place it on file. He shall hold

the special deposit of such licenses mentioned in this chapter for sixty days, and after satisfying all claims made upon it under the next two succeeding sections shall return such deposit or portion thereof as remains in his hands to the licensee depositing it.

Section 12. *Deposit Subject to Attachment and Execution.*—A deposit so made with the Secretary of the Commonwealth shall be subject to attachment and execution on behalf of creditors whose claims arise in connection with business done in this State and to payment of fines incurred by the licensee through violation of this chapter or the penal statutes relating thereto.

Section 13. *Secretary of State is Trustee.*—Order of payments of claims under civil process shall be enforced against the Secretary of the Commonwealth as garnishee or trustee by action in the usual form, and claims for satisfaction of fines and penalties under the penal statutes of this State shall be enforced by the judge or clerk of any court in which proceedings are pending for the enforcement of any such fine, writing over his signature of the pendency of said proceedings and of the final judgment when obtained, together with the amount of the fine or penalty imposed in said judgment; and it shall be the duty of such judge or clerk to notify the Secretary of the Commonwealth as hereinbefore provided upon application of the complaining witness in any proceeding such as hereinbefore described or of the prosecuting officer conducting such proceeding. Claims upon each deposit shall be satisfied after judgment in the order in which notice of the claim is received by the Secretary of the Commonwealth until such claims are satisfied or the deposit exhausted, but notices filed after the expiration of such sixty days' limit shall not be valid. A deposit shall not be paid by the Secretary of the Commonwealth to licensees as long as there are outstanding claims against it, unless there is unreasonable delay in enforcing them.

Section 14. Any person, copartnership, association, or corporation violating any provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding five hundred dollars (\$500) or undergo imprisonment not exceeding three months or both in the discretion of the court.

Section 15. The provisions of this act shall not apply to cities of the first class.

Section 16. All acts or parts of acts inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 11, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 736, entitled "An act defining and regulating the business of auctioneers, providing for State and local licensing thereof, imposing duties upon the Secretary of the Commonwealth, and providing penalties."

This bill would require auctioneers, except in cities of the first class, before engaging in certain lines of business to procure a license from the Secretary of the Commonwealth and to furnish a bond satisfactory to the Secretary of the Commonwealth in the sum of fifteen thousand dollars or in lieu thereof a cash deposit of five thousand dollars.

In my opinion there can be no justification whatever for regulating

auctioneers in every part of Pennsylvania except Philadelphia. The probable result of the exemption of Philadelphia from the provisions of this bill would be to drive to that city auctioneers from all other parts of the State who could not qualify for State licenses.

As between cities of the first class and the rest of Pennsylvania there is, in my judgment, no basis for classification as far as concerns the regulation of a business such as auctioneering; and I should very much doubt the constitutionality of this bill if it were approved. In any event, if the business of auctioneers ought to be regulated, it should be regulated everywhere in Pennsylvania.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 58.

AN ACT

Fixing the salary of the chief deputy sheriff in counties of the first class.

Section 1. Be it enacted, &c., That hereafter the salary of the chief deputy sheriff in all counties of the first class shall be nine thousand dollars per annum, payable in the same manner as the salaries of the other deputies of the sheriff are now paid.

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

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 11, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1469, entitled "An act fixing the salary of the chief deputy sheriff in counties of the first class."

This would increase the salary of the chief deputy sheriff in counties of the first class from six to nine thousand dollars per annum.

As I have previously stated, I am opposed to the fixing of salaries of employes of cities, counties or townships by acts of Assembly, unless the Commonwealth has an interest in the conduct of the office or offices involved which is paramount to the principle of home rule as applied to the expenditure of moneys accruing from local taxation. Salaries of employes of political subdivisions of the State should be fixed by the tax-levying authorities of such subdivisions, except as indicated. In acting upon bills passed by this session of the General Assembly, the only exceptions which I have recognized as being proper matters for legislative determination are the salaries of such officers or employes as assistant district attorneys, county detectives, members of boards of viewers (who are semi-judicial officers), and officers or employes of the courts. Even in the case of officers or employes of the courts, all of the bills which I have approved, except in the case of the deputy prothonotaries in counties of the first class, have placed responsibility for fixing the compensation upon the local courts, within a stated maximum limitation.

In my judgment the position of chief deputy sheriff in counties of the first class is one in which the Commonwealth does not have such an interest as to warrant the General Assembly in fixing the salary of the incumbent independently of the local authorities.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 59.

AN ACT

Providing for the notification of friends of persons committed to jail awaiting hearings of the charges preferred against them and the time of trial thereof by persons in charge of jails and prisons.

Section 1. Be it enacted, &c., That every sheriff, under sheriff, warden, jailor, keeper, or other person in charge or having the care or keeping of any jail or prison within the Commonwealth, shall immediately after the delivery to him by any constable, policeman, or other peace officer of any person charged with the commission of any violation of law and committed to such jail or prison to await a hearing before any alderman, justice of the peace, or magistrate, or awaiting trial in any court, inquire of every such person and obtain from him or her the names of at least five persons who are friends or relatives of such person, and shall cause notice to be sent to such persons by mail, addressed to the addresses furnished by such committed person; which notice shall contain information as to the charge or charges pending against such person and the time or probable time of the hearing of the same.

Section 2. The expense incurred by any such sheriff, under sheriff, warden, jailor, or keeper, in sending out the notices required by this act, shall be paid by the county in which such jail or prison is located.

Section 3. Any sheriff or under sheriff, warden, jailor, or keeper, in charge or having the care or keeping of any jail or prison, neglecting or refusing to comply with any of the provisions of this act shall be liable in each case to a fine not exceeding twenty-five dollars; to be collected by summary conviction as like penalties are now by law collected.

Section 4. All acts or parts of acts inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 11, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1649, entitled "An act providing for the notification of friends of persons committed to jail awaiting hearings of the charges preferred against them and the time of trial thereof by persons in charge of jails and prisons."

This bill would make it a criminal offense for a sheriff, warden or other person in charge of a jail or prison to neglect or refuse to obtain from every prisoner delivered to such jail or prison the names of at

least five friends or relatives of such prisoner and to give written notice by mail to the five persons named both of the charge against the prisoner and the time or probable time of the hearing thereon.

The requirements of this bill would be almost impossible to fulfill; at least in the larger counties of the Commonwealth. The officials in charge of the county prisons do not know until the morning of the trial or until a late hour of the previous day what prisoners will be required in court for trial. They could not, therefore, possibly give notice of the time of trial, as required by this act.

Another objection to the bill is the arbitrary requirement that five relatives or friends must be notified of the charge against the prisoner and the time of trial. There is no reason why more than one relative or friend should be notified of these facts.

The Department of Welfare, which has supervision over the administration of the various prisons and jails of the Commonwealth, advises me that it has no knowledge of any abuses in the administration of the prisons and jails of the Commonwealth which require the enactment of a criminal statute of this character.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 60.

AN ACT

Providing for the filling of vacancies in certain county offices caused by death or resignation in counties of the first class.

Section 1. Be it enacted, &c., That whenever a vacancy exists in any county office in counties of the first class, except the office of county commissioner and prothonotary, caused by the death or resignation of the duly elected county officer, the first deputy of such county officer shall become such county officer and shall have all the rights and powers and be subject to all the duties of the county officer whose death or resignation caused such vacancy, and shall serve until the first day of January succeeding the next municipal election, at which election his successor shall be elected.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 11, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 595, entitled "An act providing for the filling of vacancies in certain county offices, caused by death or resignation, in counties of the first class."

This bill would make a radical change in the filling of vacancies in certain county offices in counties of the first class when such vacancies are caused by death or resignation. At present the Governor fills the vacancies by appointment. This bill provides that the first deputies in the offices affected shall automatically become the county officers to serve for the unexpired terms.

For such a change I can see no justifying reason. It frequently

happens that a good deputy would make a poor chief. Moreover, the present method of filling these vacancies has been followed during many years. It should, in my opinion, be retained.

For this reason the bill is not approved.

GIFFORD PINCHOT.

No. 61.

AN ACT

Imposing a poll tax for county purposes in counties of the third class on male and female residents over the age of twenty-one years, and abolishing the occupation tax.

Section 1. Be it enacted, &c., That hereafter all persons, male or female, over the age of twenty-one years residing within any county of the third class shall be required to pay an annual poll tax of fifty cents for county purposes, which tax shall be assessed and collected in the same manner as other county taxes. All county taxes, now assessed and collected on salaries and emoluments of office, on offices and posts of profit, professions, trades, and occupations by the laws of this Commonwealth, are hereby abolished, saving the right to counties to collect all such taxes assessed prior to the passage of this act.

Section 2. This act shall take effect on the first day of September, one thousand nine hundred and twenty-five.

