

# VETOES

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BILLS RETURNED TO THE LEGISLATURE BY THE GOVERNOR, WITH HIS OBJECTIONS THERETO, DURING ITS REGULAR SESSION ENDING APRIL 28, 1921.

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No. 1.

## A SUPPLEMENT

To 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," extending the charters of certain manufacturing corporations.

Section 1. Be it enacted, &c.. That the charters of all manufacturing corporations heretofore or hereafter granted in accordance with the provisions of the present Constitution of this Commonwealth and the act of General Assembly, entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, one thousand eight hundred and seventy-four, and the charters of all manufacturing corporations that have accepted the provisions of the said Constitution and act of Assembly, which charters were limited in their duration by the articles of association or by the act of Assembly under which they were granted, and have now expired or shall hereafter expire, are hereby extended for a period of twenty-five years from the date of the expiration of said charters: Provided, That a bona fide organization has taken place and business has been commenced in good faith within a period of two years from the date of the granting of said charters: Provided further, That manufacturing concerns availing themselves of the provisions of this act shall first pay into the Treasury of this Commonwealth the fee and bonus upon their capital stock now fixed by law for the renewal or extension of a corporate charter: And provided further, That upon the payment of said fees and bonus and the production to the Secretary of the Commonwealth of evidence that the terms of this act have been complied with, letters patent shall issue to said manufacturing corporation.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, March 31, 1921.

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

Gentlemen: I return herewith, without my approval, House Bill No. 314, entitled "A supplement to 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,' extending the charters of certain corporations."

The benefits of this bill are limited to manufacturing corporations. No good reason is apparent why that class of corporations should be thus favored. In effect it is special legislation and in violation of the spirit of the Constitution.

The bill does not contain any provision expressly requiring the consent of a majority of the stockholders of the corporations to the extension of its charter. Under the terms of the bill one or two officers or directors of the corporation might, without the consent of the stockholders, secure an extension of the charter for twenty-five years.

The bill is intended to accomplish the same purpose as an act, entitled "An act amending an act of Assembly, approved the twenty-fifth day of June, Anno Domini one thousand eight hundred ninety-five, entitled 'A further supplement to 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four.'" In expressing my disapproval of that bill I said, "I do not think the original act of 1895 was right in principle." I am still of the same opinion.

For these reasons the bill is not approved.

WM. C. SPROUL.

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No. 2.

AN ACT

To amend section twenty-one of an act, approved the eleventh day of July, one thousand nine hundred and seventeen (Pamphlet Laws, eight hundred and eighteen), entitled "An act relating to dogs, and the protection of livestock and poultry from damage by dogs; providing for the licensing of dogs; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done by dogs, and payment thereof by the proper county to the owners of livestock and poultry, and of damages to licensed dogs; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes, and on city councils of cities of the first and second class; and providing penalties."

Section 1. Be it enacted, &c., That section twenty-one of an act, approved the eleventh day of July, one thousand nine hundred and seventeen (Pamphlet Laws, eight hundred and eighteen), entitled "An

act relating to dogs, and the protection of livestock and poultry from damage by dogs; providing for the licensing of dogs; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done by dogs, and payment thereof by the proper county to the owners of livestock and poultry, and of damages to licensed dogs; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes, and on city councils of cities of the first and second class; and providing penalties," which reads as follows:—

"Section 21. Any person may kill any dog which he sees in the act of pursuing, worrying, or wounding any livestock, or attacking human beings, whether or not such dog bears the license tag required by the provisions of this act. There shall be no liability on such person in damages or otherwise for such killing.

"Any unlicensed dog that enters any field shall constitute a private nuisance, and the owner or tenant of such field, or their agent or servant, may kill such dog while it is in the field, without liability or responsibility of any nature for such killing.

Licensed dogs when accompanied by their owner or handler shall not be included under the provisions of this section, unless caught in the act of worrying, wounding, or killing any livestock, or attacking human beings," be, and the same is hereby, amended to read as follows:—

Section 21. Any person may kill any dog which he sees in the act of pursuing, worrying, or wounding any livestock or *poultry*, or attacking human beings, whether or not such dog bears the license tag required by the provisions of this act. There shall be no liability on such persons in damages or otherwise for such killing.

Any unlicensed dog that enters any field shall constitute a private nuisance, and the owner or tenant of such field, or their agent or servant, may kill such dog while it is in the field, without liability or responsibility of any nature for such killing.

Licensed dogs when accompanied by their owner or handler shall not be included under the provisions of this section, unless caught in the act of worrying, wounding, or killing any livestock or *poultry*, or attacking human beings.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, March 31, 1921.

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

Gentlemen: I return herewith, without my approval, Senate Bill No. 155, entitled "An act to amend section twenty-one of an act, approved the eleventh day of July, one thousand nine hundred and seventeen (Pamphlet Laws, eight hundred and eighteen), entitled 'An act relating to dogs, and the protection of livestock and poultry from damage by dogs; providing for the licensing of dogs; regulating the keeping of dogs, and authorizing their destruction in certain

cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done by dogs, and payment thereof by the proper county to the owners of livestock and poultry, and of damages to licensed dogs; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes, and on city councils of cities of the first and second class and providing penalties.'"

Under the terms of this bill any dog seen in the act of pursuing poultry may be killed; it matters not that the pursuit may be innocent, and that no harm may result from it. The protection of poultry from destruction by dogs does not, in my opinion, require legislation which is so drastic.

For this reason the bill is not approved.

WM. C. SPROUL.

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No. 3.

AN ACT

To amend article nineteen, section thirteen, clause five, of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, five hundred eighty-one), entitled "An act for the better government of cities of the first class of this Commonwealth."

Section 1. Be it enacted, &c., That article nineteen, section thirteen, clause five, of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, five hundred eighty-one), entitled "An act for the better government of cities of the first class of this Commonwealth," which reads as follows:—

"5. For the appointment of one of the two persons standing highest on the appropriate list to fill a vacancy," is hereby amended to read as follows:—

5. For the appointment of one of the two persons standing highest on the appropriate list to fill a vacancy: *Provided, however, That such rules shall provide for preference to be given to all honorably discharged soldiers, sailors, marines, and women, who served in the Army, Navy, Red Cross, or as war nurses of the United States during times of war, and who have passed the required civil service examinations, notwithstanding the fact that the names of such soldiers, sailors, marines, and women do not appear among the two names standing highest on the appropriate list to fill vacancies.*

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, March 31, 1921.

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

Gentlemen: I return herewith, without my approval, House Bill No. 21, entitled "An act to amend article nineteen, section thirteen, clause five, of the act, approved the twenty-fifth day of June, one

thousand nine hundred and nineteen (Pamphlet Laws, five hundred eighty-one), entitled 'An act for the better government of cities of the first class of this Commonwealth.' "

The bill aims to change the civil service provisions of the Philadelphia Charter Act of 1919 by making it mandatory upon the Civil Service Commission to adopt a rule requiring preference to be given to honorably discharged soldiers, sailors, nurses, and women, who served in the Army, Navy, Red Cross, or as war nurses of the United States during times of war, notwithstanding the fact that their names do not rank one or two in the appropriate list of persons who have passed the civil service examination.

The bill is class and special legislation and obnoxious to the provisions of the Constitution. The case of Wood vs. the City of Philadelphia, 46 Superior Court, 573, appears to be conclusive upon this question.

Appropriate as it may be to do everything within our power to aid those who served our country in the greatest war known to civilization, when our effort so to do constitutes a violation of the paramount law, it cannot be done. Article XIX, Section 14, of the Philadelphia Charter Act provides, "honorably discharged soldiers, sailors, and marines, who have served as such in the Army, Navy, or Marine Corps of the United States, or in the National Guard of this State, shall be given full credit for the experience gained in such service, having due regard to the position for which the examination is held." This special consideration is given by the Civil Service Commission to veterans of the late war, and they are thereby enabled to secure places on the eligible lists for appointment.

We all desire to further the interests of our brave defenders in every possible way, but we must be mindful of the constitutional limitations imposed upon us and of the principles of right and justice in dealing with matters affecting them as with all others.

WM. C. SPROUL.

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No. 4.

#### AN ACT

Empowering any chief deputy appointed by deed of any sheriff in any county of this Commonwealth to perform any duty incumbent upon such sheriff, until a written revocation of such appointment be recorded, with like effect as if such official act had been done by the sheriff in person, but holding such sheriff and his sureties liable for all acts of such deputy hereunder.

Section 1. Be it enacted, &c., That from and after passage of this act, any chief deputy appointed, as required by law, by any sheriff in any county of this Commonwealth, by deed fully recorded in the office for recording deeds in such county, shall, until a written revocation of such appointment is similarly recorded, have full power and authority to perform any duty incumbent upon such sheriff, including the acknowledgement of any deed or the execution or making return of any writ or other process issued by any court or public officer of this Commonwealth, with like effect in law as if such official act had been done by the sheriff in person, providing that such sheriff

and his sureties upon his official bond shall be and continue liable thereon for any act so done by such chief deputy under the authority hereof.

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

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, March 31, 1921.

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

Gentlemen: I return herewith, without my approval, House Bill No. 510, entitled "An act empowering any chief deputy appointed by deed of any sheriff in any county of this Commonwealth to perform any duty incumbent upon such sheriff, until a written revocation of such appointment be recorded, with like effect as if such official act had been done by the sheriff in person, but holding such sheriff and his sureties liable for all acts of such deputy hereunder."

This bill provides that a chief deputy appointed by deed of any sheriff shall have power to perform any of the sheriff's duties. Under the present law a deputy sheriff may perform any of the sheriff's duties which do not require the exercise of official discretion. The deputy sheriff can not select talesmen when called upon by the court, select jurors in inquisition proceedings, or perform any acts requiring the exercise of discretion, but he may perform all other duties of the office. The greater part of the duties of this office are purely ministerial.

The bill is unnecessary and contrary to the established precedent of the common law.

For these reasons it is not approved.

WM. C. SPROUL.

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No. 5.

AN ACT

To amend section six of the act, approved the twenty-seventh day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, four hundred 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."

Section 1. Be it enacted, &c., That section six of the act, approved the twenty-seventh day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, four hundred 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," which reads as follows:—

"Section 6. That he shall, in the month of January in every year, make a report, verified by oath or affirmation, to the court of common pleas of said county of all receipts and expenditures of the county for the preceding year, in detail and classified as required in the fifth section of this act, together with a full statement of the financial condition of the county, which report shall thereupon be published one time in such newspapers published in said county as the controller may direct, the aggregate cost of which shall not exceed *one* thousand dollars in any one year, to be paid for out of the county treasury, which publication shall be in lieu of that required by the twenty-seventh section of the act of fifteenth of April, Anno Domini one thousand eight hundred and thirty-four," is hereby amended to read as follows:—

Section 6. That he shall, in the month of January in every year, make a report, verified by oath or affirmation, to the court of common pleas of said county of all receipts and expenditures of the county for the preceding year, in detail and classified as required in the fifth section of this act, together with a full statement of the financial conditions of the county; which report shall thereupon be published one time in such newspapers published in said county as the controller may direct, the aggregate cost of which shall not exceed *two* thousand dollars in any one year, to be paid for out of the county treasury; which publication shall be in lieu of that required by the twenty-seventh section of the act of fifteenth of April, Anno Domini one thousand eight hundred and thirty-four.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, April 1, 1921.

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

Gentlemen: I return herewith, without my approval, House Bill No. 443, entitled "An act to amend section six of the act, approved the twenty-seventh day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, four hundred 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.'"

This bill proposes an amendment to the act of June 27, 1895 (P. L. 403) so as to permit a maximum expenditure of two thousand (\$2,000) dollars instead of one thousand (\$1,000) dollars for the publication in newspapers of the annual reports of county controllers. The law requires that these reports shall be published once in such newspapers as the controller may direct. The sum of one thousand (\$1,000) dollars is, in my opinion, a very liberal allowance for the publication of such reports, and any increase in this amount would be extravagant and unnecessary.

For these reasons the bill is not approved.

WM. C. SPROUL.

## AN ACT

To exempt from taxation real and personal property owned, occupied, and used by any branch, post, or camp of the Grand Army of the Republic, the Spanish-American War Veterans, the American Legion, the Veterans of Foreign Wars, or the Military Order of the Loyal Legion of the United States.

Section 1. Be it enacted, &c., That all property, real or personal, owned, occupied, and used by any branch, post, or camp of the Grand Army of the Republic, the Spanish-American War Veterans, the American Legion, the Veterans of Foreign Wars, or the Military Order of the Loyal Legion of the United States, shall be exempted from all taxes levied by any county, township, city, borough, school district, or poor district. This act applies only to such property, or to such part of any property, as is actually occupied or in use by such organizations, and from which no income or revenue is derived.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, April 7, 1921.

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

Gentlemen: I return herewith, without my approval, House Bill No. 604, entitled "An act to exempt from taxation real and personal property owned, occupied, and used by any branch, post, or camp of the Grand Army of the Republic, the Spanish-American War Veterans, the American Legion, the Veterans of Foreign Wars, or the Military Order of the Loyal Legion of the United States."

The valued and patriotic services of the members of these organizations make them worthy of such assistance as may be given by the State Government without violation of constitutional provisions or sound public policy. Unfortunately, however, this bill is clearly unconstitutional.

