

a fine of not less than twenty-five dollars nor more than fifty dollars and the costs of prosecution, and for subsequent offenses be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars and the costs of prosecution, or in default of such fine and costs, be imprisoned in the county jail for not less than ten days nor more than thirty days. All penalties, costs, and fines collected under this act shall be paid to the Secretary of Agriculture of the Department of Agriculture of this Commonwealth, or his agent, and by him shall be paid into the State Treasury for the use of the Commonwealth.

Section 6. The enforcement of this act shall be vested in the State Department of Agriculture, and its officers, employes and agents are authorized to enter upon the premises of any person within this State for the purpose of purchasing packages of grapes or potatoes and securing evidence of violation of this act; and the Secretary of Agriculture of this Commonwealth is hereby authorized to make such rules and regulations as may be necessary for enforcing its provisions. Enforcement.

Section 7. This act *as amended* shall take effect June first, one thousand nine hundred and [twenty-nine] thirty-seven. When effective.

Section 8. All acts and parts of acts inconsistent with this act are repealed. Repeal.

APPROVED—The 28th day of May, A. D. 1937.

GEORGE H. EARLE

No. 276

AN ACT

To prevent fraud and deception; regulating the weights and measures in the sale or offering for sale of fruits and vegetables in this Commonwealth; regulating sales of fruits and vegetables in original unbroken standard containers; imposing certain powers and duties on the Department of Internal Affairs and county and city inspectors of weights and measures; and prescribing penalties.

Section 1. Be it enacted, &c., That the term "original unbroken standard container," as used in this act, shall be construed to mean any barrel, box, basket, bag or similar container approved by any proper Federal agency as a standard container for fruits and vegetables under or in accordance with any act of the Congress of the United States or approved under or in accordance with the laws of this Commonwealth or under the authority of this act by the Department of Internal Affairs of this Commonwealth, and the contents of which have not been removed or repacked by any person whatever. Weights and measures.

Containers to be marked as to weight or count.

Section 2. Hereafter it shall be lawful for any person, copartnership, association or corporation to sell or offer for sale at wholesale or retail in this Commonwealth, fruits and vegetables in original unbroken standard containers, as herein defined, but sales in such original unbroken standard containers shall be lawful only if there shall appear thereon a plain and conspicuous statement showing correctly the quantity of fruits and vegetables contained therein in terms of weight, measure in cubical* content, or numerical count, and only if the containers shall have been filled or packed in accordance with good commercial practice. If the contents of an original standard container are broken for resale at wholesale or retail, or if fruits and vegetables are sold in any other manner than in original unbroken standard containers, then such sales shall be lawful only if made by weight or numerical count and in no other manner whatever. It shall be unlawful for any person, copartnership, association or corporation to sell or offer for sale, at retail, any fruits or vegetables the weight of which is less than that represented.

Size of a bushel.

Whenever the contents of any original unbroken standard container of fruits and vegetables are stated in terms of a bushel or subdivision of a bushel, the bushel shall contain at least 2150.42 cubic inches struck measure, and the subdivisions thereof shall contain the proper fractional parts of the number of cubic inches to the bushel as herein fixed.

Variations permitted.

Section 3. The Department of Internal Affairs shall have power to adopt tolerances allowing reasonable variations† of the provisions of this act.

Enforcement of the act.

Section 4. The Department of Internal Affairs and the county and city inspectors of weights and measures are hereby charged with the enforcement of this act.

Penalties.

Section 5. Any person, copartnership, association or corporation, or his or its servants, agents or employes who shall violate any of the provisions of this act, shall, upon conviction thereof in a summary proceeding, be sentenced for a first offense to pay a fine off‡ not more than twenty-five dollars, or, in default of the payment of such fine and costs of prosecution, shall be sentenced to imprisonment for not more than ten days; and for conviction in a summary proceeding for a second offense, shall be sentenced to pay a fine of not less than fifty dollars nor more than one hundred dollars, or, in default of such fine and costs of prosecution, shall be sentenced to imprisonment for not more than twenty days; and any person, copartnership, association or corporation, or his or its servants, agents or employes, who shall violate any of the provisions of this act for a third or subsequent time, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay

* "cubicle" in the original. † "varations" in the original.

‡ "of" inserted.

a fine of not less than two hundred and fifty dollars nor more than five hundred dollars, or to undergo imprisonment for sixty days, or both, at the discretion of the court.

Section 6. All acts and parts of acts inconsistent with this act are hereby repealed. Inconsistent acts repealed.

APPROVED—The 28th day of May, A. D. 1937.

GEORGE H. EARLE

No. 277

AN ACT

To validate indebtedness incurred by cities of the third class for the extension, enlargement, and improvement of the water works of such city.

Section 1. Be it enacted, &c., That whenever any city of the third class, with the assent of the electors thereof, has heretofore authorized, issued, and sold bonds or other obligations on the faith and credit of the city, for the purpose of extending, enlarging, and improving the water works of such city, and such extensions, enlargements, and improvements have been fully completed and are being used for the benefit of such city, and the inhabitants thereof, then such bonds or other obligations are hereby ratified, confirmed, and validated notwithstanding that, at the time such bonds were authorized, issued, and sold, no power was vested in such city to incur or increase its indebtedness for water works purposes other than for the original erection and completion thereof, and such bonds or other obligations are hereby made valid and binding obligations of such city to the same extent as if full power had been vested by law in such city to incur or increase its indebtedness for the extension, enlargement, and improvement of such water works. Validating bonds of third class cities.

Section 2. This act shall become effective immediately upon final enactment. When effective.

APPROVED—The 28th day of May, A. D. 1937.

GEORGE H. EARLE

No. 278

AN ACT

To amend sections thirty-two and thirty-eight of the act, approved the nineteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, five hundred forty-three), entitled, as amended "An act relating to the sale of goods and choses in action," by providing for the negotiation of documents of title.

Section 1. Be it enacted, &c., That sections thirty-two and thirty-eight of the act, approved the nineteenth Sections 32 and 38, act of May 19, 1915 (P. L. 543), amended.