Section 3. All acts and parts of acts inconsistent with this act are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 12, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 309, entitled "An act imposing a poll tax for county purposes in counties of the third class on male and female residents over the age of twenty-one years and abolishing the occupation tax."

For over a century all offices and posts of profit, trades, professions and occupations, with some exceptions, have been taxable for county purposes. In the counties where a proper attempt has been made at reasonable classification of occupations, this system of taxation has generally worked well. It has justified itself. I can see no good reason for abolishing the occupation tax and substituting a flat rate poll tax; but if such a change were advisable, there could certainly be no justification for making it in only one class of counties.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 62.

AN ACT

Validating ordinances and proceedings by councils in boroughs for the paving and curbing of public highways, and validating municipal liens therefor.

Section 1. Be it enacted, &c., That whenever in any borough in this Commonwealth prior to the passage of this act a highway or part thereof has been improved by being paved, graded, or paved and curbed with brick or other paving and curbing material in the pursuance of authority of an act of Assembly and an ordinance passed and enacted in pursuance thereof, and the costs and expenses or part thereof of the improvement assessed on the abutting property owners as provided by the ordinance and act of Assembly authorizing and directing such improvement, and a municipal claim or lien has been filed against the property therefor, but owing to some defect in the ordinance, assessment or for any other reason the ordinance or proceeding by the council authorizing and directing the improvement and making the assessment therefor or the proceeding in the filing of any municipal claim or lien therefor are for any reason defective or invalid, or where by reason of the fact that the interest of the person or corporation named in the lien as owner or reputed owner is an estate in the mineral only, whether as tenant or as owner thereof, it might or could be contended that the land described in the lien is not bound thereby, and especially in any case in which the borough solicitor has failed to file said lien in the prothonotary's office within the time provided by law, such ordinance and proceedings authorizing the improvement and making the assessment therefor, and any municipal claim or lien filed therefor are hereby validated and made binding for the amount justly and equitably due and payable on account of such grading, paving and curbing: Provided, that this act shall not apply to any proceeding, suit, or lien wherein a final order or judgment of any court of record has already been made or entered: And provided further, That this act shall not validate any lien against any property which has been conveyed to a bona fide purchaser thereof subsequent to the expiration of the period prescribed by law for the filing of such liens and prior to the time of the filing thereof, or give the lien thus filed priority over any bona fide lien or liens then existing against the property bona fide lien or liens filed, entered, or recorded, or which shall have otherwise attached subsequently to the time prescribed by law for the filing of such municipal lien and prior to the time of the filing thereof.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 12, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 517, entitled "An act validating ordinances and proceedings by councils in boroughs for the paving and curbing of public highways, and validating municipal liens therefor."

This bill is identically the same as Senate Bill No. 232, which has been approved.

For this reason the bill is not approved.

GIFFORD PINCHOT.

No. 63.

AN ACT

Authorizing the court for the County of Allegheny to appoint interpreters, and providing for their compensation.

Section 1. Be it enacted, &c., That the county court for the County of Allegheny may employ such number of interpreters and in such languages as the court may deem necessary for the proper transaction of its business. Such interpreters may be removed by the court at any time. Before assuming the duties of the office each interpreter shall take and subscribe the oath prescribed in the Constitution of this Commonwealth. The compensation of such interpreter shall be fixed by the salary board.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 12, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 896, entitled "An act authorizing the court for the County of Allegheny to appoint interpreters and providing for their compensation."

This bill would permit the county court for the County of Allegheny to employ such number of interpreters as the court may deem necessary for the proper transaction of its business; the compensation of such interpreters to be fixed by the salary board.

At the present time interpreters are appointed by the court of common pleas, which also fixes the compensation that interpreters are to receive. The law provides that interpreters thus appointed and compensated shall, when required, act as interpreters in any courts of the county.

No reason has been brought to my attention indicating the necessity for a separate group of interpreters for the county court of Allegheny County. It seems to me that the present system under which the common pleas courts appoint and fix the compensation of interpreters to serve in all courts of the county should not be disturbed without a very forceful reason for so doing.

For this reason the bill is not approved.

GIFFORD PINCHOT.

No. 64.

AN ACT

Specifying additional securities in which trustees or directors of savings banks chartered under general or special acts of Assembly may invest moneys deposited therein.

Section 1. Be it enacted, &c., That from and after the passage of this act trustees or directors of savings banks chartered under general or special acts of Assembly of this Commonwealth may, notwithstanding any provisions of their charter or of any act of Assembly under which they may have been incorporated, invest the moneys deposited

in said savings banks in interest bearing bonds of any corporation or individual secured by mortgage or unencumbered real estate situated in this State, which may be either a single bond secured by a mortgage, or one or more bonds of an issue of bonds secured by mortgage, or deed of trust to a trustee for the equal benefit of all bondholders.

Section 2. It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof, the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein.

Section 3. All acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 12, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 346, entitled "Specifying additional securities in which trustees or directors of savings banks chartered under general or special acts of Assembly may invest moneys deposited therein."

The act of May 20, 1889, P. L. 246, provides for the incorporation and regulation of savings banks without capital stock, and Section 17 of the act is as follows:

"It shall be lawful for the trustees of any saving bank to invest money deposited therein only as follows:

"First. In the stocks or bonds of interest-bearing notes or the obligations of the United States, or those for which the faith of the United States is pledged to provide for the payment of the interest and the principal.

"Second. In the stocks or bonds of the Commonwealth of Pennsylvania bearing interest.

"Third. In the stocks or bonds of any State in the Union that has not within ten years previous to making such investments, by such corporation, defaulted in the payment of any part of either principal or interest of any debt authorized by any legislature of such State to be contracted.

"Fourth. In the stocks or bonds of any city, county, town or village of any State of the United States, issued pursuant to the authority of any law of the State, or in any interest-bearing obligation issued by the city or county in which such bank shall be situated.

"Fifth. In the bonds and mortgages of unencumbered improved real estate in this State."

This fixes the legal investments for trustees of savings banks of the money deposited therein and the list has never been enlarged.

The bill now under consideration proposes to add to the securities in which trustees or directors of savings banks may invest the money of the bank "interest-bearing bonds of any corporation or individual secured by mortgage on unencumbered real estate situated in this State, which may be either a single bond secured by a mortgage, or one

or more bonds of an issue of bonds secured by mortgage or deed of trust to a trustee for the equal benefit of all bondholders.”

It has become the practice, especially in the larger cities of this Commonwealth, for a group of men to buy real estate, put the title in the name of a straw man, have him mortgage the property for all it will bear, issue a series of bonds and sell them to the public. After this is done the title to the property is generally conveyed to the real owners. Rarely, if ever, does one purchaser of such bonds secure enough to control the mortgage. With the depreciation of the real estate and a forced sale of the mortgaged property there is great danger of the bondholders suffering a loss. It is not clear that such investments should be added to those in which trustees of a savings bank may legally invest the funds of the bank.

The act of May 8, 1907, P. L. 189, provides for the creation and maintenance of a reserve fund in all banks, banking companies, savings banks and savings institutions. Such reserve fund shall be at least 15% of the aggregate of all its immediate demand liabilities. One-third of any part thereof may consist of bonds of the United States * * * or “bonds which now or hereafter may be authorized by law as legal investments for savings banks or savings institutions in Pennsylvania.”

If the bill is approved, bonds of a series issued under a mortgage as above set forth become legal as part of the reserve fund of banking institutions. Such bonds are not the safest and best for a reserve fund.

The Department of Banking is opposed to the bill as a dangerous piece of legislation.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 65.

AN ACT

To further amend a part of section two of the act, approved the twenty-ninth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws, seventy-three), entitled “An act to provide for the incorporation and regulation of certain corporations,” providing for the incorporation of associations for the purpose of encouraging and promoting improvement in the breeding, preservation, exhibiting, and protection of all domesticated animals; and by collecting and disseminating facts and information relative thereto to members and the public.

Section 1. Be it enacted, &c., That the first part of section two of the act, approved the twenty-ninth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws, seventy-three), entitled “An act to provide for the incorporation and regulation of certain corporations,” which was last amended by section one of the act, approved the fifteenth day of July, one thousand eight hundred and ninety-seven (Pamphlet Laws, two hundred and eighty-three), entitled “An act to amend the second section of an act, entitled ‘An act to provide for the incorporation and regulation of certain corporations, approved the twenty-ninth day of April, one thousand eight hundred and seventy-four; providing for the incorporation of associations for receiving and holding property, real and personal, of and for unincorporated religious, benevolent, charitable, educational, and missionary societies and associations, and executing trusts thereof,’” is hereby further amended to read as follows:

Section 2. The purposes for which the said corporation may be formed shall be as follows, and shall be divided into two classes:

Corporations Not for Profit.