It is special legislation in violation of Article III, Section 7, of the Constitution. It is likewise in violation of Article IX, Sections 1 and 2. Under these sections, the power of the Legislature to grant exemptions from taxation is strictly limited to public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of purely public charity. The organizations whose property would be exempt under this bill do not fall within the enumerated classes. All laws exempting property from taxation other than the property thus enumerated are void.

For these reasons the bill is not approved.

WM. C. SPROUL.



## No. 7.

## AN ACT

Giving to persons who furnish storage, supplies, accessories, materials, and parts for motor vehicles, and labor and work thereon, a lien on such motor vehicles; and providing for the enforcement of said lien.

Section 1. Be it enacted, &c., That any person or persons who shall furnish storage, supplies, accessories, materials, and parts for a motor vehicle, or shall perform any work or labor upon any such motor vehicle, at the request of, or upon the order of, a person or persons who lawfully acquired possession of such motor vehicle, shall have a lien against such motor vehicle for the amount of the charges due for the furnishing of such storage, supplies, accessories, materials, and parts, and for such work and labor performed, to the same extent, and with like effect, as though said person or persons, who requested or ordered the furnishing of said storage, supplies, accessories, materials, parts, and work and labor, had been the owner of said motor vehicle, and had full and complete legal title thereto.

Section 2. The lien provided for in this act may be enforced in like manner as liens under existing laws upon goods, wares, merchandise, or other property, for or on account of costs or expenses or carriage, storage, or labor bestowed on such goods, wares, merchandise, or other property.

Section 3. The term "motor vehicle," as used in this act, shall include automobiles, motor-bicycles, motor-cycles, trucks, tractors, and all other vehicles which are self-propelled or designed to be self-propelled by mechanical power, other than those running upon or guided by rails or tracks.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, April 20, 1921.

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

Gentlemen: I return herewith, without my approval, House Bill No. 527, entitled "An act giving to persons who furnish storage, supplies, accessories, materials, and parts for motor vehicles, and labor and work thereon, a lien on such motor vehicles; and providing for the enforcement of said lien."

Under existing law one having the possession but not the ownership of a piece of personal property can by placing it in the possession of another, subject it to a lien for storage or for the value of work and labor done upon it.

This bill would extend the right to such a lien to cases in which the motor vehicle was not in the possession of the person furnishing supplies, accessories, and materials. This would constitute a clear violation of Article III, Section 7, of our present Constitution which declares, "The General Assembly shall not pass any local or special law authorizing the creation, extension, or impairing of liens, \*

\* \* or providing or changing methods for the collection of debts." It is plain that the legislature has undertaken in this bill to create a lien which did not theretofore exist, and has provided a remedy for

a collection of a debt theretofore unknown to the law. The bill selects persons who furnish supplies, accessories, materials, and parts for a motor vehicle, and undertakes to make them the object of its fostering care. That this may not be done in Pennsylvania is too well settled to require the citation of the decisions of our appellate courts.

For these reasons the bill is not approved.

WM. C. SPROUL.

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No. 8.

AN ACT

Providing for the granting of licenses to practice dentistry to certain persons who served in the Army, Navy, or Marine Corps of the United States, or any branch or unit thereof.

Section 1. Be it enacted, &c., That the Dental Council of the Commonwealth of Pennsylvania shall, without requiring the passage of an examination as now provided by law, grant a license to practice dentistry to any person of good moral character, not less than twenty-one years of age and a resident of this Commonwealth at the time of enlistment or induction into the Army, Navy, or Marine Corps of the United States, or any branch or unit thereof, who served as dentist in the Army, Navy, or Marine Corps of the United States, or any branch or unit thereof, during the war with Germany, who is a graduate of a dental school or college.

Section 2. Such license to practice dentistry shall be granted by the Dental Council of Pennsylvania, upon furnishing proof to said council that the applicant possesses the qualifications required by section one of this act.

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

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, April 20, 1921.

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

Gentlemen: I return herewith, without my approval, House Bill No. 1060, entitled "An act for the granting of licenses to practice dentistry to certain persons who served in the Army, Navy, or Marine Corps of the United States, or any branch or unit thereof."

This bill provides for the granting of licenses to practice dentistry to persons who served as dentists in the Army, Navy, or Marine Corps of the United States. Any adult person, of good moral character, who graduated from a reputable dental school or college, and served as a dentist during the late war, may apply for a license, and the license must be issued by the Dental Council without any examination.

As the bill was originally introduced it left the granting of licenses to such persons optional with the Dental Council, and it required that the applicant should have passed the examination required by the Army Dental Examining Board. The bill in its present form makes the issuance of the license mandatory, and omits the requirement that the applicant shall have passed the army examination. In my opinion this bill is wrong in principle. It treats a license to practice dentistry as a privilege conferred or a bounty given by the State to an individual. Because of the military service rendered by the applicant, he is given such license or privilege without any examination by the Dental Council into his qualifications. Our laws requiring the licensing of dentists are not designed to confer privileges, but to protect the public health by preventing unqualified persons from practicing the profession. It is proper for the State to recognize the valuable services rendered by our soldiers during the late war, but such recognition should not be given at the expense of the public who may be treated by unskilled and unqualified dentists.

More than eighteen months have now passed since the major part of the army engaged in the late war was mustered out. The dentists who were properly qualified to practice their profession and who were not previously licensed have been examined and licensed during this period, and I am advised by ex-service men engaged in this profession that this bill would simply operate to open the doors of their profession to a number of applicants who are not properly qualified and who should not be permitted to practice in this State.

The members of the Dental Council consider it an unwise piece of legislation, and protests against it have come from reputable dentists throughout the State.

During the session of 1919, four bills were passed similar to the one under consideration and were vetoed. They are found in the volume of vetoes by the Governor at page 56 (relating to the practice of law); at page 97 (relating to the practice of law); at page 98 (relating to the practice of dentistry) and at page 182 (relating to the practice of medicine). The first of these veto messages (page 97) contains the following:

"While I am in favor of giving preference wherever possible to honorably discharged soldiers, sailors, and marines, I am not in favor of lowering the standard of the learned professions by giving such preferences."

For these reasons I cannot approve this bill.

WM. C. SPROUL.

## AN ACT

To amend section fifteen of an act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, five hundred and seventy-two), entitled "An act to provide for the protection and preservation of game, game-quadrupeds, and game-birds, and song and insectivorous and other wild birds, and prescribing penalties for violation of its several provisions," as amended.

Section 1. Be it enacted, &c., That section fifteen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, five hundred and seventy-two), entitled "An act to provide for the protection and preservation of game, game-quadrupeds, and game-birds, and song and insectivorous and other wild birds, and prescribing penalties for violation of its several provisions," which, as amended by the act, approved the ninth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, eight hundred and twenty-three), entitled "An act to amend sections fourteen and fifteen of an act, approved the seventh day of June, one hundred and twenty-three), entitled "An act to amend sections fourteen and fifteen of an act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, five hundred and seventy-two), entitled 'An act to provide for the protection and preservation of game, game-quadrupeds, and game-birds, and song and insectivorous and other wild birds, and prescribing penalties for violation of its several provisions,' " reads as follows:—

"Section 15. It shall be unlawful for any person to kill in one day more than one wild-turkey, or more than four ruffed grouse, or more than eight Virginia partridges, commonly called quail, or more than six wood-cock, or more than four ring-necked pheasants, or more than four Hungarian quail, or more than six squirrels of the combined kinds of fox, black, or gray, or either of them, or more than ten wild rabbits, or more than three hares; or to kill in any one season more than one wild-turkey, or more than twenty-four ruffed grouse, or more than twenty-five Virginia partridges, commonly called quail or more than twenty woodcock, or more than ten ring-necked pheasants, or more than ten Hungarian quail, or more than twenty of the combined kinds of squirrels of fox, black, or gray, or either of them, or more than forty wild rabbits, or more than fifteen hares, or more than one bear, or more than one deer, which in every instance shall be a male deer with antlers not less than two inches above the hair; and it shall be unlawful for any person at any time to attempt, by standing on watch or otherwise, to kill a second male deer in one season; and it shall be unlawful for any person at any time to shoot at or wound or kill, or to attempt to wound or kill, or have in possession, a female deer or an elk or any fawn found in a wild state in this Commonwealth, except as otherwise provided by the laws of this Commonwealth relating to the taking of game-animals and game-birds under authority of a certificate issued by the Board of Game Commissioners. Any person taking or wounding or killing, or attempting to take, kill, or wound, any animal or bird protected by this act, or in excess of the number permitted by this act, or in any manner violate any provision of this section, shall, upon conviction, be liable to a penalty of two hundred dollars and six months imprisonment for each elk and one hundred dollars for each deer, and fifty dollars

for each bear, and twenty-five dollars for each wild-turkey, or ruffed grouse, or quail, or woodcock, or ring-necked pheasant, and ten dollars for each rabbit or hare or squirrel, so taken, wounded, killed, or attempted to be taken, wounded, or killed, or had in possession, contrary to the provisions of this section.

"Every person who knowingly uses game that has been illegally killed or taken, or who knowingly aids or assists in the concealment of game illegally killed, or who knowingly has game in possession that has been illegally killed or taken with intent to use or conceal same, shall be liable to the full penalty imposed by law for the killing of such game contrary to law.

"When it is proved to the satisfaction of the Board of Game Commissioners that either a bear or deer or elk or rabbits or other game is excessively destroying property, and thereby becoming a nuisance in any section of the State, the said board shall have authority to at any time, remove or to have removed said animals from that neighborhood, or to have the same killed as the case may require:

"Provided also, That *upon* receipt of a petition from any county, containing the signatures of not less than two hundred citizens of that county, declaring that bears have become a nuisance in that section, setting forth in what manner such animals are a nuisance, and such other writing or evidence as the petitioners may deem it advisable to file, *the said board, if upon investigation is satisfied the conditions in that county warrant such action, may declare* such county open to the killing of bear, at any time of the year, in any number, and by any method, except steel traps and deadfalls, by any resident citizen of the United States, either licensed or unlicensed. *To either open a county to the killing of bear, as herein provided for, or to revoke such declaration, a proper notice to that effect shall be published by said board* in not less than three newspapers of general circulation in the county affected, if there be that many published in the county, one time each week for three consecutive weeks, setting forth the date such action becomes effective. Bears killed *under the provisions of such special declaration* may be consumed or disposed of in any manner by the person killing same," is hereby further amended to read as follows:—

Section 15. It shall be unlawful for any person to kill in one day more than one wild-turkey, or more than four ruffed grouse, or more than eight Virginia partridges, commonly called quail, or more than six woodcock, or more than four ring-necked pheasants, or more than four Hungarian quail, or more than six squirrels of the combined kinds of fox, black, or gray, or either of them, or more than ten wild rabbits, or more than three hares; or to kill in any one season more than one wild-turkey, or more than twenty-four ruffed grouse, or more than twenty-five Virginia partridges, commonly called quail, or more than twenty woodcock, or more than ten ring-necked pheasants, or more than ten Hungarian quail, or more than twenty of the combined kinds of squirrels of fox, black, or gray, or either of them, or more than forty wild rabbits, or more than fifteen hares, or more than one bear, or more than one deer, which in every instance shall be a male deer with antlers not less than two inches above the hair; and it shall be unlawful for any person at any time to attempt, by standing on watch or otherwise, to kill a second male

deer in one season; and it shall be unlawful for any person at any time to shoot at or wound or kill, or to attempt to wound or kill, or have in possession, a female deer or an elk or any fawn, found in a wild state in this Commonwealth, except as otherwise provided by the laws of this Commonwealth relating to the taking of game animals and game-birds under authority of a certificate issued by the Board of Game Commissioners. Any person taking or wounding or killing, or attempting to take, kill, or wound, any animal or bird protected by this act, or in excess of the number permitted by this act, or in any manner violate any provisions of this section,—shall, upon conviction, be liable to a penalty of two hundred dollars and six months imprisonment for each elk, and one hundred dollars for each deer, and fifty dollars for each bear, and twenty-five dollars for each wild-turkey or ruffed grouse or quail or woodcock or ring-necked pheasant, and ten dollars for each rabbit or hare or squirrel, so taken, wounded, killed, or attempted to be taken, wounded, or killed, or had in possession, contrary to the provisions of this section.

“Every person who knowingly used game that has been illegally killed or taken, or who knowingly aids or assists in the concealment of game illegally killed, or who knowingly has game in possession that has been illegally killed or taken with intent to use or conceal same, shall be liable to the full penalty imposed by law for the killing of such game contrary to law.