The first class those for

- I. The support of public worship;
- II. The support of any benevolent, charitable, educational, or missionary undertaking;
- III. The support of any literary, medical, or scientific undertaking, library associations, or the promotion of music, painting, or other fine arts;
- IV. The encouragement of agriculture and horticulture;
- V. The maintenance of public and private parks, and of facilities for skating, boating, trotting, and other innocent or athletic sports, including clubs for such purposes, and for the preservation of game and fish;
- VI. The maintenance of a club for social enjoyments;
- VII. The maintenance of a public or private cemetery;
- VIII. The erection of halls for public or private purposes;
- IX. The maintenance of a society for beneficial or protective purposes to its members from funds collected therein;
- X. The support of fire engine, hook and ladder, hose, or other companies for the control of fire;
- XI. For the encouragement and protection of trade and commerce;
- XII. For the formation and maintenance of military organizations;
- XIII. For the maintenance of a society for the improvement of the streets and public places in any city, borough or township in this Commonwealth;
- XIV. For receiving and holding property, real and personal, and for unincorporated religious, beneficial, charitable, educational, and missionary societies and associations, and executing trusts thereof;
- XV. For the encouraging and promoting improvement in the breeding, preservation, exhibiting and protection of all domesticated animals; and by collecting and disseminating facts and information relative thereto to members and the public.

Each of the said corporations may hold real estate to an amount the clear yearly value or income whereof shall not exceed [twenty] fifty thousand dollars.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 12, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 203, entitled "An act to further amend a part of section two of the act, approved the twenty-ninth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws, seventy-three), entitled 'An act to provide for the incorporation and regulation of certain corporations,' providing for the incorporation of associations for the purpose of encouraging and promoting improvement in the breeding, preservation, exhibiting and protection of all domesticated animals; and by collecting and disseminating facts and information relative thereto to members and the public."

The purpose of this bill in amending Section 2 of the act of April 29, 1874, P. L. 73, to provide for the incorporation of associations for

the purpose of promoting the breeding, preservation, exhibiting and protection of domesticated animals, is entirely proper.

Unfortunately in drafting this amendment paragraph 9 of section 2 of the act of April 29, 1874, was retained identically as it was originally written, notwithstanding the fact that this paragraph of section 2 was repealed by the act of May 20, 1921, P. L. 916, in so far as it applies to the incorporation of societies for the purpose of transacting any class of insurance.

It would, in my opinion, be a mistake to restore the right to incorporate beneficial associations with the right to transact an insurance business; and while the present bill might not be construed to have this effect, I am unwilling to approve a bill which could possibly lend any color to a belief that associations of this character may again be incorporated.

For this reason the bill is not approved.

GIFFORD PINCHOT.

No. 66.

AN ACT

To amend section ten of an act, approved the twenty-seventh day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, four hundred and three), entitled "An act creating the office of county controller in counties of this Commonwealth containing one hundred and fifty thousand inhabitants and over, prescribing his duties, and abolishing the office of county auditor in said counties," by changing the amount at which contracts must be advertised in counties of the second, third, fourth and fifth classes.

Section 1. Be it enacted, &c., That section ten of an act, approved the twenty-seventh day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, four hundred and three), entitled "An act creating the office of county controller in counties of this Commonwealth containing one hundred and fifty thousand inhabitants and over, prescribing his duties, and abolishing the office of county auditor in said counties," is hereby amended to read as follows:

Section 10. That from and after the passage of this act all contracts made by the commissioners of [said county] counties of the second, third, fourth and fifth classes involving an expenditure exceeding one hundred dollars shall be in writing, and shall, immediately after their execution, be filed with the controller; but no contract shall be made, nor the payment thereof certified by the controller, for over [one] two hundred dollars, unless when made with the lowest and best bidder, after due notice to be published by the controller, when directed by the commissioners, if he approve the purpose of the proposals invited; all bids to be received by the controller, under seal, and to be in his presence opened by the commissioners, and the contracts awarded, of which awards the controller shall keep a record, and he shall certify no warrants for contracts not made agreeably thereto.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 12, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 51, entitled "An act to amend sec-

tion ten of an act, approved the twenty-seventh day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, four hundred and three), entitled 'An act creating the office of county controller in counties of this Commonwealth containing one hundred and fifty thousand inhabitants and over, prescribing his duties and abolishing the office of county auditor in said counties,' by changing the amount at which contracts must be advertised in counties of the second, third, fourth and fifth classes."

This bill would give to county commissioners in counties of the second to fifth classes inclusive the right to make contracts involving an expenditure of two hundred dollars or less, without competitive bidding after due public advertising.

At present all contracts involving one hundred dollars or less must be awarded to the lowest and best bidder, after published notice.

No reason has been brought to my attention which justifies a change in the law as contemplated by this bill. Competitive bidding should be required in connection with all contracts made by county commissioners, excepting only purchases involving a nominal amount of money. The present one hundred dollar exemption is adequate to enable small purchases of an emergency nature to be made without formality or delay.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 67.

AN ACT

To amend section one of the act, approved the fifth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, six hundred eighty-four), entitled "An act fixing the pay of election officers," as amended, increasing the compensation of election officers, inspectors, and clerks, except in counties of the first class.

Section 1. Be it enacted, &c., That section one of the act, approved the fifth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, six hundred eighty-four), entitled "An act fixing the pay of election officers," which was amended by the act, approved the eighth day of May, one thousand nine hundred and nineteen (Pamphlet Laws, one hundred and fifteen), entitled "An act to amend an act, approved the fifth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, six hundred eighty-four), entitled "An act fixing the pay of election officers," and also clerks appointed by the inspectors," is hereby further amended to read as follows:

Section 1. Be it enacted, &c., That the minimum pay of all judges of election, inspectors, and clerks appointed by inspectors, except in counties of the first class, is hereby fixed at five dollars per day. In any such election district in which more than two hundred and fifty ballots are cast at any election, each judge, inspector, and clerk shall be paid [one dollar] two dollars for each one hundred ballots or fractional part thereof cast after the first two hundred and fifty ballots, in addition to the minimum pay herein provided for.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 12, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1340, entitled "An act to amend section one of the act, approved the fifth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, six hundred eighty-four), entitled 'An act fixing the pay of election officers,' as amended, increasing the compensation of election officers, inspectors and clerks, except in counties of the first class."

This bill would fix the compensation of judges of election, inspectors and clerks appointed by inspectors, except in counties of the first class. The rate would be a minimum of five dollars per day, with an additional two dollars per day (instead of one dollar as at present), for each one hundred or fraction of one hundred ballots in excess of the first two hundred ballots cast in the election district.

I favor the adequate compensation of election officers, but am opposed to a rate of pay per diem based on the number of ballots cast. There should be a flat rate of compensation for all persons doing the same quality of work in the counties to which the bill applies. I am, therefore, unwilling to lend my support to the present method of fixing the rate of pay by approving an increase in the excess payment for each hundred ballots or fraction thereof in excess of the first two hundred.

Another reason for disapproving the present bill is that I have already approved Senate Bill No. 378, which fixes the compensation of election officers and clerks in counties of the second class at flat rates inconsistent with the rates which would apply under the present bill. As the two bills are irreconcilably inconsistent, the present bill if approved later than Senate Bill No. 378 would impliedly repeal it. I am unwilling to permit such a result to be brought about.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 68.

AN ACT

Making an appropriation to carry out the provisions of an act, approved the twenty-fifth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, one thousand one hundred and ninety-five), entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions; providing, State aid for certain agricultural associations and regulating the payment thereof."

Section 1. Be it enacted, &c., That the sum of one hundred and twenty-five thousand dollars (\$125,000), or so much thereof as may be necessary is hereby specifically appropriated for the two fiscal years beginning June first, one thousand nine hundred and twenty-five, to carry out the provisions of an act, approved the twenty-fifth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, one thousand one hundred and ninety-five), entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions;

providing State aid for certain agricultural associations, and regulating the payment thereof."

Section 2. No payment shall be made under this act except for exhibits of live-stock, live-stock products, horticultural products, cereals, bees and bee products, basketry, laces, embroideries, and other handiwork or fancy work; and the Secretary of Agriculture shall supervise all claims for payments from said appropriation.

All associations requesting State aid shall report all expenditures for agricultural exhibits, as specified in the preceding paragraph, to the Secretary of Agriculture, on blank forms furnished by him. Such reports shall be attested and acknowledged by affidavit by the president and secretary of each association, and shall be filed with the Secretary of Agriculture on or before the fifteenth day of November of each year for approval. Reports approved by the Secretary of Agriculture shall be transmitted to the Auditor General for payment as provided by law.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 12, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1089, entitled "An act making an appropriation to carry out the provisions of an act, approved the twenty-fifth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, one thousand one hundred and ninety-five), entitled 'An act for the encouragement of agriculture and the holding of agricultural exhibitions; providing State aid for certain agricultural associations, and regulating the payment thereof.'"