When it is proved to the satisfaction of the Board of Game Commissioners that either a bear or deer or elk or rabbits or other game is excessively destroying property, and thereby becoming a nuisance in any section of the State, the said board shall have authority to at any time remove or to have removed said animals from that neighborhood, or to have the same killed, as the case may require:

Provided also, That *sixty days* after the receipt of a petition by the Board of Game Commissioners from any county, containing the signatures of not less than two hundred persons who are engaged in agriculture, stock raising, or bee culture, and are citizens of that county, declaring that bears have become a nuisance in that section, setting forth in what manner such animals are a nuisance, and such other writing or evidence as the petitioners may deem it advisable to file, such county shall be open to the killing bear, at any time of the year, in any number, and by any method, except steel traps and deadfalls, by any resident citizen of the United States, either licensed or unlicensed. In the case of the filing of such petition from any county, such county shall be open thereafter for the killing of bear for a period of two years, at which time, unless a new petition is filed, such county shall be closed to the killing of bear, except during the open season. Upon the receipt of any such petition, the Board of Game Commissioners shall publish a notice to that effect in not less than three newspapers of general circulation in the county affected, if there be that many published in the county, one time each week for three consecutive weeks, setting forth the date such action becomes effective, but no failure of the Board of Game Commissioners to publish such notice shall prevent such county from becoming open to the killing of bear as hereinbefore provided. Bears legally killed pursuant to any such petition may be consumed or disposed of in any manner by the person killing the same.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, April 21, 1921

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

Gentlemen: I return herewith, without my approval, House Bill No. 439, entitled "An act to amend section fifteen of an act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, five hundred and seventy-two), entitled 'An act to provide for the protection and preservation of game, game-quadrupeds, and game-birds, and song and insectivorous and other wild birds, and prescribing penalties for violation of its several provisions,' as amended."

Under this bill the Game Commission would be required, upon the petition of two hundred citizens engaged in agriculture, stock raising, or bee culture, stating that bears have become a nuisance in any county, to declare said county open for the killing of bears. It gives the Game Commission no power to investigate and determine whether the allegations of the petition are well founded, or any other discretion, but automatically opens the way for the extermination of bears in the county.

The bill is directly contrary to the general policy of the State with reference to game, and the Board of Game Commissioners, to whom we must look for advice in these matters, is vigorously opposed to it. Under the present law a bear may be killed at any time when within half a mile of a man's home, or if it commits any depredations it may be followed and killed at any season of the year. No reason appears why, upon a small petition, which might be the result of the whimsical energy of any one, all the bears in a county should be ruthlessly destroyed. The black and brown bears of Pennsylvania are generally harmless and inoffensive. They are often called the "clowns of the wood," and to thus give a few citizens the right to exterminate them in an entire county would be deplorable.

For these reasons the bill is not approved.

WM. C. SPROUL.

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No. 10.

AN ACT

Providing that, in townships of the first class, municipal claims for grading, constructing, paving, rebuilding, curbing, maintaining, repairing, and cleaning sidewalks and footwalks, and keeping the same clear of obstructions and other nuisances, may be included in, and collected with, the other township taxes.

Section 1. Be it enacted, &c., That, in addition to the remedies now provided by law, all municipal claims which may by law be chargeable against the owner or owners of any land in a township of the first class for grading, constructing, paving, rebuilding, curbing, maintaining, repairing, and cleaning sidewalks and footwalks, and keeping

the same clear of obstructions and other nuisances, may be added to the tax duplicate, and be collected by the township treasurer in the same manner as the other township taxes charged on the said duplicate are collected.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, April 27, 1921.

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

Gentlemen: I return herewith, without my approval, House Bill No. 1167, entitled "An act providing that, in townships of the first class municipal claims for grading, constructing, paving, rebuilding, curbing, maintaining, repairing, and cleaning sidewalks and footwalks, and keeping the same clear of obstructions and other nuisances may be included in, and collected with, the other township taxes"

This bill provides that, in addition to the remedies now provided by law for the collection by townships of the first class of municipal claims against owners of lands for grading, constructing, paving, rebuilding, curbing, maintaining, repairing, and cleaning sidewalks, and keeping the same clear of obstructions, the township authorities may add the amount of such claim to the tax duplicate, and have the same collected by the township treasurer in the same manner as other township taxes are collected.

This is anomalous in the extreme. The property owner would be deprived of his day in court to defend against the entry of a judgment against him, and would be compelled to resort to a court of equity to restrain the tax collector from collecting the tax charged against him.

Due process of law and orderly procedure must not be sacrificed for more speed. The interest of the individual citizen must be protected at all times. I see no reason for such a departure from the regular methods of collecting municipal claims.

For these reasons the bill is not approved.

WM. C. SPROUL.

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No. 11.

AN ACT

Providing for and regulating the taking and appropriation of land and property by incorporated cemetery and burial associations, not for profit, for the purpose of enlarging cemeteries and burial grounds.

Section 1. Be it enacted, &c., That it shall be lawful for any incorporated cemetery or burial association, not for profit, to acquire land for the purpose of enlarging any cemetery or burial ground of such association; and for such purpose such cemetery or burial



association is authorized to enter upon and to appropriate, by right of eminent domain, any private land or property adjacent to such cemetery or burial ground.

No cemetery or burial association shall exercise the right of eminent domain as against any land or property situate within any borough or city without the consent of such borough or city, nor as against any land occupied by and used as a dwelling house, nor against any land underlaid with coal; nor shall any public highway be vacated in the exercise of the right of eminent domain herein conferred.

Section 2. In all cases where the parties cannot agree upon the amount of damages to be paid for such taking, or where, by reason of the absence or legal incapacity of the owner, no such agreement can be made, the cemetery or burial association may tender a bond, with sufficient security, to the party entitled to damage, or to the agent or attorney of any person absent, or to the agent or officer of a corporation, or to the guardian or committee of any one under legal incapacity.

The condition of the bond shall be that the cemetery or burial association shall pay or cause to be paid such amount of damages as the party shall be entitled to receive, after the same shall have been agreed upon by the parties in the manner provided for in this act. In case the party claiming damages refuses to accept the security tendered, the cemetery or burial association shall give the party or his agent, attorney, guardian, or committee, a notice of the time when such bond will be presented in court.

When approved by court as to the amount thereof and as to the character of the security, the bond shall be filed in court for the benefit of those interested, and recovery may be had thereon for the amount of damages assessed. Upon the approval of the bond, the cemetery or burial association shall have a right to enter upon and take possession of such land or property.

Section 3. In case the compensation for damages accruing from such taking and appropriation have not been agreed upon, the court of common pleas of the proper county, or any law judge thereof in vacation, on application thereto by petition of the cemetery or burial associations or any party interested, shall appoint three members of the board of viewers as a board of view, and appoint a time, not less than twenty nor more than thirty days thereafter, when the viewers shall meet upon the land and property, and view the same.

The viewers shall be appointed after the acceptance or filing of the bond provided for in section two. The viewers shall give at least ten days notice of their first meeting in such manner as the court shall direct.

Section 4. The viewers, having been sworn or affirmed faithfully, justly, and impartially to decide and a true report to make concerning all matters to be submitted to them and in relation to which they are authorized to inquire, and having viewed the land and property, shall hear all parties interested and their witnesses, and shall determine the damages for the land property taken and appropriated.

The viewers shall make report to court showing the damages assessed for such taking and appropriation, and shall file therewith a plan showing the land and property taken and appropriated.

Section 5. When the report is filed, notice thereof shall immediately be given, in such manner as the court shall direct, to all parties interested. Such notice shall state the dates of the filing of the report, and shall state that unless exceptions thereto are filed within thirty days or an appeal therefrom within said time is taken the report will be confirmed.

Section 6. When the report is filed, the prothonotary shall mark the same "confirmed nisi." In case no exceptions thereto are filed, or no appeal is taken therefrom, he shall enter a decree confirming the report absolutely.

Section 7. Within thirty days after the filing of any report, any party interested may file exceptions to the same, and the court shall confirm, modify, or change such report or the amount of damages made therein, or refer the report back to the same or new viewers.

Section 8. Within thirty days after any report of viewers is filed in court, any party interested may appeal to the court of common pleas of the proper county, and demand a jury trial. Such appeal shall state the grounds upon which it is taken, and shall be signed by the appellant or by his agent or attorney, and shall be accompanied by an affidavit that it is not taken for the purpose of delay but because the appellant believes that an injustice has been done.

Upon the trial of any such appeal, in case the party appellant does not obtain a verdict more favorable than was the report of the viewers, the appellant shall not recover any costs.

The court of common pleas shall order what costs shall be given in connection with any such appeal, and may by rule or otherwise prescribe the form of pleadings.

Section 9. Within six months after the confirmation of any report by the court of common pleas, or after verdict and final judgment in a jury trial, either party may appeal to the Superior or Supreme Court.

Section 10. All assessments for damages shall bear interest at the expiration of thirty days after they shall have been finally ascertained.

Section 11. All expenses of the said proceedings shall be paid by the cemetery or burial association.

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 10, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 358, entitled "An act providing for and regulating the taking and appropriation of land and property by incorporated cemetery and burial associations, not for profit, for the purpose of enlarging cemeteries and burial grounds."

This bill attempts a new departure in the law of Pennsylvania by empowering all incorporated cemetery and burial associations, not for profit, to take lands under the power of eminent domain by condemnation proceedings.

Aside from the question of the expediency of thus extending the right of eminent domain, it seems clear that under the Constitution this power could not be granted. A cemetery company is not a public service company. It is not required to sell space to any one for burial unless it sees fit so to do. Therefore, it cannot be classed as a public use.

In the leading case of Philadelphia Clay Company vs. York Clay Company, 241 Pa. 305, Mr. Justice Elkin discussed the right of eminent domain in these words:

"It is settled law in Pennsylvania that private property cannot be taken for a private use under the power of eminent domain. Even the legislature is without power to authorize the taking of private property for a private use, and when it attempts to do so such acts will be declared to be inoperative and of no effect for the purpose intended. The power of eminent domain is an attribute of sovereignty, and every private owner holds his property subject to the right of the sovereign to take the same, or such part of it as may be required to serve the public use. It is true that the power can only be exercised for the purposes and in the manner authorized by the legislature, but the power of the legislature to invest individuals or corporations with the right of eminent domain has its limitations, the most important of which is that the property taken must be for a public use. This principle is recognized in the Constitutions of 1776, 1790, 1838 and 1874. In Article XVI, Section 7, of the present Constitution, it is provided: 'Municipal and other corporations and individuals invested with the privilege of taking private property for public use shall make just compensation for property taken, injured, or destroyed by the construction or enlargement of their works, highways, or improvements, which compensation shall be paid or secured before such taking, injury or destruction.'"

Consequently, the approval of the bill would accomplish nothing. For these reasons the bill is not approved.

WM. C. SPROUL.

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No. 12.

AN ACT

Providing for rebates and penalties in the payment of county taxes in cities of the third class.

Section 1. Be it enacted, &c., That in all cities of the third class, where any duplicate of county taxes is issued and delivered to the collector of taxes, it shall be the duty of said collector to give public notice, as soon thereafter as conveniently can be done, by at least ten written or printed notices, to be posted in as many public places in different parts of the city, that said duplicate has been issued and delivered to him, and all persons who shall, within ninety days from

date of said notice, make payment of any county taxes charged against them in said duplicate shall be entitled to a reduction of five per centum from the amount thereof; and all persons who shall fail to make payment of any county taxes charged against them in said duplicate for six months after notice as aforesaid shall be charged five per centum additional on the taxes charged against them, which shall be added thereto by said collector of taxes and collected by him.

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

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 10, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 427, entitled "An act providing for rebates and penalties in the payment of county taxes in cities of the third class."

Under the terms of this bill county taxes paid in third class cities within ninety days of the date of notice by the collector would be entitled to an abatement of five per cent., and county taxes not paid within six months of the date of such notice would be subject to a penalty of five per cent. In many counties no rebate is allowed on county taxes, and if this bill were enacted into law, county taxes paid in third class cities in such counties would be entitled to exemptions and subject to penalties which would not apply to county taxes paid outside of the third class cities, thus in effect making inequalities of taxation in such counties. This would surely be an undesirable condition, and I therefore withhold my approval of this bill.

WM. C. SPROUL.

No. 13.

AN ACT

Imposing a State tax upon unnaturalized foreign born male and female persons, over the age of twenty-one years, resident within this Commonwealth; providing for the collection of such tax and the distribution thereof; and imposing penalties.

Section 1. Be it enacted, &c., That an annual tax of five dollars for State purposes is hereby imposed upon all male and female unnaturalized foreign born persons, over the age of twenty-one years, resident within this Commonwealth.

Section 2. It shall be the duty of each such unnaturalized foreign born person to pay such annual tax of five dollars each year, or part thereof, in which he or she may be a resident in any part of this Commonwealth, and payment of such tax in any county for any year shall be sufficient compliance with the provisions of this act.

Section 3. It shall be the duty of each borough, ward, and township assessor, in making assessments for taxation for county purposes,

to make a just and perfect list of all such unnaturalized male and female foreign born persons, over the age of twenty-one years, resident within his respective district; and it shall be the duty of such assessor to write after the name of such person upon the assessment book the word "unnaturalized," so that the tax provided by this act may be accordingly assessed by the county commissioners.

Section 4. It shall be the duty of the county commissioners, in the preparation of duplicates, to assess against each such unnaturalized foreign born male and female person over the age of twenty-one years the annual State tax of five dollars imposed by the provisions of this act, and to require the collection of the same by the respective collectors of county taxes in the same manner and with like powers as other county taxes are collected.

Section 5. It shall be the duty of each such unnaturalized foreign born person to pay such annual State tax on or before the fifteenth day of September of each year, and, if such persons name does not appear upon the duplicate of the collector of county taxes of the district in which such person is resident, he or she is hereby required to make payment of such tax to the county treasurer of the county, who is authorized to receive and receipt for the same. In case any such unnaturalized foreign born person shall become a resident of the Commonwealth between the fifteenth day of September and the first day of January of the year succeeding, such person shall nevertheless pay such State tax for such year, and payment thereof shall be made to the county treasurer as hereinbefore provided.

Section 6. Any constable, police officer, or member of the State Police Force may, at any time, stop any unnaturalized foreign born male or female person, over the age of twenty-one years, and demand from such person the production of a receipt showing the payment of the State taxes imposed by the provisions of this act or within twenty-four (24) hours show proof that such taxes have been paid. After the first day of January, one thousand nine hundred and twenty-two, if such demand is made, the production of a receipt for or proof of the payment of such State taxes for the year previous shall be sufficient compliance with this act.

Section 7. The State taxes imposed by this act shall be imposed for the year one thousand nine hundred and twenty-one, and, to facilitate the collection of said taxes, the county commissioners are authorized to add to the assessment the names of any such unnaturalized foreign born persons, and to levy the said tax against such persons, and thereupon to certify such names and the amount of such tax to the respective tax collectors for collection. No penalty for failure to pay such tax shall be imposed upon any such unnaturalized foreign born person prior to the sixteenth day of September, one thousand nine hundred twenty-one.

Section 8. All State taxes collected under the provisions of this act shall be paid to the county treasurer, and shall by him be paid monthly into the State Treasury. One-fourth of all of said money collected under this act shall be returned by the Commonwealth to the counties from which the same was collected, for the use of the city, borough, or township in which it was collected. Such payments shall be made by the State Treasurer to the respective county treasurers quarterly.

Section 9. An unnaturalized foreign born male or female person, over the age of twenty-one years, who shall fail or neglect or refuse to pay the annual State taxes imposed by the act, shall, in a summary conviction, be liable to a fine of twenty-five dollars, and, in default of the payment of such fine and costs, shall be committed to the county jail for a period of twenty-five days.

Section 10. The county commissioners may make exoneration of any taxes imposed by this act in the cases of indigent persons, and, in such cases, shall issue to such person a statement setting forth the fact that such exoneration has been granted, and the possession of such statement shall be sufficient compliance with the provisions of this act.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 10th, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 346, entitled "An act imposing a State tax upon unnaturalized foreign born male and female persons, over the age of twenty-one years, resident within this Commonwealth; providing for the collection of such tax and the distribution thereof; and imposing penalties."

The Supreme Court of this State held in the case of the Juniata Limestone Company vs. Fagley, 187 Pa. 193 (1898) that under the constitutional restrictions contained in the fourteenth amendment to the Constitution of the United States and Section 1, Article IX of the Constitution of Pennsylvania, the Legislature could not create a class of taxable subjects consisting of unnaturalized foreign born persons. In that case the court, speaking of a similar act of Assembly, said:

"The act in question clearly belongs to a vicious species of class legislation which too often finds its way into our statute books, and we have no doubt as to its unconstitutionality on both grounds indicated by the learned president of the court below. It has already been adjudged void by the Circuit Court of the United States of the western district of Pennsylvania." For the reason that the bill is unconstitutional, I withhold my approval.

WM. C. SPROUL.

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No. 14.

AN ACT

To amend section one of "An act to provide for the licensing of transient, retail merchants in cities, boroughs, and townships, and providing a penalty for failure to obtain the same," approved the second day of May, Anno Domini one thousand eight hundred and ninety-nine.

Section 1. Be it enacted, &c., That section one of an act, entitled "An act to provide for the licensing of transient, retail merchants in cities, boroughs, and townships, and providing a penalty for

failure to obtain the same," approved the second day of May, Anno Domini one thousand eight hundred and ninety-nine, which reads as follows:—

"Section 1. Be it enacted, &c., That hereafter every person, whether principal or agent, *entering into, beginning, or desiring to begin*, a transient, retail business in any city, borough, or township of this Commonwealth, for the sale of any goods, wares, or merchandise whatsoever, *whether the same shall be represented or held forth to be bankrupt, assignees, or about to quit business, or of goods damaged by fire, water, or otherwise*, shall take out a license for the same from the proper authorities of the said city, borough, or township. The amount of such license in any city or borough shall be fixed by ordinance, duly passed by the council of such city or borough, and shall not be less than twenty-five dollars (\$25), nor exceed the sum of two hundred dollars (\$200), per month or fractional part thereof, to be paid to the treasurer of said city or borough; and the amount of such license in any township shall be the sum of twenty-five dollars (\$25) per month, or fractional part thereof, to be paid to the county treasurer for the use of the school fund of said township. Said license to be renewed monthly during the continuance of said sale, and upon failure of said person or persons so to secure such license, he, she, or they shall be fined in a sum not less than one hundred dollars (\$100), nor more than two hundred dollars (\$200), to be collected as other fines are by law collectible, and in default of payment of said fines, to be imprisoned in the jail of said city or county for a period not exceeding thirty days," be, and the same is hereby, amended to read as follows:—

Section 1. Be it enacted, &c., That hereafter every person, whether principal or agent, *who enters into or engages in* a transient retail business, in any city, borough, or township of this Commonwealth, for the sale of any goods, wares, or merchandise whatsoever, and *who hires, leases, or occupies a room, apartment, store, shop, building, or other structure for the exhibition and sale of such goods, wares, or merchandise*, shall take out a license for the same from the proper authorities of the said city, borough, or township. The amount of such license in any city or borough shall be fixed by ordinance duly passed by the council of such city or borough, and shall not be less than twenty-five dollars (\$25), nor exceed the sum of two hundred dollars (\$200) per month, or fractional part thereof, to be paid to the treasurer of said city or borough; and the amount of such license in any township shall be the sum of twenty-five dollars (\$25) per month, or fractional part thereof, to be paid to the county treasurer for the use of the school fund of said township. Said license to be renewed monthly during the continuance of said sale; and, upon failure of said person or persons so to secure such license, he, she or they shall be fined not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200), to be collected as other fines are by law collectible, and, in default of payment of said fines, to be imprisoned in the jail of said city or county for a period not exceeding thirty days.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 11, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 371, entitled "An act to amend section one of 'An act to provide for the licensing of transient, retail merchants in cities, boroughs, and townships, and providing a penalty for failure to obtain the same,' approved the second day of May Anno Domini one thousand eight hundred and ninety-nine."

The bill amends the act of May 2, 1899, P. L. 159, which act provides for the licensing of transient retail merchants in cities, boroughs, and townships. Under that law, every person who enters into or engages in a transient retail business in any city, borough, or township of the Commonwealth, for the sale of goods, wares, or merchandise, must take out a license, the amount of the charge therefor, within the limits prescribed by that act, to be fixed by the proper authorities of the city, borough, or township.

The present bill changes the Act of 1899 by making such license necessary only when such persons hire, lease, or occupy a room, apartment, store, shop, or building for the exhibition and sale of such goods, wares, and merchandise. The change proposed by the present bill narrows the scope of the law so that it would be possible for persons to engage in a transient retail business without being subject to the payment of a license fee. I see no reason for thus limiting the scope of the act of 1899, nor for encouraging irresponsible squatters in tents or strangers traveling from place to place in wagons or motor vehicles to compete with legitimate tradesmen who pay license taxes, real-estate levies, and rentals in their communities.

For these reasons the bill is not approved.

WM. C. SPROUL.

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No. 15.

AN ACT

To amend an act, approved the twenty-fifth day of May, one thousand eight hundred ninety-seven (Pamphlet Laws, eighty-three), entitled "An act to provide for the maintenance, care, and treatment of the indigent insane in county and local institutions," as amended.

Section 1. Be it enacted, &c., 'That the first section of an act, approved the twenty-fifth day of May, one thousand eight hundred ninety-seven (Pamphlet Laws, eighty-three), entitled "An act to provide for the maintenance, care, and treatment of the indigent insane in county and local institutions," which, as amended by the act, approved the thirteenth day of May, one thousand nine hundred nine (Pamphlet Laws, five hundred thirty-five), entitled "An act to amend an act, entitled 'An act to provide for the maintenance, care, and treatment of the indigent insane in county and local institutions,' approved May twenty-five, one thousand eight hundred ninety-seven;



increasing the weekly sum therein authorized to be paid, from one dollar and fifty cents to two dollars," reads as follows:—

"Section 1. Be it enacted, &c., That any county, municipality, borough or township of this Commonwealth, which now has, or may hereafter supply, erect, and equip, a suitable institution for the maintenance, care, and treatment of its indigent insane, upon plans and specifications approved in writing by the Board of Public Charities, shall receive from the State Treasury the sum of two (\$2.00) dollars per week for every indigent insane person of such county, municipality, borough or township, so maintained, who has been legally judged to be insane and committed to such institution, or who may be transferred from a State hospital for the insane to such local institution: Provided, That the Board of Public Charities shall be satisfied that the quality and equipment of such institution and the manner of care and treatment therein furnished is proper and suitable to the class or classes of the indigent insane so maintained, and shall so certify to the Auditor General before any such payment shall be made," is hereby amended to read as follows:—

Section 1. Be it enacted, &c., That any county, municipality, borough, or township of this Commonwealth, which now has or may hereafter supply, erect, and equip a suitable institution for the maintenance, care, and treatment of its indigent insane, upon plans and specifications approved in writing by the Board of Public Charities, shall receive from the State Treasury the sum of two dollars (\$2.00) per week for every indigent insane person of such county, municipality borough or township, so maintained, who has been legally adjudged to be insane and committed to such institution, or who may be transferred from a State hospital for the insane to such local institution: Provided, That the Board of Public Charities shall be satisfied that the quality and equipment of such institution and the manner of care and treatment therein furnished is proper and suitable to the class or classes of the indigent insane so maintained, and shall so certify to the Auditor General before any such payment shall be made: *And provided further, however, That during the period beginning June first, one thousand nine hundred and twenty-one, and ending May thirty-first, one thousand nine hundred and twenty-three, the rate aforesaid shall be increased to the sum of two dollars and fifty cents (\$2.50) per week.*

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 11, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 757, entitled "An act to amend an act, approved the twenty-fifth day of May, one thousand eight hundred ninety-seven (Pamphlet Laws, eighty-three), entitled 'An act to provide for the maintenance, care, and treatment of the indigent insane in county and local institutions' as amended."

This bill proposes to amend the act of 1897, as amended by the act of 1909, relating to the State affording assistance to counties and municipalities maintaining indigent insane in their own institutions. It would amend the existing law by increasing the weekly amount payable by the State towards such maintenance from two dollars (\$2.

00) to two dollars and fifty cents (\$2.50) per week during the period beginning June 1, 1921, and ending May 31, 1923.

The purpose of this change is evidently to provide for an increase in the cost of maintenance. Undoubtedly the counties and municipalities conducting such institutions have been subject to increased costs during the past two years. But with all the expenses of subsistence and maintenance now on the down-grade, we may hope that the increase suggested will be unnecessary during the next two years.

The State has been a great expense in similar matters, and, in view of the conditions of our revenues, I am reluctantly compelled to withhold my approval of this proposition which will entail an increased expenditure by the Commonwealth.

WM. C. SPROUL.

No. 16.

### AN ACT

To amend section two of an act, approved the seventh day of June, one thousand nine hundred and seven (Lampner Laws, four hundred thirty-eight), entitled "An act to supplement an act, entitled 'An act defining the powers of the several courts of quarter sessions of the peace within this Commonwealth, with reference to the care, treatment, and control of dependent, neglected, incorrigible, and delinquent children, under the age of sixteen years, and providing for the means in which such power may be exercised,' approved April twenty-three, one thousand nine hundred and three," by increasing fees and mileage of constables.

Section 1. Be it enacted, &c., That section two of an act, approved the seventh day of June, one thousand nine hundred and seven (Lampner Laws, four hundred thirty-eight), entitled "An act to supplement an act, entitled 'An act defining the powers of the several courts of quarter sessions of the peace within this Commonwealth, with reference to the care, treatment, and control of dependent, neglected, incorrigible, and delinquent children, under the age of sixteen years, and providing for the means in which such power may be exercised,' approved April twenty-three, one thousand nine hundred and three," which reads as follows:—

"Section 2. When, in pursuance of the provisions of said act, a child under the age of sixteen years is arrested, with or without warrant, or is brought before a magistrate in any other proceeding and the case shall be transferred to the juvenile court, the constable, to whom shall be given the custody of such child for delivery to the officers of the juvenile court, shall be entitled to receive therefor the following fees, to be taxed as costs in the case; to wit,—

"For services performed in delivering such child to the juvenile court, seventy-five cents, together with three cents per mile for each mile actually traveled and necessary, and three cents per mile for the transportation of each such child, in addition to necessary help and expense.

"Such probation officer shall certify the account of the constable performing such service to the judge presiding in the juvenile court, who shall approve the same, or so much thereof as may be found correct, and direct by whom it shall be paid," is hereby amended to read as follows:—

Section 2. When, in pursuance of the provisions of said act, a child under the age of sixteen years is arrested, with or without warrant, or is brought before a magistrate in other proceeding, and the case shall be transferred to the juvenile court, the constable to whom shall be given the custody of such child for delivery to the officers of the juvenile court shall be entitled to receive therefor the following fees, to be taxed as costs in the case, to wit:

For services performed in delivering such child to the juvenile court, one dollar, together with *ten* cents per mile for each mile actually traveled and necessary, and *ten* cents per mile for the transportation of each such child, in addition to necessary help and expense.