This bill would make an appropriation of one hundred and twenty-five thousand dollars (\$125,000) to provide State aid for agricultural exhibitions to be paid to the agricultural associations upon request of the Secretary of Agriculture. In the Budget submitted to the Legislature an appropriation was recommended for the same amount. But the appropriation which I recommended contained the following language:

"On condition that the Secretary of Agriculture shall certify as to every such agricultural association for payment to which out of this appropriation the Secretary of Agriculture shall draw a requisition that after inspection or other investigation he is satisfied that neither gambling or other illegal or immoral practices were permitted at or in conjunction with the fair of such agricultural association."

The appropriation thus worded passed both houses of the General Assembly. It was eliminated in conference, and later the present bill was passed. It omits the language which would require fair associations in order to receive State aid to see to it that gambling and other illegal and immoral practices be not permitted at or in conjunction with their respective fairs.

My insistence that any appropriation for the aid of county fairs must be made with this condition attached was generally known to members of the Legislature. It was known to the officers of the Association of Agricultural Fairs, and so was my statement that without

this clause I would veto the appropriation. Its omission was a challenge which I accept without hesitation.

I am not opposed to State-aid for county fairs, but I am unreservedly opposed to gambling and other illegal and immoral practices at such fairs. I will not approve an appropriation which would require the Secretary of Agriculture to issue his requisition for the aid of a fair which is not conducted along clean lines.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 69.

AN ACT

Providing for the licensing and registration by the Dental Council of certain persons to practice dentistry.

Section 1. Be it enacted, &c., That any person who has been actually engaged in practising dentistry within this Commonwealth for a period of at least ten years or more prior to the fifth day of May, one thousand nine hundred and twenty-one, and is of good moral character may, upon the furnishing of proper affidavits by such person and after due investigation of the qualifications of such person by the State Dental Council and Examining Board, be licensed as a dentist by the said State Dental Council and Examining Board. Such licensing shall be effected upon the payment of a fee of twenty-five dollars and thereupon the State Dental Council and Examining Board shall issue to such dentist a license to practice dentistry in the same manner as such licenses are issued to persons who have successfully passed examinations conducted by the said board.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 12, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 1038, entitled "An act providing for the licensing and registration by the Dental Council of certain persons to practice dentistry."

The intention of this bill is to allow such dentists as the State Dental Council and Examining Board find to be qualified in other respects to be licensed, if they have practiced dentistry in the State of Pennsylvania for ten years prior to May 5, 1921, and are qualified but are unable to pass the examination required of all other applicants. Moreover, by an inadvertance the title of the bill is defective, since it refers to the "Dental Council," while the body of the bill refers to the "State Dental Council and Examining Board."

I see no reason why dentists unable to pass the regular examination established for the protection of our people should be permitted to practice. Besides this, the Pennsylvania State Dental Society and the State Dental Council and Examining Board both urge that the bill be vetoed because they have substantial fears that its enactment would lower the standard of dental education and competence in Pennsylvania.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 70.

AN ACT

Making an appropriation to the trustees of the Western Penitentiary for the erection of a new building, to be used for the execution of condemned criminals, upon the grounds of the Western Penitentiary, in Centre County; and providing for its isolation from other buildings.

Section 1. Be it enacted, &c., That there is specifically appropriated to the trustees of the Western Penitentiary the sum of one hundred thousand dollars (\$100,000), or so much thereof as may be necessary, for the erection of an appropriate building on the grounds of the new Western Penitentiary, in Centre County, and the construction therein of such electrical apparatus, machinery, and appliances as may be suitable and sufficient for the execution of condemned criminals in the manner provided by law.

Section 2. The building for the construction of which the said appropriation is hereby made shall be constructed on said grounds at a place at least one thousand feet from any other building, and upon its completion shall be used exclusively for the execution of such condemned criminals.

Section 3. The trustees of said Western Penitentiary shall at no time hereafter erect any other building or buildings for any purposes whatsoever within a distance of one thousand yards from the building, the construction of which is hereinbefore provided.

Section 4. The said building shall be erected in the same manner and subject to the same powers as now exercised by the said board in the erection of other buildings.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 12, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1444, entitled "An act making an appropriation to the trustees of the Western Penitentiary for the erection of a new building to be used for the execution of condemned criminals upon the grounds of the Western Penitentiary in Centre County and providing for its isolation from other buildings."

This bill would appropriate one hundred thousand dollars (\$100,000) for the erection of a new death house at the Western State Penitentiary at Rockview. It would further provide that the death house erected with the funds thus appropriated must be constructed at a place at least one thousand feet from any other building and after the erection of the death house it would be unlawful for the Board of Trustees of the Western State Penitentiary to erect any other buildings for any purpose whatsoever within a distance of one thousand yards of the new death house.

The present location of the death house at the Western State Penitentiary was never intended to be permanent. To remove the death house to a new location can, however, be accomplished without the passage of a special act of Assembly.

The present bill is objectionable because to place the death house one thousand feet from the present buildings and buildings already planned would create an excessively difficult administrative problem. The building would be so far away from the point of central administration that it would be necessary either to surround it with a very

expensive wall or to maintain an unnecessarily large personnel for its protection. The death house can be segregated from the other buildings of the penitentiary without removing it one thousand feet from any buildings present or prospective.

Even more objectionable is the requirement that upon the erection of a new death house no other building can be erected within three thousand feet thereof for any purpose whatsoever. This would mean that there could be no structures of any kind within a radius of half a mile of the death house. There is no necessity for such a provision in the law.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 71.

AN ACT

Authorizing the Department of Highways to make repairs to and provide for the construction and maintenance of roads and highways in Washington Crossing Park, and making an appropriation therefor.

Section 1. Be it enacted, &c., That the sum of one hundred and twenty thousand dollars (\$120,000), or so much thereof as may be necessary, is hereby specifically appropriated to the Washington Crossing Park Commission for the payment of the cost of such repairs, construction, and maintenance of roads and highways within the limits of said Washington Crossing Park as may be designated by the Washington Crossing Park Commission of the Commonwealth of Pennsylvania, said repairs, construction, and maintenance to be made by the force of and with the equipment of the Department of Highways.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 12, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 248, entitled "An act authorizing the Department of Highways to make repairs to and provide for the construction and maintenance of roads and highways in Washington Crossing Park, and making an appropriation therefor."

This bill appropriates one hundred and twenty thousand dollars (\$120,000) to the Washington Crossing Park Commission for the improvement of the roads in Washington Crossing Park.

I am thoroughly in sympathy with the purpose of this measure and reluctantly withhold my approval because I am advised that the estimated revenues of the Commonwealth for the forthcoming biennium do not warrant approval of this appropriation. This item was not included in the Budget estimates submitted to the Legislature.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 72.

AN ACT

Making an appropriation to the Department of Agriculture for the purpose of paying deficiencies salaries during the two fiscal years ending June first, one thousand nine hundred and twenty-three.

Section 1. Be it enacted, &c., That the sum of two hundred and fifty dollars (\$250), or so much thereof as may be necessary, is hereby specifically appropriated to the Department of Agriculture for the purpose of paying deficiencies salaries in the Bureau of Plant Industry, Department of Agriculture, earned during the two fiscal years ending June first, one thousand nine hundred and twenty-three.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 12, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1397, entitled "An act making an appropriation to the Department of Agriculture for the purpose of paying deficiencies salaries during the two fiscal years ending June first, one thousand nine hundred and twenty-three."

This bill would appropriate two hundred and fifty dollars (\$250) to the Department of Agriculture for the purpose of paying deficiencies in salaries in the Bureau of Plant Industry earned during the biennium which ended June 1, 1923.

The Department of Agriculture is unwilling to recognize the salary claim to pay which this bill was introduced. Prior to the present administration a certain employe of the Department of Agriculture was requested to do a specific piece of work for which he could not be paid during the then current biennium. However, he was promised by one of his superiors that he would be placed upon the pay roll of the Department during the present biennium and would receive pay without being obliged to do any work.

Under no circumstances could I lend my support to such an arrangement.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 73.

AN ACT

Validating certain elections of counties, cities, borough, townships, school districts, and other incorporated districts held pursuant to the provisions of an act, approved the twentieth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws, sixty-five), entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments thereto, and validating bonds issued or authorized to be issued in pursuance of such election.