Such probation officer shall certify the account of the constable performing such service to the judge presiding in the juvenile court, who shall approve the same, or so much thereof as may be found correct, and direct by whom it shall be paid.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 11, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 954, entitled "An act to amend section two of an act, approved the seventh day of June, one thousand nine hundred and seven (Pamphlet Laws, four hundred thirty-eight), entitled 'An act to supplement an act, entitled 'An act defining the powers of the several courts of quarter sessions of the peace within this Commonwealth, with reference to the care, treatment, and control of dependent, neglected, incorrigible, and delinquent children, under the age of sixteen years, and providing for the means in which such power may be exercised,' approved April twenty-three, one thousand nine hundred and three,' by increasing fees and mileage of constables."

The increase in the fees of constables as provided by this bill is excessive. The allowance for the miles traveled in the performance of the said service is more than treble that under existing law. This is an unwarranted advance. While cost of transportation has increased considerably in recent years, it has not increased at the rate upon which this proposed mileage charge is based, and transportation costs are more likely to fall than to raise. Fee bills are seldom or never, revised downward, and hence we should revise them upward with great care and caution, and not permit an unusual or abnormal condition to determine them for the coming years when normal conditions will likely again be restored.

For these reasons the bill is not approved.

WM. C. SPROUL.

## No. 17.

## AN ACT

To amend section ten of an act, approved the sixteenth day of May, one thousand nine hundred and nineteen (Pamphlet Laws, one hundred ninety-three), entitled "An act to provide for the licensing and regulation of public dance halls and ball rooms, and for the regulation, supervision of public dances and balls in cities of the first, second, and third classes."

Section 1. Be it enacted, &c., That section ten of an act, approved the sixteenth day of May, one thousand nine hundred and nineteen (Pamphlet Laws, one hundred ninety-three), entitled "An act to provide for the licensing and regulation of public dance halls and ballrooms, and for the regulation, supervision of public dances and balls in cities of the first, second, and third classes," which reads as follows:—

"Section 10. It shall be unlawful, after nine o'clock post meridian, to permit any person to attend or take part in any public dance who has not reached the age of sixteen years," is hereby amended to read as follows:—

Section 10. It shall be unlawful, after nine o'clock post meridian, to permit any person to attend or take part in any public dance who has not reached the age of sixteen years, unless such person is accompanied by his or her parent or parents or guardian.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 12, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 957, entitled "An act to amend section ten of an act, approved the sixteenth day of May, one thousand nine hundred and nineteen (Pamphlet Laws, one hundred ninety-three), entitled 'An act to provide for the licensing and regulation of public dance halls and ballrooms, and for the regulation, supervision of public dances and balls in cities of the first, second, and third classes.'"

The provision of the act of 1919, as here undertaken to be amended, should not be disturbed. It very wisely makes it unlawful to permit any person under the age of sixteen years to attend or take part in any public dance after nine o'clock, P. M. This affords a most wholesome safeguard of the moral and physical welfare of our children, in which the Commonwealth has a vital interest and for the protection of which it can never safely relax its concern.

For these reasons the bill is not approved.

WM. C. SPROUL.

## AN ACT

Authorizing the appointment of interpreters in counties of the third, fourth, fifth, sixth, seventh, and eighth classes of this Commonwealth, and providing for their compensation.

Section 1. Be it enacted, &c., That the court of common pleas of each county of the third, fourth, fifth, sixth, seventh, and eighth class, 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 interpreters 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, but it shall in no case be less than five dollars per day, or more than ten dollars per day, for each day actually present in court and employed under the direction of the court; and the amount so paid to court interpreters shall be taxed as costs in each case, and be recovered as part of the costs, the same as fees for other court officials are now taxed and recovered.

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

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 12, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1090, entitled "An act authorizing the appointment of interpreters in counties of the third, fourth, fifth, sixth, seventh, and eighth classes of this Commonwealth, and providing for their compensation."

This bill repeals all acts inconsistent therewith, and hence operates to repeal, as to the counties within its purview, the act approved July 7, 1919, P. L. 725, authorizing the appointment of interpreters. I think that act should, for the present, be allowed to stand unchanged. It leaves the amount of compensation paid interpreters within the discretion of the court, which is preferable to the fixed limits set by this bill.

My chief objection, however, to the bill is its provision that the amount paid interpreters shall be taxed as costs in each case. This proposition is unsound. A litigant should not be subjected to any such payment because the opposing party in the suit or his witnesses speak a foreign tongue, and may require the services of an interpreter. The interpreter, when necessary, should be a part of the facilities of the court, and it would be a difficult matter to assess that part of his time which might be occupied by each of several cases at issue, under any such provision as is contemplated by this bill.

WM. C. SPROUL.

## No. 19.

## AN ACT

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

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, fifty cents.

Each additional defendant named on information or warrant, twenty-five cents.

Docket entry of action on behalf of the Commonwealth, fifty 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 pleas of guilty in criminal cases, fifty 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, fifty cents.

Entering judgment on conviction for fine, fifty cents.

Recording conviction, fifty cents.

Recording sentence, fifty cents.

Warrant to levy fine or forfeiture, one dollar.

Bail-piece and return, one dollar.

Commitment of each defendant, fifty cents.

Discharge to jailer, fifty cents.

Entering discontinuance in criminal case, fifty cents.

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

In all cases of summary conviction under a city, borough, or township ordinance heard and disposed of, and costs not paid by defendant, city or borough and township treasurer to pay, two dollars.

In all cases of summary conviction heard and disposed of, to be allowed and paid by the county (if under any act of Legislature), two dollars, provided that this shall not apply to the payment of costs in summary conviction cases that are now or may hereafter be otherwise provided for.

Entering actions in civil cases, fifty cents.

Issuing summons, fifty cents.

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

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

Each additional name after the first on summons, subpoena, or capias, twenty-five cents.

Capias in civil case, fifty cents.

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

Qualifying constable to return, twenty-five cents.

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

Every continuance of suit, fifty cents.

Trial and judgment in civil case, one dollar.

Administering oath in civil case, ten cents.

Entering satisfaction in civil case, fifty cents.

Entering discontinuance of civil cases, fifty 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 copy, fifty cents.

Entering report of reference and judgment thereon, one dollar.

Written notice in any case, fifty cents.

Execution and return, seventy-five cents.

Scire *facias*, fifty cents.

Return on scire *facias*, thirty cents.

Opening judgment for rehearing of the 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, 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.

Attachment and attested copy thereof, one dollar.

Entering action in laws of attachment, fifty cents.

Rule on garnishee, fifty cents.

Interrogatories, filing and issuing, seventy-five 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, one dollar.

Entering complaint in landlord and tenant proceedings, one dollar.

Issuing process in landlord and tenant proceedings, one dollar.

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

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, one dollar.

Warrant to freeholders, to appraisers, and judgment thereon, one dollar.

Receiving and entering return of appraisers and judgment thereon, one dollar.

Publishing proceedings of appraisers, not including cost of printing, one dollar.

Order to relief of pauper, one dollar.

Order of removal of pauper, one dollar.

Order to seize goods for the maintenance of wife or children, one dollar.

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

Entering transcript of judgment from another justice or alderman, one dollar.

Each 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.

Marry each couple, making record thereof and certificate to the parties, five dollars.

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

Probating accounts, fifty cents.

Writing affidavits or affirmation, seventy-five cents.

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

Copy of claim in civil suit under law of one thousand eight hundred and seventy-nine, one dollar.

Affidavit of defense in such case, fifty 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.

Commitment, twenty-five cents.

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

Hearing thereon with docket entry, fifty cents.

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

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

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

Section 2. That the act, approved the twenty-third day of April, one thousand nine hundred 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," be, and the same is hereby, repealed.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 12, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 590, entitled "An act to regulate, increase, and establish the fees to be charged by justices of the peace, alderman, and magistrates in this Commonwealth."



This bill would largely increase the fees to be charged by justices of the peace, aldermen, and magistrates and raise the costs in all cases before them. It would materially add to the expense of litigation, which is already heavy. In times like this it seems especially unfair to increase the cost of litigation, and particularly in the small cases which form the great mass of litigation in courts not of record.

For these reasons this bill is not approved.

WM. C. SPROUL.

No. 20.

AN ACT

To give preference and protection in the civil service to persons who served in the Civil War, Spanish-American War, Phillipine War, World War, or in any other war in which the United States has been engaged, and who have been honorably discharged from the military or naval service of the United States.

Section 1. Be it enacted, &c., That from and after the passage of this act, that, in making appointments and reinstatements, et cetera, promotions and transfers, in the civil service of the cities of the first class in the Commonwealth of Pennsylvania, or in any county, city, or town in the Commonwealth of Pennsylvania, or in the Commonwealth of Pennsylvania, preference shall be given to all persons, honorably discharged from the military or naval service of the United States who served in the Civil War, Spanish-American War Phillipine War, World War, or in any other war in which the United States has been engaged: Provided, That if any such person has been separated without delinquency or misconduct from a competitive position, or from a position from which he or she entered by transfer or promotion from a competitive position, such person, upon making application for a reinstatement to a position competitive at the time of the request for reinstatement, if a vacancy exists or is about to occur, shall be reinstated in the department or office from which he or she was separated, without time limit, upon certification of the civil service commission that such person is physically fit to discharge the duties of the position to which he or she seeks to be reinstated: Provided further, That said persons who have been reinstated in the civil service in a grade lower than that from which they have been separated may be promoted to their former grade without examination: Provided futher, That in making the appointments, said persons shall be released from all age limitation, and, after having attained a rating of seventy (70) or more, shall be eligible for appointment, and their names shall be placed on the proper register according to their ratings, but the names of said persons rated at seventy (70) or more shall be placed above all others not given preference in appointment; and when any of said names appear in a certification from said persons standing highest on the eligible list, the appointing power shall appoint any of said persons in the same manner as other appointments are made: And provided further, That said persons, in making application for appointment or reinstatement in the civil service of the cities of the first class in the Commonwealth of Pennsylvania, or in any county, city, or town in the Commonwealth of Pennsylvania, or in the Commonwealth of

Pennsylvania, in which the applicant claims to be a citizen, that such applicant was at the time of making application an actual and bona fide resident of said county, city, or town in the Commonwealth of Pennsylvania, and had been such resident for a period of one year next preceding.

Section 2. No person honorably discharged from the military or naval service of the United States, who served in said wars, employed in the civil service of the cities of the first class in the Commonwealth of Pennsylvania, or in any county, town, or city, in the Commonwealth of Pennsylvania, or in any of the offices in the Commonwealth of Pennsylvania, whose record is rated as "good," shall be suspended, discharged, dropped, forced to resign, or reduced in position, salary, or wages, unless funds are exhausted, in which case said employe shall be the last to be affected, and when funds are replenished they shall be the first to be reinstated: Provided, That the provisions of this act shall not apply to persons charged with criminal offense, dereliction or neglect of duty, drunkenness or disorderly conduct, but that no such charge shall be sufficient to cause discharge or reduction of pay or wages or demotion until after a fair and impartial trial shall be had in accordance with the provisions of existing laws.

Section 3. Any person violating the provisions of this act shall be summarily removed from office, and shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or both, in the discretion of the court.

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

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 17, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 302, entitled "An act to give preference and protection in the civil service to persons who served in the Civil War, Spanish-American War, Philippine War, World War, or in any war in which the United States has been engaged, and who have been honorably discharged from the military or naval service of the United States."

This bill is class legislation, which is prohibited by our Constitution. The case of Wood vs. City of Philadelphia, 46 Superior Court 573, appears to be conclusive upon this question. This bill aims to give a preference to all persons who have been honorably discharged from the military or naval service of the United States. It would set aside the competitive rules of our civil service laws, and destroy the basic principles of the civil service system—that a public office is a public trust awarded for approved capacity.

It is eminently fitting for us to further in every way the interests of those who sacrificed their comfort, often their health and vigor, and risked their lives for our defence, but we cannot allow our gratitude to them or the most patriotic impulses to encourage us to disregard the constitutional limitations imposed upon us, and the

principles of right and justice which must guide us in dealing with all our citizens. I was obliged to veto a somewhat similar bill on March 31 last for the same reasons.

WM. C. SPROUL.

No. 21.

AN ACT

To amend the act, approved the eleventh day of July, one thousand nine hundred seventeen (Pamphlet Laws, eight hundred and eighteen), entitled "An act relating to dogs, and the protection of livestock and poultry from damage by dogs; providing for the licensing of dogs; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done by dogs, and payment thereof by the proper county to the owners of livestock and poultry, and of damages to licensed dogs; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes, and on city councils of cities of the first and second class; and providing penalties"; providing for the issuing of licenses by the clerk of the court of quarter sessions instead of the county treasurer; and fixing his fees.

Section 1. Be it enacted, &c., That section four of the act, approved the eleventh day of July, one thousand nine hundred seventeen (Pamphlet Laws, eight hundred and eighteen), entitled "An act relating to dogs, and the protection of livestock and poultry from damage by dogs; providing for the licensing of dogs; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done by dogs, and the payment thereof by the proper county to the owners of livestock and poultry, and of damages to licensed dogs; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes, and on city councils of cities of the first and second class; and providing penalties," which reads as follows:—

"Section 4. On or before the fifteenth day of January, one thousand nine hundred and eighteen, and on or before the fifteenth day of January of each year thereafter, the owner of any dog six months old or over shall apply to the county treasurer, either orally or in writing, for a license for each such dog owned or kept by him. Such application shall state the breed, sex, age, color, and markings of such dog, and the name and address of the last previous owner; and shall be accompanied by a fee of not less than one dollar, nor more than two dollars, for each male dog and each spayed female dog; and by a fee of not less than two dollars, nor more than four dollars, for each unspayed female dog. The license fee shall be determined by the commissioners of the several counties of the State, and shall be the only license or tax required for the ownership or keeping of said dog or dogs," is hereby amended to read as follows:—

Section 4. On or before the fifteenth day of January, one thousand nine hundred and eighteen, and on or before the fifteenth day of January of each year thereafter, the owner of any dog six months old or over shall apply to the clerk of the court of quarter sessions, either orally or in writing, for a license for each such dog owned or kept by him. Such application shall state the breed, sex, age, color, and markings of such dog, and the name and address of the last previous owner; and shall be accompanied by a fee of not less than one dollar, nor more than two dollars, for each male dog and each spayed female dog; and by a fee of not less than two dollars, nor more than four dollars, for each unspayed female dog. The license fee shall be determined by the commissioners of the several counties of the State, and shall be the only license or tax required for the ownership or keeping of said dog or dogs.

Section 2. That section five of said act, which reads as follows:—

“Section 5. Such license shall be issued on a form prepared and supplied by the county commissioners. Such license shall be dated and numbered, and shall bear the name of the county issuing it and a description of the dog licensed. All licenses shall be void upon the fifteenth day of January of the following year. The county commissioners shall also furnish, and the county treasurer shall issue, with each license a metal tag. Such tag shall be affixed to a substantial collar. The collar shall be furnished by the owner, and with the tag attached shall at all times be kept on the dog for which the license is issued, except when confined in the kennel; and except, also that dogs owned or used by the Board of Game Commissioners of the Commonwealth, or their special deputy game protectors, servants, agents, and employes, shall not be required to wear the collar and tag aforesaid when used in hunting wildcat and bear during the winter months of December, January, and February in each and every year.” is hereby amended to read as follows:—

Section 5. Such license shall be issued on a form prepared and supplied by the county commissioners. Such license shall be dated and numbered, and shall bear the name of the county issuing it and a description of the dog licensed. All licenses shall be void upon the fifteenth day of January of the following year. The county commissioners shall also furnish, and the clerk of the court of quarter sessions shall issue, with each license a metal tag. Such tag shall be affixed to a substantial collar. The collar shall be furnished by the owner, and, with the tag attached, shall at all times be kept on the dog for which the license is issued, except when confined in the kennel; and except, also, that dogs owned or used by the Board of Game Commissioners of the Commonwealth, or their special deputy game protectors, servants, agents, and employes, shall not be required to wear the collar and tag aforesaid when used in hunting wildcat and bear during the winter months of December, January, and February in each and every year.

Section 3. That section six of said act, which reads as follows:—

“Section 6. The county commissioners shall prepare, and furnish annually to the county treasurer, metal tags to be given by the county treasurer to the owners of dogs when such owners shall pay the license fee for said dogs. Such tags shall be of metal, and shall bear the name of the county issuing it, and a serial

number corresponding with the number on the license issued to said owner, as provided in the preceding section of this act. Such tags shall also have impressed thereon the calendar year for which such tag is issued, and shall not be more than one inch wide or more than one inch in length, and shall be equipped with a substantial metal fastening device. The general shape of said tag shall be changed from year to year.

"If any such tag is lost, it shall be replaced without cost by the county treasurer, upon application by the person to whom the original license was issued and upon production of such license," is hereby amended to read as follows:—

Section 6. The county commissioners shall prepare, and furnish annually to the clerk of the court of quarter sessions, metal tags, to be given by the clerk of the court of quarter sessions to the owners of dogs when such owners shall pay the license fee for said dogs. Such tags shall be of metal, and shall bear the name of the county issuing it, and a serial number corresponding with the number on the license issued to said owner, as provided in the preceding section of this act. Such tags shall also have impressed thereon the calendar year for which such tag is issued, and shall not be more than one inch wide or more than one inch in length, and shall be equipped with a substantial metal fastening device. The general shape of said tag shall be changed from year to year.

If any such tag is lost, it shall be replaced without cost by the clerk of the court of quarter sessions, upon application by the person to whom the original license was issued and upon production of such license.

Section 4. That section seven of said act, which reads as follows:—

"Section 7. Any justice of the peace within the county who has qualified by having applied to the county treasurer, and having received and receipted for necessary blanks and tags, may issue such dog licenses and tags in like manner as prescribed for the issuance of licenses by the county treasurer. When a license is issued by a justice of the peace, the person applying for the license shall pay fifteen cents to the said justice, in addition to the other fees prescribed as the cost of said license. Said fifteen cents shall be retained by the justice of the peace as his fee for the issuance of said license and reporting the same and remitting payment therefor to the county treasurer. Such report and remittance shall be made by the justice of the peace within twenty-four hours after the issuance of any license by him; whereupon the county treasurer shall make a record of and otherwise treat said license as though it had been issued from his office, except that he shall also note upon his record the name of the justice issuing the license.

"Every justice of the peace shall deliver the book or books from which he has issued licenses, together with the stubs therein properly filled out and showing the names of each licensee and the number of the license issued to him, to the county treasurer before the fifteenth day of January of each year," is hereby amended to read as follows:—

Section 7. Any justice of the peace within the county who has qualified by having applied to the clerk of the court of quarter ses-

sions and having received and receipted for necessary blanks and tags, may issue such dog licenses and tags in like manner as prescribed for the issuance of licenses by the clerk of the court of quarter sessions. When a license is issued by a justice of the peace, the person applying for the license shall pay fifteen cents to the said justice, in addition to the other fees prescribed as the cost of said license. Said fifteen cents shall be retained by the justice of the peace as his fee for the issuance of said license and reporting the same and remitting payment therefor to the clerk of the court of quarter sessions. Such report and remittance shall be made by the justice of the peace within twenty-four hours after the issuance of any license by him; whereupon the clerk of the court of quarter sessions shall make a record of and otherwise treat said license as though it had been issued from his office, except that he shall also note upon his record the name of the justice issuing the license.

Every justice of the peace shall deliver the book or books from which he has issued licenses, together with the stubs therein properly filled out and showing the names of each licensee and the number of the license issued to him, to the clerk of the court of quarter sessions before the fifteenth day of January of each year.

Section 5. That section nine of said act, which reads as follows:—

“Section 9. No license or license tag issued for one dog shall be transferable to another dog, except as provided in sections eleven and twelve of this act. Whenever the ownership or possession of any dog is permanently transferred from one person to another within the same county, the license of such dog may be likewise transferred, upon notice given to the county treasurer. This act does not require the procurement of a new license or the transfer of a license already secured when the possession of a dog is temporarily transferred for the purpose of hunting game, or for breeding, trial, or show in this Commonwealth,” is hereby amended to read as follows:—

Section 9. No license or license tag issued for one dog shall be transferable to another dog, except as provided in sections eleven and twelve of this act. Whenever the ownership or possession of any dog is permanently transferred from one person to another within the same county, the license of such dog may be likewise transferred upon notice given to the clerk of the court of quarter sessions. This act does not require the procurement of a new license or the transfer of a license already secured when the possession of a dog is temporarily transferred for the purpose of hunting game, or for breeding, trial, or show in this Commonwealth.

Section 6. That section ten of said act, which reads as follows:—

“Section 10. Whenever any dog licensed in one county is permanently removed to another county, the county treasurer of the county where the license was issued shall, upon the application of the owner or keeper of such dog, certify such license to the treasurer of the county to which the dog is removed. Such treasurer shall thereupon, and upon the payment of a fee of twenty-five cents, issue a license and tag for such dog in the county to which it is removed.”

“This section does not apply to dogs used during the hunting season for hunting game, or temporarily for breeding, trial, or show in the Commonwealth, nor for the transportation of dogs for hunting,

breeding, trial, or show purposes, the home county license holding good for such purposes throughout the Commonwealth," is hereby amended to read as follows:—

Section 10. Whenever any dog licensed in one county is permanently removed to another county, the clerk of the court of quarter sessions of the county where the license was issued shall, upon the application of the owner or keeper of such dog, certify such license to the clerk of the court of quarter sessions of the county to which the dog is removed. Such clerks shall thereupon, and upon the payment of a fee of twenty-five cents, issue a license and tag for such dog in the county to which it is removed.

This section does not apply to dogs used during the hunting season for hunting game, or temporarily for breeding, trial, or show in the Commonwealth, nor for the transportation of dogs for hunting, breeding, trial, or show purposes, the home county license holding good for such purposes throughout the Commonwealth.

Section 7. That section eleven of said act, which reads as follows:—

"Section 11. Any person who keeps or operates a kennel may, in lieu of the license for each dog required by this act, apply to the county treasurer for a kennel license entitling him to keep or operate such kennel. Such license shall be issued by the county treasurer, on a form prepared and supplied by the county commissioners, and shall entitle the licensee to keep any number of dogs six months old or over, not at any time exceeding a certain number to be specified in the license. The fee to be paid for each kennel license shall be five dollars for ten dogs or less, and ten dollars for more than ten dogs permitted to be kept under the kennel licenses. With each kennel license the county treasurer shall issue a number of metal tags equal to the number of dogs authorized to be kept in the kennel. All such tags shall bear the name of the county issuing it, the number of the kennel license, and shall be readily distinguishable from the individual license tags for the same year," is hereby amended to read as follows:—

Section 11. Any person who keeps or operates a kennel may, in lieu of the license for each dog required by this act, apply to the clerk of the court of quarter sessions for a kennel license entitling him to keep or operate such kennel. Such license shall be issued by the clerk of the court of quarter sessions on a form prepared and supplied by the county commissioners, and shall entitle the licensee to keep any number of dogs six months old or over, not at any time exceeding a certain number to be specified in the license. The fee to be paid for each kennel license shall be five dollars for ten dogs or less, and ten dollars for more than ten dogs permitted to be kept under the kennel licenses. With each kennel license, the clerk of the court of quarter sessions shall issue a number of metal tags equal to the number of dogs authorized to be kept in the kennel. All such tags shall bear the name of the county issuing it, the number of the kennel license, and shall be readily distinguishable from the individual license tags for the same year.

Section 8. That section fourteen of said act, which reads as follows:—

"Section 14. The county treasurer shall keep a record of all dog licenses, and all kennel licenses, and all permits issued during the year. Such record shall contain the name and address of the person to whom each license or permit is issued. In the case of an individual license, the record shall also state the breed, sex, age, color, and markings of the dog licensed; and in the case of a kennel license, it shall state the place where the business is conducted. The record shall be a public record and open to persons interested during business hours.

"Whenever the ownership or possession of any dog licensed under the provisions of this act is transferred from one person to another, except the temporary transfer of dogs for hunting purposes, or for breeding, trial, or show, as provided in section nine of this act, such transfer shall be noted on the record of the county treasurer," is hereby amended to read as follows:—

Section 14. The clerk of the court of quarter sessions shall keep a record of all dog licenses, and all kennel licenses, and all permits issued during the year. Such record shall contain the name and address of the person to whom each license or permit is issued. In the case of an individual license, the record shall also state the breed, sex, age, color, and markings of the dog licensed; and in the case of a kennel license, it shall state the place where the business is conducted. The record shall be a public record and open to persons interested during business hours.

Whenever the ownership or possession of any dog licensed under the provision of this act is transferred from one person to another, except the temporary transfer of dogs for hunting purposes, or for breeding, trial, or show, as provided in section nine of this act, such transfer shall be noted on the record of the clerk of the court of quarter sessions.

Section 9. That section fifteen of said act, which reads as follows:—

"Section 15. An accurate record of all license fees collected by the county treasurer, or paid over to him by any justice of the peace, shall be kept as a matter of information; but all such funds shall be turned into the county funds. All moneys at present in the 'dog fund', derived from taxation of dogs under the existing law, shall be turned into the county fund. All bills incurred under this act, or due at the time of the passage of this act, shall be paid out of the county fund, and any excess moneys collected under this act shall be used for other county purposes," is hereby amended to read as follows:—

Section 15. An accurate record of all license fees collected by the clerk of the court of quarter sessions or paid over to him by any justice of the peace, shall be kept as a matter of information, but all such funds shall be turned into the county funds. The clerk of the court of quarter sessions shall receive a fee of ten cents, to be paid by the county, for each license issued under the provisions of this act. All moneys at present in the "dog fund," derived from taxation of dogs under the existing law, shall be turned into the county fund. All bills incurred under this act, or due at the time of the passage of this act, shall be paid out of the county fund, and any excess moneys collected under this act shall be used for other county purposes.