Section 1. Be it enacted, &c., That all elections heretofore held by any school district of the third class within this Commonwealth to increase its indebtedness under the provisions of an act, approved the twentieth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws, sixty-five), entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the re-

demption of the same, and to impose penalties for the illegal increase thereof," and under the acts amendatory thereof, where the majority of votes required by law cast at such election was in favor of the proposed increase of indebtedness, be and the same are hereby ratified, confirmed, and made valid, notwithstanding the fact that the authorities of the said county, city, borough, township, school district, or other incorporated district either did not, or by separate and independent action did not, prior to the resolution or vote in pursuance of which notice of election was given to the electors, signify their desire for such increase of indebtedness or did not, in the words of the act and amendments and supplements aforesaid authorizing such increase, signify desire for such increase of indebtedness, and notwithstanding any defect or informality in the manner of holding or giving notice of such election; and notwithstanding the fact that the printed handbills giving notice of such elections were posted for a period of only twenty-eight days prior to the date of such elections. All of the bonds, securities, and obligations issued or to be issued in pursuance of every such election are hereby made valid binding obligations of every such county, city, borough, township, school district, or other incorporated district, provided all the other requirements of the law concerning such elections and issue of bonds have been complied with.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 12, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 511, entitled "An act validating certain elections of counties, cities, boroughs, townships, school districts, and other incorporated districts, held pursuant to the provisions of an act, approved the twentieth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws, sixty-five), entitled 'An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same and to impose penalties for the illegal increase thereof,' and the amendments thereto, and validating bonds issued or authorized to be issued in pursuance of such election."

This bill is almost identical with Act No. 41 of the recent session of the General Assembly, which was approved by me on March 21, 1925. In substance the present bill would add nothing whatever to Act No. 41.

For this reason the bill is not approved.

GIFFORD PINCHOT.

No. 74.

AN ACT

To amend section two of an act, approved the twenty-fifth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, one thousand one hundred and fifty-nine), entitled "An act authorizing certain corporations to issue preferred or common stock of one or more classes; providing for the manner of issuance, restrictions and regulations in the manner of voting thereof, and the rights and privileges of the holders thereof; validating certain acts of corporations not participated in by the holders of non-voting stock; and repealing all acts and parts of acts inconsistent therewith."

Section 1. Be it enacted, &c., That section two of an act, approved the twenty-fifth day of May, one thousand nine hundred and twenty-one

(Pamphlet Laws, one thousand one hundred and fifty-nine), entitled "An act authorizing certain corporations to issue preferred or common stock of one or more classes; providing for the manner of issuance, restrictions and regulations in the manner of voting hereof, and the rights and privileges of the holders thereof; validating certain acts of corporations not participated in by the holders of non-voting stock, and repealing all acts and parts of acts inconsistent therewith," is hereby amended to read as follows:

Section 2. This act shall not apply to the following classes of corporations, namely: Building and loan associations, insurance, [and] banking, and trust companies; and such companies as are required by the provisions of an act, approved the twenty-ninth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws, seventy-three), entitled "An act to provide for the incorporation and regulation of certain corporations," and supplements thereto, to have their charters approved by the courts of common pleas.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 12, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 515, entitled "An act to amend section two of an act, approved the twenty-fifth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, one thousand one hundred and fifty-nine), entitled 'An act authorizing certain corporations to issue preferred or common stock of one or more classes, providing for the manner of issuance, restrictions and regulations in the manner of voting thereof, and the rights and privileges of the holders thereof, validating certain acts of corporations not participated in by the holders of non-voting stock, and repealing all acts and parts of acts inconsistent therewith.'"

The bill purports to amend section two of the act of May 25, 1921, P. L. 1059. An examination of that section of the act shows that the bill does not amend it, but on the contrary, the bill and the act are identically the same in their language and terms.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 75.

AN ACT

To further amend section twenty-one of an act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, four hundred three), entitled "An act relating to the form, execution, revocation, and interpretation of wills, to nuncupative wills, to the appointment of testamentary guardians, to spendthrift trusts, to forfeiture of devise or legacy in case of murder of testator, to elections to take under or against wills, and to the recording and registering of such elections, and of decrees relative thereto and the fees therefor," by preventing the disinheriting of natural children under the age of sixteen years.

Section 1. Be it enacted, &c., That section twenty-one of the act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, four hundred three), entitled "An act relating to the form, execution, revocation, and interpretation of wills,

to nuncupative wills, to the appointment of testamentary guardians, to spendthrift trusts, to forfeiture of devise or legacy in case of murder of testator, to elections to take under or against wills, and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor," which was amended by the act, approved the twentieth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, nine hundred thirty-seven), "An act to amend section twenty-one of an act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, four hundred and three), entitled 'An act relating to the form, execution, and interpretation of wills, to nuncupative wills, to the appointment of testamentary guardians, to spendthrift trusts, to forfeiture of devise or legacy in case of murder of testator, to elections to take under or against wills, and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor,' " is hereby further amended to read as follows:

Section 21. When any person, male or female, shall make a last will and testament and afterwards shall marry or shall have a child or children, either by birth or by adoption, not provided for in such will, and shall die leaving a surviving spouse and such child or children or either a surviving spouse or such child or children, although such child or children be born after the death of their father, every such person so far as shall regard the surviving spouse or child or children born or adopted after the making of the will, shall be deemed and construed to die intestate and such surviving spouse, child, or children shall be entitled to such purparts, shares, and dividends of the estate, real and personal, of the deceased, as if such person had actually died without any will.

When any person, male or female, shall make a last will and testament, and shall thereby disinherit any natural child or children under the age of sixteen years or bequeath to them less than such child or children would be entitled to receive should such person die intestate, and shall die leaving such natural child or children under the age of sixteen years, every such person so far as shall regard such child or children under the age of sixteen years disinherited by such will or bequeathed less than it or they would have received had such person died intestate, shall be deemed and construed to die intestate, and such surviving child or children shall be entitled to such purparts, shares, and dividends of the estate, real and personal, of the deceased as if such person had actually died without any will: Provided, however, That nothing hereinbefore contained shall prohibit any testator from leaving his or her entire estate to his or her spouse if such spouse is also the natural parent of any child or children of the testator under the age of sixteen years living at the time of the death of the testator.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 12, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1491, entitled "An act to further amend section twenty-one of an act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, four hundred three), entitled 'An act relating to the form, execution, revocation and interpretation of wills, to nuncupative wills, to the appoint-

ment of testamentary guardians, to spendthrift trusts, to forfeiture of devise or legacy in case of murder of testator, to elections to take under or against wills, and to the recording and registering of such elections and of decrees relative thereto and the fees therefor, by preventing the disinheriting of natural children under the age of sixteen years."

This bill, if approved, would mark the adoption of an entirely new policy as far as concerns the right of citizens of this Commonwealth to dispose of their property by will. It would in effect prevent any person from disposing of his property by will without giving to his children under the age of sixteen years at the time of his death at least those shares of his estate which such children would take under the intestate laws.

At the present time the law limits the right of persons to dispose of their property by will only to the extent of providing that a surviving spouse may take such part of the estate as she or he would be entitled to receive under the intestate laws, notwithstanding a contrary provision in the will, and by further providing that if the will does not make provision for after-born children, such children shall be entitled to the shares of the estate which they would have received if the testator or testatrix had died intestate.

This bill, if approved, would apparently render it impossible for a parent to dispose of his estate in trust for the benefit of his children under the age of sixteen years; and it would prevent persons, even though of great wealth, from making any testamentary gifts to charity if survived by children all of whom were under the age of sixteen years. In addition the bill is unskillfully drafted in that it applies to "natural" children,—an expression which would require judicial construction before its meaning could be definitely known.

For a revolutionary measure of this kind, I can discover no justification.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 76.

AN ACT

To amend section one of an act, approved the first day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, one hundred fourteen), entitled "An act prohibiting the location by cities of the third class of city prisons or lock-ups close to public school buildings."

Section 1. Be it enacted, &c., That section one of the act of Assembly, approved the first day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, one hundred fourteen), entitled "An act prohibiting the location by cities of the third class of city prisons or lock-ups close to public school buildings," is hereby amended to read as follows:

Section 1. Be it enacted, &c., That it shall be unlawful for any city of the third class to erect or construct a city prison or lock-up, or to use any existing building [or lock-up for the first time] as a lock-up except the municipal building or city hall in which the office of the mayor of said city may be located, which will be or is located within five hundred feet of any public school building.

Commonwealth of Pennsylvania,
 Executive Chamber,
 Harrisburg, May 12, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1525, entitled "An act to amend section one of an act, approved the first day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, one hundred fourteen), entitled 'An act prohibiting the location by cities of the third class of city prisons or lock-ups close to public school buildings.'"

This bill amends section one of the act of May 1, 1923, which is an act in relation to the location by cities of the third class of city prisons or lock-ups close to city school buildings.

The Department of Public Welfare is interested in this bill and writes about it as follows:

"We know of no need for this bill. We recently took care of the situation at Hazleton which this bill was intended to cover, and they are fixing up their lock-up in the city hall or courthouse."

As the bill was for the purpose of taking care of one matter, and as that matter has been attended to, there is no need for the bill.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 77.