Section 10. That section seventeen of this act, which reads as follows:—

Section 17. On and after the fifteenth day of January, one thousand nine hundred and eighteen, it shall be unlawful for any person to own or keep any dog six months old or over, unless such dog is licensed by the clerk of the court of quarter sessions of the county unless such dog at all times wears the collar and tag provided for by this act, unless such dogs are temporarily brought into the State for breeding, trial, or show purposes," is hereby amend to read as follows:—

"Section 17. On and after the fifteenth day of January, one thousand nine hundred and eighteen, it shall be unlawful for any person to own or keep any dog six months old or over unless such dog is licensed by the treasurer of the county in which the dog is kept; and in which the dog is kept, and unless such dog at all times wears the collar and tag provided for by this act, unless such dogs are temporarily brought into the State for breeding, trial, or show purposes.

Commonwealth of Pennsylvania,  
Executive Department,  
Harrisburg, May 17, 1921.

I file herewith in the office of the Secretary of the Commonwealth, with my objection, House Bill No. 1513, entitled "An act to amend the act, approved the eleventh day of July one thousand nine hundred seventeen (Pamphlet Laws, eight hundred and eighteen), entitled 'An act relating to dogs, and the protection of livestock and poultry from damage by dogs; providing for the licensing of dogs; regulating the keeping of dogs and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done by dogs, and payment thereof by the proper county to the owners of livestock and poultry, and of damages to licensed dogs; imposing powers and duties on certain State, county, city borough, town, and township officers and employes, and on city councils of cities of the first and second class; and providing penalties'; providing for the issuing of licenses by the clerk of the court of quarter sessions instead of the county treasurer, and fixing his fees."

The act of July 11, 1917, P. L. 818, to which this bill is an amendment, is repealed and supplied by the Dog Law of 1921 (House Bill No. 1505), excepting so far as it relates to cities of the first and second classes. The amendments provided for by House Bill No. 1513 have no application to cities of the first and second classes so that this bill would amount to an amendment of an act which has been repealed.

For this reason the bill is not approved.

WM. C. SPROUL.

## AN ACT

To prohibit the bribery of baseball players and employes of baseball clubs, and the acceptance by baseball players and employes of baseball clubs of bribes, and declaring such bribery, or the acceptance of such bribes, a felony, and fixing the penalty therefor.

Section 1. Be it enacted, &c., That any person who shall give, or offer to give, to any baseball player or employe in anywise connected with any baseball club or other organization engaged in playing, or causing to be played, games of baseball which the public, or any part thereof, are invited or permitted to witness, any money, property, or other thing of value, for the purpose of inducing such player or employe to do any act or thing calculated or intended to win or lose any game of baseball played or to be played by or for such club or organization; and any such player or employe connected with any such club or organization who shall accept, or offer to accept, any money, property, or other thing of value in consideration of his promise to do or his doing of any act or thing calculated or intended to cause such club to win or lose any game of baseball played or to be played by or for such club or organization—shall be adjudged guilty of a felony, and, on conviction, be punished by imprisonment in the penitentiary for a term of not less than two or more than five years, or by imprisonment in the county jail for a term of not less than six months.

Section 2. Nothing in the foregoing section shall be held to include the payment of, or agreement to pay, any baseball player, employe, or other person in the employe of such club, his salary or other compensation or reward contracted to be paid to him by the club or other organizations in whose services he may be engaged or to which he is under contract as the consideration or inducement to such player to cause or aid in causing such club to win baseball games which it may play.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 17, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 388, entitled "An act to prohibit the bribery of baseball players and employes of baseball clubs and the acceptance by baseball players and employes of baseball clubs of bribes, and declaring such bribery, or the acceptance of such bribes, a felony, and fixing the penalty therefor."

The aim of this bill is entirely commendable, but it seems to be wholly useless in view of the provisions contained in House Bill No. 315, which I approved the 13th day of April, 1921, as Act No. 87.

That act makes it unlawful to accept or offer inducements to procure a defeat in any athletic contest, and is sufficiently broad in scope and effect to provide the legal safeguards sought by this bill. It provides severe penalties, and we may look to it with confidence to preserve all our athletics from any taint of corruption. If it fails to do so, this bill would likewise be found to be without avail.

This bill therefore would be an idle, and possibly misleading, duplication of law on the same subject.

For these reasons the bill is not approved.

WM. C. SPROUL.

No. 23.

AN ACT

To amend an act, approved the twenty-fourth day of May, one thousand nine hundred and seventeen (Pamphlet Laws, two hundred and ninety-nine), entitled "An act to amend section one of an act, approved the twenty-first day of March, one thousand nine hundred and seven, entitled 'An act authorizing the county commissioners of the several counties, or the town councils of the several boroughs, of this Commonwealth, or both, to appropriate annually a sufficient sum of money to each post of the Grand Army of the Republic, in their respective counties or boroughs, to aid in defraying the expenses of Memorial Day,' as amended; by requiring the commissioners to make appropriations also to Memorial Day or similar organizations where there was heretofore an established post."

Section 1. Be it enacted, &c., That section one of the act, approved the twenty-fourth day of May, one thousand nine hundred and seventeen (Pamphlet Laws, two hundred and ninety-nine), entitled "An act to amend section one of an act, approved the twenty-first day of March, one thousand nine hundred and seven, entitled 'An act authorizing the county commissioners of the several counties, or the town councils of the several boroughs, of this Commonwealth, or both, to appropriate annually a sufficient sum of money to each post of the Grand Army of the Republic, in their respective counties or borough, to aid in defraying expenses of Memorial Day,' as amended; by requiring the commissioners to make appropriations also to Memorial Day or similar organizations where there was heretofore an established post," which reads as follows:—

"Section 1. Be it enacted, &c., That the county commissioners of the several counties of this Commonwealth are hereby required to appropriate annually, to each post in their respective counties, or to a regularly organized Memorial Day or similar organization where there was heretofore an established post,—in which latter case a certified list of expenditures shall be furnished the said commissioners,—a sum, not to exceed fifty dollars, to aid in defraying expenses of Memorial Day," is hereby amended to read as follows:—

Section 1. Be it enacted, &c., That the county commissioners of the several counties of this Commonwealth are hereby required to appropriate annually to each post in their respective counties or to a regularly organized Memorial Day or other similar organization where there was heretofore an established post, the following sums to aid in defraying expenses of Memorial Day, viz:

If such post is or was located in a city, borough, town, or township, having a population of less than ten thousand, fifty dollars;

If such post is or was located in a city, borough, town, or township, having a population of ten thousand or more but less than twenty thousand, then seventy-five dollars; and

If such post is or was located in a city, borough, town, or township, having a population of twenty thousand or more, then one hundred dollars.

Whenever any such appropriation is made to any organization other than a post, such organization shall furnish a certified list of expenditures to the county commissioners.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 18, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1344, entitled "An act to amend an act, approved the twenty-fourth day of May, one thousand nine hundred and seventeen (Pamphlet Laws, two hundred and ninety-nine), entitled 'An act to amend section one of an act, approved the twenty-first day of March, one thousand nine hundred and seven, entitled 'An act authorizing the county commissioners of the several counties, or the town councils of the several boroughs, of this Commonwealth, or both, to appropriate annually a sufficient sum of money to each post of the Grand Army of the Republic in their respective counties, or boroughs, to aid in defraying the expenses of Memorial Day,' as amended; by requiring the commissioners to make appropriations also to Memorial Day or similar organizations where there was heretofore an established post.'"

This bill provides for an increase in the amount of money which county commissioners are required to appropriate annually to each Grand Army Post or regularly organized Memorial Day organization established in place of a Grand Army Post. It is an amendment of the act of May 24, 1917, P. L. 299, which was an amendment of the act of March 21, 1907, P. L. 22.

The increases provided for by this bill are mandatory, and are based upon the population of the city, borough, town, or township within which the recipient organization is located. In my opinion, any additional appropriations made for such purposes should be based rather upon the necessary expense incurred by these organizations than upon the population of the town in which they happen to be located. and, in any event, should be optional with the county commissioners. I have before me for consideration House Bill No. 1407, which provides for an increase at the option of the county commissioners, depending upon the amount of necessary expense incurred.

It further appears that this bill requires appropriations to be made in cities, and overlooks the fact that Section 2 of the original act of 1907 provided that the act should not apply to cities. If this bill were approved, Section 1 would provide for an appropriation to be made in cities, and Section 2 would provide that it should not apply to cities.

The bill also overlooks the fact that the Borough Code of 1915, as amended in 1917, in Chapter 5, Article 1, Section 2, Clause 39, provides for an appropriation by the borough authorities for the same purpose, and repeals the original act of 1907, so far as that act related to boroughs.

In my opinion, the approval of this bill would merely operate to create confusion, and, as I have already suggested, the purpose intended is provided for in a more proper manner by House Bill No. 1407.

For these reasons the bill is not approved.

WM. C. SPROUL.

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No. 24.

AN ACT

To amend section forty-five of the act, approved the twenty-eighth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, one thousand two hundred and fifteen), entitled "An act to revise, amend, and consolidate the law relating to fish, and providing penalties," as amended.

Section 1. Be it enacted, &c., That section forty-five of the act, approved the twenty-eighth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, one thousand two hundred and fifteen), entitled "An act to revise, amend and consolidate the law relating to fish and providing penalties," which reads as follows:— "Section 45. No person shall use any device, means, or method whatsoever, except as in this article otherwise provided, for taking fish from the waters within this Commonwealth, excepting the following: that is to say, for—

(a) Game fish, two rods and two lines, and one hand-line with not more than three hooks attached;

(b) Food-fish, rods and lines, or one hand-line with not more than three hooks attached. The rods and lines and the hand-line must be under the immediate control of the person using the same;

(c) Bait-fish, rods, hooks and lines, with not more than three hooks attached to each line; a dip-net, or minnow seine not over four feet in diameter; a minnow trap, with not more than one opening, which shall not exceed one inch in diameter. The rods, hooks and lines must be under the immediate control of the person using the same," is hereby amended to read as follows:—

"Section 45. No person shall use any device, means, or method whatsoever, except as in this article otherwise provided, for taking fish from the waters within this Commonwealth, except the following: that is to say, for

(a) Game fish, two rods and two lines, and one hand-line with not more than three hooks attached, excepting that pickerel may be taken through the ice by the use of tip-ups; but no person shall use more than six tip-ups at any one time; nor shall any person use any tip-ups for the taking of any game fish unless a special device permit shall have been issued therefor by the Commissioner of Fisheries, which special device permit, when issued, shall authorize the person to whom issued to catch game fish for such a period and under such conditions and restrictions as the Commissioner of Fisheries may prescribe. Any such special device permit shall be revoked by the Commissioner of Fisheries upon violation of any condition or restriction upon which it is issued or of any violation of the provisions of this act.

(b) Food-fish, rods and lines, or one hand-line with no more than three hooks attached. The rods and lines and the hand-line must be under the immediate control of the person using the same.

(c) Bait-fish, rod, hooks and lines, with not more than three hooks attached to each line; a dip-net or minnow seine not over four feet in diameter; a minnow trap, with not more than one opening, which shall not exceed one inch in diameter. The rods, hooks, and lines must be under the immediate control of the person using the same.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 18, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House Bill No. 966, entitled "An act to amend section forty-five of the act approved the twenty-eighth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, one thousand two hundred and fifteen), entitled 'An act to revise, amend and consolidate the law relating to fish and providing penalties,' as amended."

The bill provides for lengthening the season for taking pickerel through the ice by what is known as tip-up fishing. The pickerel is the first fish to spawn in the spring of the year, often times spawning its eggs before the ice leaves. The female fish is especially voracious at this time, and an extension of the season such as is proposed would result in the destruction of many female fish at the season mentioned in the bill, as if this method of fishing is permitted ninety-five per cent of the pickerel caught would be the female fish. Such a depletion of the females would result in a rapid extinction of the gamey and desirable pickerel in our waters.

For these reasons the bill is not approved.

WM. C. SPROUL.

## AN ACT

To amend section one of an act, approved the thirteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, two hundred and eighty-six), entitled "An act to provide for the health, safety, and welfare of minors: By forbidding their employment or work in certain establishments and occupations, and under certain specified ages; by restricting their hours of labor, and regulating certain conditions of their employment; by requiring employment certificates for certain minors, and prescribing the kinds thereof, and the rules for the issuance, re-issuance, filing, return, and recording of the same; by providing that the Industrial Board shall, under certain conditions, determine and declare whether certain occupations are within the prohibitions of this act; requiring that certain minors shall, during the period of their employment, attend certain schools to be established as therein provided, and to be approved by the State Superintendent of Public Instruction, and regulating the conditions of such attendance; authorizing the State Board of Education, in certain cases, to appoint attendance officers to aid in enforcing the provisions of this act, and creating the salary and expenses of such officers a charge against the school district wherein they are employed; requiring certain abstracts and notices to be posted; providing for the enforcement of this act by the Commissioner of Labor and Industry, the attendance officers of school districts, and police officers; and defining the procedure in prosecutions thereunder, and establishing certain presumptions in relation thereto; providing penalties for the violation of the provisions thereof; and repealing all acts or parts of acts inconsistent therewith"; exempting from the operation of the act minors employed on the stage of theatres with the approval of the Industrial Board of the Department of Labor and Industry.