AN ACT

To amend section one of the act, approved the seventh day of July, one thousand nine hundred and nineteen (Pamphlet Laws, seven hundred and twenty-five), entitled "An act authorizing the appointment of interpreters in each county of this Commonwealth, and providing for their compensation."

Section 1. Be it enacted, &c., That section one of the act, approved the seventh day of July, one thousand nine hundred and nineteen (Pamphlet Laws, seven hundred and twenty-five), entitled "An act authorizing the appointment of interpreters in each county of this Commonwealth, and providing for their compensation," is hereby amended to read as follows:

Section 1. Be it enacted, &c., That the court of common pleas of each county is authorized to employ such number of interpreters and in such languages as the court may deem necessary for the proper transaction of its business. Such interpreters may be removed by the court at any time. Any interpreter so appointed shall, when required, act as interpreter in any court of the county, and shall receive out of the county treasury such annual or per diem compensation as the appointing court shall fix: Provided, That in counties containing a population of one million two hundred thousand inhabitants and over, the salary paid interpreters shall not exceed [two] three thousand five hundred dollars nor be less than two thousand five hundred dollars per annum for each interpreter. Before assuming the duties of the office, each interpreter shall take and subscribe the oath prescribed in the Constitution of this Commonwealth.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 12, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1167, entitled "An act to amend section one of the act, approved the seventh day of July, one thousand nine hundred and nineteen (Pamphlet Laws, seven hundred and twenty-five), entitled 'An act authorizing the appointment of interpreters in each county of this Commonwealth and providing for their compensation.'"

The act of July 7, 1919, authorizes the court of common pleas of each county to employ such interpreters as it shall deem necessary to be paid by the county "such annual or per diem compensation as the appointing court shall fix, with a maximum salary in counties containing a population of one million two hundred thousand inhabitants and over of not more than two thousand five hundred dollars for any individual interpreter."

This bill amends that act by increasing such maximum compensation in said counties to three thousand five hundred dollars, and adding the proviso, limited also to such counties, that such minimum salary shall not be less than two thousand five hundred dollars per annum.

It may be proper to increase this maximum salary, but the minimum provision is objectionable. The act clearly contemplates the appointment of (1) interpreters who shall give their whole time to such work or shall at least have a continuing employment subject to call when needed and who shall receive an annual salary; (2) interpreters who shall be used from time to time as occasion requires, or be used under special circumstances for a limited time and who shall be paid on a per diem basis.

It is not clear that this minimum salary provision relates to this first class of interpreters only. Its application to the second class would in many cases make the compensation of those within that class unnecessarily high and in effect defeat the provision for their appointment.

In addition to the above objections, I see no reason why it should be assumed that the court, in which is placed discretionary power to fix such compensation within the maximum limit, would fix a salary below two thousand five hundred dollars if such amount were not adequate compensation for the services rendered.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 78.

AN ACT

Authorizing district attorneys in counties of the sixth class to appoint county detectives; defining their powers and duties; fixing their salaries; and providing for the payment of such salaries and the expenses of such detectives from the county treasury.

Section 1. Be it enacted, &c., That in all counties of the sixth class the district attorney of the county shall have power to appoint a county detective—said appointment to be approved by the court of quarter

sessions—who shall receive an annual salary of not less than one thousand two hundred dollars (\$1,200), and shall also receive his actual and necessary expenses incurred in the performance of his duties. Such salary and the expenses of the county detective shall be paid out of the county treasury in the usual manner.

Section 2. The county detective herein provided for shall hold his position during the term of the district attorney appointing him and shall be removable at his discretion. Such county detective shall have, possess, and exercise all of the rights and powers conferred by existing law upon constables so far as such laws relate to crimes and criminal procedure, and shall when requested by the district attorney make an investigation and endeavor to obtain such evidence as may be required in any criminal case. He shall also perform such other duties as the district attorney may direct.

Section 3. All acts and parts of acts inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 12, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1276, entitled "An act authorizing district attorneys in counties of the sixth class to appoint county detectives, defining their powers and duties, fixing their salaries and providing for the payment of such salaries and the expenses of such detectives from the county treasury."

This bill reduces the authorized number of county detectives in counties of the sixth class. At present the act of July 7, 1919, permits the appointment of one or more such detectives in counties of this class. The present bill would permit only one county detective be appointed.

I am unwilling to approve a measure which would tend, as this bill would, to hamper district attorneys in counties of the sixth or any other class in the performance of their duties. Under existing law, if district attorneys in sixth class counties require the services of but one county detective only one need be appointed. If, on the other hand, their work requires more than one county detective they have the power to appoint the necessary number of such detectives. This is as it should be. The present bill would be a step backward.

For this reason the bill is not approved.

GIFFORD PINCHOT.

No. 79.

AN ACT

To amend section two of an act, approved the eighteenth day of March, one thousand nine hundred and nine (Pamphlet Laws, forty-two), entitled "An act relating to surety of the peace, and defining the procedure in such cases," regulating the imposition of costs and the return of cases to court in certain cases.

Section 1. Be it enacted, &c., That section two of an act, approved the eighteenth day of March, one thousand nine hundred and nine (Pamphlet Laws, forty-two), entitled "An act relating to surety of

the peace, and defining the procedure in such cases," is hereby amended to read as follows:

Section 2. In all cases in which the evidence does not show that the threats were maliciously made by the defendant and with the intent to do harm, and that the prosecutor is actually in danger of being hurt in body or estate, it shall be the duty of the justice, alderman, or magistrate before whom the charge shall be brought to discharge the defendant [and to determine how and by whom the costs shall be paid, and in determining the question of the payment of the costs he may find, that the prosecutor pay them all, that the defendant pay them all, or that the prosecutor and the defendant pay them in equal or unequal proportions; and, in default of payment, may commit the person or persons adjudged to pay the costs to the county jail until they are paid, or until such person is discharged according to law] *and place the costs upon the prosecutor; and in default of payment may commit the person or persons adjudged to pay the costs to the county jail until they are paid or until such person is discharged according to law; and if the evidence does show that the threats were maliciously made by the defendant and with the intent to do harm and that the prosecutor is actually in danger of being hurt in body or estate it shall be the duty of the justice of the peace, alderman, or magistrate before whom the charge shall be brought to hold the defendant under bail for the next session of the court of quarter sessions. In no case shall the costs be placed upon the county by the alderman, justice of the peace, or magistrate.*

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

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 12, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 124, entitled "An act to amend section two of an act, approved the eighteenth day of March, one thousand nine hundred and nine (Pamphlet Laws, forty-two), entitled 'An act relating to surety of the peace and defining the procedure in such cases,' regulating the imposition of costs and the return of cases to court in certain cases."

This bill amends the act of March 18, 1909, relating to the procedure in surety of the peace cases, as follows:

(1) Eliminates the provision authorizing the magistrate, in case he discharges the defendant, to place all or part of the costs on the defendant. This is unobjectionable, but unnecessary because it has been held unconstitutional to authorize a magistrate so to do. *Commonwealth v. Bossler*, 29 Dist. Rep. 171.

(2) Adds the provision that if the magistrate finds the charge to be well founded he shall hold the defendant under bail for the next term of court. This also is unobjectionable, but unnecessary because it is so provided by section 6, of the Crimes Act of 1860, which provision is in force.

(3) Directs that the magistrate shall not, in any case, place the costs on the county.

I believe that this last provision is unwise. As long as magistrates and constables are on a fee basis they are entitled to the legal costs for

the work done. While the receipt by them of complaints without merit is to be discouraged, yet their compensation,—the right to receive costs,—must not depend upon their determination of a cause. If the complaint is without merit the defendant should be discharged and the costs be placed on the prosecutor. That is the present law, which provides, however, that if the prosecutor is unable to pay the costs, they shall be paid by the county. Were this provision of the law to be changed so that under no circumstances could costs be collected from the county if the defendant be discharged, magistrates might yield to the temptation to hold innocent defendants to court and thus insure the payment of their costs by the county.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 80.

AN ACT.

To amend section one of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, eight hundred sixty-three), entitled "An act to amend an act, approved the twenty-fourth day of May, one thousand eight hundred and eighty-seven (Pamphlet Laws, one hundred eighty-two), entitled 'An act to authorize the councils of the cities of the first class of the Commonwealth to appropriate annually a sum not exceeding five hundred dollars for the support and maintenance of each company of the National Guard using and occupying an armory building, room, or quarters within said cities, in addition to the annual appropriation by the Legislature, fixing the amounts which may be appropriated by cities of the first, second, and third classes, to companies, troops, and similar units of the National Guard, and extending the provisions of said act to counties,'" authorizing cities and counties to make appropriations for units and divisions of United States Naval Reserve officers.

Section 1. Be it enacted, &c., That section one of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, eight hundred sixty-three), entitled "An act to amend an act, approved the twenty-fourth day of May, one thousand eight hundred and eighty-seven (Pamphlet Laws, one hundred eighty-two), entitled 'An act to authorize the councils of the cities of the first class of the Commonwealth to appropriate annually a sum not exceeding five hundred dollars for the support and maintenance of each company of the National Guard using and occupying an armory building, room, or quarters, within said cities, in addition to the annual appropriation by the Legislature, fixing the amounts which may be appropriated by cities of the first, second and third classes to companies, troops, and similar units of the National Guard, and extending the provisions of said act to counties,'" is hereby amended to read as follows:

Section 1. Be it enacted, &c., That the councils of the cities of the first, second, and third classes, and the county commissioners of the several counties of this Commonwealth, be and they are hereby respectively authorized to appropriate from any moneys in their respective treasuries not otherwise appropriated annually a sum not exceeding seven hundred and fifty dollars for the support and maintenance of any dismounted company or similar unit of the National Guard, a sum not exceeding seven hundred and fifty dollars for the support and maintenance of any unit or division of United States Naval Reserve officers, and a sum not to exceed fifteen hundred dollars for the support and maintenance of any mounted or motorized troop or similar unit of the National Guard using and occupying an armory building, rooms, or quarters, within the limits of such city or county.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 12, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1456, entitled "An act to amend section one of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, eight hundred sixty-three), entitled "An act to amend an act, approved the twenty-fourth day of May, one thousand eight hundred and eighty-seven (Pamphlet Laws, one hundred eighty-two), entitled 'An act to authorize the councils of the cities of the first class of the Commonwealth to appropriate annually a sum not exceeding five hundred dollars for the support and maintenance of each company of the National Guard using and occupying an armory building, room, or quarters, within said cities, in addition to the annual appropriation by the Legislature,' fixing the amounts which may be appropriated by cities of the first, second, and third classes, to companies, troops, and similar units of the National Guard, and extending the provisions of said act to counties," authorizing cities and counties to make appropriations for units and divisions of United States Naval Reserve officers."

At the present time section one of the act of May 17, 1921 (P. L. 863), permits the councils of cities of the first and third classes and the county commissioners of the several counties to appropriate a sum not exceeding seven hundred fifty dollars (\$750) annually for the support and maintenance of any dismounted company or similar unit of the National Guard of Pennsylvania. This bill would permit similar appropriations to be made for the support and maintenance of any unit or division of United States Naval Reserve officers.

The United States Naval Reserve is entirely under the control of the Federal Government and has no connection whatever with the National Guard of Pennsylvania or any other military force of this State. There is, therefore, no good reason why the municipalities and counties of this Commonwealth should appropriate money for the support and maintenance of units or divisions of United States Naval Reserve officers.

My view that this bill should not be approved is shared by the Department of Military Affairs of this Commonwealth.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 81.

AN ACT

Making an appropriation to the School of Horticulture for Women, at Ambler, Pennsylvania.

Section 1. Be it enacted, &c., That the sum of three thousand dollars (\$3,000), or so much thereof as may be necessary, is hereby specifically appropriated to the School of Horticulture for Women, at Ambler, Pennsylvania, for the two fiscal years beginning June first, one thousand nine hundred and twenty-five, for the purpose of maintenance; to be paid according to law.

Commonwealth of Pennsylvania,
 Executive Chamber,
 Harrisburg, May 13, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 185, entitled "An act making an appropriation to the School of Horticulture for Women, at Ambler, Pennsylvania."

This bill would make an appropriation to the School of Horticulture for Women at Ambler.

The State Council of Education has adopted as a settled policy for this State that there should be no extensions of State aid to higher educational institutions or other specialized schools which have not heretofore received it. This is a policy which I believe to be sound and to which I am satisfied that the Commonwealth should adhere.

The School of Horticulture for Women, at Ambler, has not heretofore received State aid, and under the policy of the State Council of Education is, therefore, not eligible to receive it. I am satisfied that it does excellent work, and I veto this appropriation with regret.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 82.

AN ACT

To authorize the formation of a county planning commission in counties of the third, fourth, and fifth classes in the Commonwealth; prescribing its powers and duties; and authorizing the county commissioners to make appropriations and to acquire property.

Section 1. Be it enacted, &c., That the county commissioners of any county of the third, fourth, or fifth classes in this Commonwealth shall have the power to appoint a county planning commission.

Said commission shall be composed of five members, who shall serve without compensation.

The necessary expenses of the commission shall be paid by the county in which the commission is appointed. The planning commission shall have authority to employ such engineering advisors and employes as may be necessary and approved by the county commissioners.

Section 2. The duties of this commission shall be to lay out the definite plan for the future developments of highways, water supplies, sewerage systems, parks, et cetera, of the counties in question.

Section 3. If any such plans are developed the commission shall recommend to the county commissioners and the various municipalities concerned their respective parts in said scheme of development, and the recommendations of the commission may be adopted by the municipalities concerned.

Section 4. The county planning commission shall also have power, with the approval of the county commissioners, to establish highways, highway widths, water supply project, sewerage disposal, sewer lines, parks, and parkways, before and after the construction and reconstruction or improvement of the same: Provided, however, That no highway shall exceed the maximum width fixed by the law for public roads.

Section 5. Whenever the planning commission shall establish any

such project they shall cause a description and plans to be made, showing the location, lines and dimensions of said project. Thereupon such descriptions and plans shall be recorded in the office of the Recorder of Deeds of said county in a separate book kept for such a purpose, which shall be furnished to the Recorder of Deeds by the county commissioners at the expense of the county.

Section 6. No owners or occupiers of lands, buildings, or improvements shall erect any building or make any improvements within the limits of the State highway or the project which has been established and recorded as provided in this section, and if any such erection or improvement shall be made no allowance shall be had therefor by the assessment of damages.

Section 7. The county commissioners are hereby authorized to appropriate sums necessary for the expense of the county planning commission.

Section 8. The county commissioners are hereby authorized to acquire property by purchase or condemnation in order to carry out the plans of the county planning commission, and to make appropriations for such purposes.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 13, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 906, entitled "An act to authorize the formation of a county planning commission in counties of the third, fourth and fifth classes in the Commonwealth; prescribing its powers and duties, and authorizing the county commissioners to make appropriations and to acquire property."

The purpose of this bill in providing for the creation of planning commissions in certain counties to lay out definite plans for the future development of highways, sewerage systems, water supplies and parks is excellent, particularly in the case of suburban districts of some of our large cities.

Unfortunately, however, this bill, in addition to providing that the county planning commission shall have power, with the approval of the county commissioners, to establish highways and highway widths, does not make it clear that the present powers of the Department of Highways shall not be adversely affected. I am advised that it would be very doubtful whether the Department of Highways would have the right, if this bill were approved, to establish the width and lines of State highways in counties to which the bill applies without conforming to the lines established by the planning commission and approved by the county commissioners. This would seriously interfere with the work of the Department of Highways.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

A JOINT RESOLUTION

Constituting a commission to investigate and study the question of power and the development, operation, and regulation thereof, and to make report thereon; prescribing the powers and duties of said commission; and making an appropriation.

WHEREAS, There have been a multiplicity of bills introduced into the Legislature dealing with the question of power and the development and regulation thereof; and

WHEREAS, The introduction of these bills has resulted in criticism of their provisions by engineers and power experts and there seems to be a difference of opinion on the subject between persons supposedly familiar with power development; and

WHEREAS, The question is of such vital import to the citizens of the Commonwealth and so seriously affects their rights in and to the natural power and resources of the Commonwealth as to call for the most careful and intelligent consideration thereof; therefore,

Section 1. Be it resolved, &c., That a power commission of the Commonwealth of Pennsylvania is hereby constituted, consisting of nine citizens of the Commonwealth, three of whom are to be appointed by the Governor, three by the President pro tempore of the Senate, and three by the Speaker of the House of Representatives to study and investigate the question of power, its development, operation, and regulation, to study the legislation now in effect or proposed or introduced in this and other States; and for that purpose to obtain the opinion and criticism of competent engineers and electrical experts thereon and the views of all the contending interests therein; and to make a report of the results of their study and investigation to the General Assembly not later than February the first, one thousand nine hundred and twenty-seven, together with its recommendations as to what policy should be adopted by the Commonwealth for the utilization of its natural power and resources in the generation and distribution of electrical energy, and what legislation should be enacted in order to secure for the people of the Commonwealth the most beneficial and economical use of such natural powers and resources; and it shall also submit with such report drafts of such legislation deemed necessary to carry its recommendations into effect.

Section 2. In making its investigations and report the commission shall make use of all available information heretofore collected by the Commonwealth and all other published or otherwise readily obtainable information within the scope of its inquiry. Every officer, department, commission, and other agency of the Commonwealth possessing such information shall furnish the same to the commission when and as it from time to time directs.

Section 3. The said power commission is hereby authorized to sit at Harrisburg or elsewhere, to choose a chairman from among its own members, to employ a secretary and council and such other experts or assistants as may be needed to take testimony, to subpoena witnesses, and compel the production of books, documents, and papers, and otherwise have all the powers of a legislative committee. The members of said power commission shall serve without compensation, but their necessary traveling expenses and hotel bills while actually attending to

the business of the power commission shall be considered part of the expense of said power commission.

Section 4. The sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, be and the same is hereby appropriated for the defraying of the expense of said power commission; and the expenses incurred by it under the provisions of this resolution to be paid by warrant of the Auditor General on the State Treasurer after requisition by the chairman of the commission.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 13, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Joint Resolution No. 1160, entitled "A Joint Resolution constituting a Commission to investigate and study the question of power and the development, operation, and regulation thereof, and to make report thereon, prescribing the powers and duties of said Commission, and making an appropriation."

To Pennsylvania above all other eastern States much has been given in power resources and in her strategic Keystone position in the north-eastern power zone now forming. Of her Government is required proportionately strong leadership in the new economic age created by electricity. The Report of the Giant Power Survey Board met that requirement in full measure. It has commanded attention throughout the nation and marks an epoch in the public relations of the new industry.

This resolution is the only response of the General Assembly to the recommendations of that report. At a hearing on the nineteen Administration Bills introduced to carry out the recommendations of the board's report the attorney for the associated power companies declared that the companies opposed every one of the bills and every item in every bill. Among them was House Bill No. 1043 to create a permanent Giant Power Board in the Department of Forests and Waters, with the identical powers of investigation and report that the old board had. It was simply a proposal that the investigation and recommendation of a policy be continued under the same auspices and for the same purpose.

The power companies defeated the bill and doubtless this substitute is entirely satisfactory to them. It would create a new power commission of nine members, three appointed by the Governor, three by the President Pro Tempore of the Senate, and three by the Speaker of the House of Representatives, with powers narrower than those of the old board, to investigate, report and recommend legislation. This amounts to taking the leadership of State policy as to the most far-reaching monopoly ever known out of the hands of good and faithful public servants who have exercised it conspicuously well, and putting it in unknown hands at the demand of the monopolists themselves.

Such a proposal can not be accepted. It is reduced to absurdity by the impossible requirement that the Commission shall report in February, nineteen twenty, which alone would make the resolution ineffective for any purpose and would amply justify a veto. I have, however, thought it proper to meet the issue; thus clumsily presented, upon its merits.

For these reasons the resolution is not approved.

GIFFORD PINCHOT.

No. 84

AN ACT

To establish as State highways certain sections of public road in the county of Mercer.

Section 1. Be it enacted, &c., That certain sections of public road as follows:

Beginning at the Angelo McCormick farm on the Clark's Mill and Sandy Lake road in the County of Mercer, and proceeding thence to the Borough of Stoneboro.

Beginning at Moorefield's Cemetery on State Highway Route Number Three Hundred and Twenty in the County of Mercer; thence in a southwesterly direction past Freebles Corners to the Borough of Wheatland.

Beginning at the railroad tracks west of the Borough of Wheatland and extending thence in a southwesterly direction to McBrides Corners, Mercer County, and thence in a westerly direction to the Pennsylvania and Ohio State line.

Beginning at the west end of the bridge crossing the Shenango River at West Middlesex Borough, Mercer County, and extending thence in a westerly direction to McBrides Corners, shall be adopted by the Commonwealth as a State highway, to be constructed, maintained, and improved at the sole expense of the Commonwealth under the provisions of present or future laws governing main State highways.

Section 2. The cost and expense of the construction, maintenance, and improvement of the highways herein described shall be paid out of any moneys appropriated to the Department of Highways for the reconstruction, maintenance, and improvement of State highways.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 13, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 1200, entitled "An act to establish as State highways certain sections of public road in the county of Mercer."

The provisions of this bill are the same as those of House Bill No. 1676, each adding the same sections of road to the State highway system. House Bill No. 1676 having been approved, this bill is not approved.

GIFFORD PINCHOT.

No. 85.

AN ACT

Making an appropriation to pay the claim of William McCoach, Jr., against the Commonwealth of Pennsylvania for labor and materials heretofore furnished for the plumbing and drainage of certain buildings for the State Institution for Feeble-Minded of Eastern Pennsylvania, at Spring City.

Section 1. Be it enacted, &c., That the sum of three thousand one hundred and forty-two dollars (\$3,142) is hereby specifically appropriated to William McCoach, Jr., in payment of the claim of the said William McCoach, Jr., against the Commonwealth of Pennsylvania for

labor and material heretofore furnished for the plumbing and drainage of buildings erected for the State Institution for Feeble-Minded of Eastern Pennsylvania, at Spring City, Pennsylvania.

Payments of the amount herein appropriated shall be made on warrant of the Auditor General on the State Treasurer upon due proof of the amount actually due as provided in the contract upon which said claim arises.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 13, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 101, entitled "An act making an appropriation to pay the claim of William McCoach, Jr., against the Commonwealth of Pennsylvania for labor and materials heretofore furnished for the plumbing and drainage of certain buildings for the State Institution for Feeble-Minded of Eastern Pennsylvania, at Spring City."

This bill specifically appropriates the sum of \$3142.00 to William McCoach, Jr., in settlement of a dispute for plumbing work under a contract with the State Institution for Feeble-Minded, at Spring City, now known as the Pennhurst State School.

I am advised by the Department of Welfare that this dispute was submitted to an arbitrator and that a much smaller amount than that appropriated by this bill was found to be due the contractor.

I do not believe it to be good policy, even though it may be legally unobjectionable, to adjust by special acts of Assembly claims against the Commonwealth arising under contracts. Adjustments of this character should be made by administrative boards or by some executive officer of the State Government under authority of general law.

I am willing to make exceptions to this rule only in cases in which an officer or board of the State Government has investigated the claim and recommended payment thereof prior to my action on the appropriation bill. This is not such a case.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

No. 86.

AN ACT

To establish as a State Highway a certain section of public road in the county of Luzerne.

Section 1. Be it enacted, &c., That a certain section of public road beginning on Parsonage Street at Hughestown Borough line, through Duryea Borough and Old Forge Borough, to the intersection at main State road to Scranton, about two miles, shall be adopted by the Commonwealth as a State highway, to be constructed, maintained, and improved at the sole expense of the Commonwealth under the provisions of present and future laws governing main State highways.

Section 2. The cost and expense of the construction, maintenance, and improvement of the highway herein described shall be paid out of any moneys appropriated to the Department of Highways for the reconstruction, maintenance, and improvement of State highways.

upon the question of revocation and after thirty days' notice of the time and place of said hearing and copy of the charges preferred have been given to the holder of the certificate.

Section 11. The State Board of Examiners for the Registration of Osteopathic Nurses created by this act within the department of Public Instruction shall be and be deemed a departmental administrative board within the said Department and shall be subject in all respects to the laws of this Commonwealth limiting the powers of departmental administrative boards with regard to the expenditure of money and prescribing the duties of departmental administrative boards with reference to the making of financial reports the furnishing of financial and budgetal information to the department with which it is connected, and the making of biennial reports.

Section 12. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 14, 1925.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1455, entitled "An act to provide for State registration of osteopathic nurses to establish in the Department of Public Instruction a departmental administrative board to be known as the State Board of Examiners for the Registration of Osteopathic Nurses in connection therewith and to provide penalties for the violation of certain provisions regarding registration."

This bill would create a new administrative board within the Department of Public Instruction, to be known as the State Board of Examiners for the Registration of Osteopathic Nurses. This board would be authorized to register nurses trained in osteopathic hospitals and the nurses so registered would be entitled to be styled and known as "Registered Osteopathic Nurses."

I am informed that there is in this State at the present time but one hospital in which nurses are trained who could qualify for examination by the proposed board; that this hospital, as at present equipped, could train classes of no more than fifteen student nurses; and that there are only about twenty nurses in the State who could qualify immediately for registration.

Without expressing any views as to the wisdom of creating a separate board for the registration of osteopathic nurses, it seems to me that the Commonwealth is not warranted in establishing a special board for the examination and licensure of the graduates of but one Institution, particularly when the number of such graduates who could now be registered is so small.

I understand further that the State Board of Examiners for the Registration of Nurses is willing to register osteopathic nurses who have received two years' training in an osteopathic hospital which measures up to the Board's minimum standards, if such training is supplemented by one year's affiliated training in a general hospital. If this proposal of the present board is workable, there would be no occasion for a separate board for the registration of osteopathic nurses; and before finally concluding that it is not workable it should be given a trial. This has, I understand, not actually been done.

For these reasons the bill is not approved.

GIFFORD PINCHOT.