Section 1. Be it enacted, &c., That section one of the act, approved the thirteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, two hundred and eighty-six), entitled, "An act to provide for the health, safety and welfare of minors: By forbidding their employment or work in certain establishments and occupations, and under certain specified ages; by restricting their hours of labor, and regulating certain conditions for their employment; by requiring employment certificates for certain minors, and prescribing the kinds thereof, and the rules for the issuance, reissuance, filing, return, and recording of the same; by providing that the Industrial Board shall, under certain conditions, determine and declare whether certain occupations are within the prohibitions of this act; requiring that certain minors shall, during the period of their employment, attend certain schools, to be established as herein provided, and to be approved by the State Superintendent of Public Instruction, and regulating the conditions of such attendance; authorizing the State Board of Education, in certain cases, to appoint attendance officers to aid in enforcing the provisions of this act, and creating the salary and expenses of such officers a charge against the school district wherein they are employed; requiring certain abstracts and notices to be posted; providing for the enforcement of this act by the Commissioner of Labor and Industry, the attendance officers of school districts, and police officers, and defining the procedure in prosecutions thereunder, and establishing certain presumptions in relation thereto; providing penalties for the violation of the provisions thereof; and repealing all acts or parts of acts inconsistent therewith," which reads as follows:—

"Section 1. Be it enacted, &c., That wherever the term 'establishment' is used in this act, it shall mean any place within this Commonwealth where work is done for compensation of any kind, to whomever payable: Provided, That this act shall not apply to children employed on the farm, or in domestic service in private homes.

"The term 'person' when used in this act, shall be construed to include any individual, firm, partnership, unincorporated association, corporation, or municipality.

"The term 'week,' when used in this act, shall mean any consecutive seven days.

"The term 'minor' when used in this act, shall mean any person under twenty-one years of age. Wherever the singular is used in this act, the plural shall be included; and wherever the masculine gender is used the feminine and neuter shall be included," is hereby amended to read as follows:—

Section 1. Be it enacted, &c., That wherever the term "establishment" is used in this act, it shall mean any place within this Commonwealth where work is done for compensation of any kind, to whomever payable: Provided, that this act shall not apply to children employed on the farm, in domestic service in private homes, or to children employed on the stage of theatres with the approval of the Industrial Board of the Department of Labor and Industry.

The term "person," when used in this act, shall be construed to include any individual, firm, partnership, unincorporated association, corporation, or municipality.

The term "week," when used in this act, shall mean any consecutive seven days.

The term "minor," when used in this act, shall mean any person under twenty-one years of age. Wherever the singular is used in this act, the plural shall be included; and wherever the masculine gender is used, the feminine and neuter shall be included.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 18, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1320, entitled "An act, to amend section one of an act, approved the thirteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, two hundred and eighty-six), entitled 'An act to provide for the health, safety, and welfare of minors: By forbidding their employment or work in certain establishments and occupations, and under certain specified ages; by restricting their hours of labor, and regulating certain conditions of their employment; by requiring employment certificates for certain minors, and prescribing the kinds thereof, and the rules for the issuance, reissuance, filing, return, and recording of the same; by providing that the Industrial Board shall, under certain conditions, determine and declare whether certain occupations are within the prohibitions of this act; requiring that certain minors shall, during the period of their employment, attend certain schools, to be established as therein provided, and to be approved by the State Superintendent of Public Instruction, and regulating the conditions of such attendance; authorizing the State Board of Education, in certain cases, to appoint attendance officers to aid in enforcing the provisions of this act, and creating the salary and expenses of such officers a charge against the school district wherein they are employed; requiring certain abstracts and notices to be posted; provid-



ing for the enforcement of this act by the Commissioner of Labor and Industry, the attendance officers of school districts, and police officers, and defining the procedure in prosecutions thereunder, and establishing certain presumptions in relation thereto; providing penalties for the violation of the provisions thereof; and repealing all the acts or parts of acts inconsistent herewith; exempting from the operation of the act minors employed on the stage of theatres with the approval of the Industrial Board of the Department of Labor and Industry."

This bill amends the Child Labor Law of 1915. That law exempts from its provisions children employed on farms and in domestic service in private homes. This bill extends this exemption to "children employed on the stage of theatres with the approval of the Industrial Board of the Department of Labor and Industry."

I think it unwise to weaken the child labor laws at any point. To give exemption therefrom to children employed on the stage would certainly impair the general efficacy of these protective statutes.

Moreover, it would surely be unwise to impose upon the Industrial Board such powers and duties as here proposed. That board now has authority by the due rules and regulations to forbid the employment of minors of certain ages in employments other than those enumerated by the Child Labor Law when ever necessary to safeguard morals or health, but that power as now conferred under the Child Labor Law deals with classes of employment. This bill permits the board to exempt children from the act entirely, in order to engage in one kind of employment. This would prove unfortunate in practice, subjecting the board to numerous appeals to grant such dispensation. It is no proper function of the Industrial Board to sit in judgment upon individual cases as to whether the law should or should not apply to them.

For these reasons the bill is not approved.

WM. C. SPROUL.

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No. 26.

AN ACT

Making it unlawful to interfere or attempt to interfere with persons about to procure marriage licenses, or to influence or attempt to influence such persons to go to certain officers for such purposes.

Section 1. Be it enacted, &c., That it shall be unlawful for any person to interfere with, or attempt to interfere with, any person or persons who may be in or near or going to the office of any clerk of the orphans' court of any county for the purpose of securing a marriage license, or to influence, or to attempt to influence, any such person to go to any other officer for the purpose of taking an affidavit to secure a marriage license or for the purpose of procuring a marriage license.

Section 2. Any person violating the provisions of this act shall, upon conviction thereof before any magistrate, alderman, or justice of the peace in a summary proceeding, be sentenced for a first offense

to pay a fine of twenty-five dollars, and, in default of the payment of said fine and costs, to undergo imprisonment in the county jail for a period of ten days; and for any second or subsequent offense shall be sentenced to pay a fine of one hundred dollars, and, in default of the payment of such fine and costs, to undergo imprisonment in the county jail for a period of thirty days.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 20, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1305, entitled "An act making it unlawful to interfere or attempt to interfere with persons about to procure marriage licenses, or to influence or attempt to influence such persons to go to certain officers for such purposes."

This bill provides for the summary conviction before an alderman or justice of the peace of any person interfering with, or attempting to interfere with, any other person or persons going to the office of the clerk of the orphans' court to procure a marriage license, and imposes a penalty of twenty-five dollars (\$25.00) fine, and, in default of payment thereof, imprisonment in the county jail for a period of ten days for the first offence, and a penalty of one hundred dollars (\$100.00) fine, and, in default of payment thereof, imprisonment in the county jail for a period of thirty days for the second and each subsequent offence.

The bill was evidently intended to meet a particular case where parties about to procure marriage licenses were directed to go to a certain justice of the peace to make the application rather than to the clerk of the orphans' court. No good reason exists for the passage of a bill such as this. Under the existing law any unlawful interference with parties about to procure a marriage license can be properly punished. For this reason the bill is not approved.

WM. C. SPROUL.

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No. 27.

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 engaged in practicing dentistry within this Commonwealth for a period of twenty-five years or more and is of good moral character shall, upon the furnishing of proper affidavits, be licensed by the Dental Council at any time prior to the first day of July, one thousand nine hundred and twenty-one. Such licensing shall be effected upon the payment of a fee of twenty-five dollars; and thereupon the Dental Council 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 Board of Dental Examiners. Any dentist licensed under the provisions of this act shall immediately be registered by the Dental Council upon the payment of a fee of one dollar, and shall likewise be registered annually thereafter upon the payment of a similar fee.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 20, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1259, entitled "An act providing for the licensing and registration by the Dental Council of certain persons to practice dentistry."

This bill requires the Dental Council to issue a license without examination to any person who has practiced dentistry in this State for a period of twenty-five years, upon the payment of a fee and the filing of proof that the applicant was engaged in practice for such period.

The laws of this Commonwealth have for more than twenty-five years required persons practicing dentistry to be examined and licensed. Any person who now presents an application and shows that he has been engaged in practicing dentistry for twenty-five years without a license, thereby admits that throughout that period he has violated the law. Those persons who have spent much time and money to prepare themselves to pass the State dental examinations would have just cause for complaint if this bill were approved. The approval of this bill would make very difficult the future enforcement of any laws regulating the practice of the learned professions.

For these reasons the bill is not approved.

WM. C. SPROUL.

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No. 28.

### AN ACT

To amend section one of an act, approved the twentieth day of July, one thousand nine hundred seventeen (Pamphlet Laws, one thousand one hundred fifty-eight), entitled "An act to fix, regulate, and establish the fees to be charged and received by constables in this Commonwealth," as amended.

Section 1. Be it enacted, &c., That section one of an act, approved the twentieth day of July, one thousand nine hundred seventeen (Pamphlet Laws, one thousand one hundred fifty-eight), entitled "An act to fix, regulate, and establish the fees to be charged and received by constables in this Commonwealth," which, as amended by an act, approved the twenty-third day of May, one thousand nine hundred nineteen (Pamphlet Laws, two hundred seventy-four), entitled "An act to amend part of section one of an act, approved the twentieth day of July, one thousand nine hundred and seventeen

(Pamphlet Laws, one thousand one hundred fifty-eight), entitled 'An act to fix, regulate, and establish the fees to be charged and received by constables in Commonwealth,' reads as follows:—

"Section 1. Be it enacted, &c., That from and after the passage of this act, the fees to be charged and received by constables in this Commonwealth shall be as follows:

For executing a warrant on behalf of the Commonwealth, for each defendant, one dollar.

For conveying defendants, except vagrants, to jail, on mittimus or warrants, for each defendant, one dollar, and, in addition thereto, the actual costs of transportation of such defendant or defendants.

For arresting persons guilty of a breach of peace, riotous or disorderly conduct, drunkenness, or who may be engaged in the commission of any unlawful act tending to imperil the personal security or endanger the property of the citizens, or violating any ordinance of any borough for the violation of which a fine or penalty is imposed, or offending or suspected of offending against the laws of this Commonwealth protecting timberland, or the violation of any other law of this Commonwealth authorizing the arrest by constable without process, and bringing such offender before a justice of the peace, for each defendant, one dollar; and for every act in or about the arrest or commitment of vagrants, one dollar for each vagrant so arrested, or arrested and committed, and mileage as hereinafter provided.

For levying a fine or forfeiture on a warrant, fifty cents.

For taking the body of a defendant into custody on a mittimus, where bail is afterwards entered before delivery of body to the jailer, one dollar.

For executing bail-piece, one dollar.

For executing a search-warrant, and making return thereon, one dollar.

For making returns to the court of quarter sessions, two dollars and fifty cents.

For serving summons, notices on referees, suitor, or tenant, either personally or by leaving copy, fifty cents for each person served.

For serving subpoena, in all cases, fifty cents for the first witness, and twenty-five cents for each additional witness served.

For executing attachment, *fifty cents* for each defendant and garnishee served.

For arresting on a *capias*, one dollar for each person arrested.

For taking bail on a *capias*, or for delivery of goods, fifty cents.

For notifying plaintiff where defendant has been arrested on *capias*, to be paid by plaintiff, twenty-five cents.

For serving *capias* execution, one dollar.

For executing landlord's warrant, one dollar.

For taking inventory of goods, each item, two cents.

For levying or distraining goods, one dollar.

For advertising personal property to public sale, two dollars and fifty cents.

For selling goods levied or distrained, one dollar, and, when the same continues longer than three hours, three dollars per day.

For clerk hire at said sales, when necessary, two dollars per day.

For watchman taking charge of property levied on, when necessary, *two* dollars per day, also reasonable expenses of insurance, arranging

goods for sale, heat, light, storage, rent, transportation, feeding live-stock, and similar expenses incurred in caring for and keeping goods and chattels levied upon, when the same is necessary and advantageous, or when requested by the plaintiff or defendant to incur such expense.

For receiving and paying over money paid after a levy, without sale, one dollar and fifty cents.

For copy of vendue paper when demanded, each item, two cents.

For putting up notice of distress at mansion-house, or at any other place on the premises, fifty cents.

For serving scire facias, either personally or by leaving a copy, for each person served, *fifty cents*.

For executing order of removal of a pauper, or paupers, one dollar for each pauper.

For making return of nulla bona or non est inventus on any writ, fifty cents.

For executing writ of restitution, two dollars.

For executing writ of possession, two dollars.

For serving summons in landlord and tenant proceedings, *fifty cents*.

For taking inventory of goods on an execution, each item, two cents.

For holding appraisement where exemption is claimed by defendant, four dollars, out of which the constable shall pay to each appraiser one dollar.

For attending general, special, township, ward, or borough election, five dollars, which sum shall include pay for serving notices in writing to the persons elected at such special, township, ward, or borough elections: Provided, That where any such election be held in any township, ward, or borough in which there are more than one election districts or precincts, and a deputy constable is appointed to attend an election held at each of such districts or precincts, said deputy constables shall each receive the sum of five dollars.

For traveling expenses in the performance of any duty or service hereinbefore set forth, or in the performance of any other duty or service required by law, each mile going and returning ten cents; to be computed by the route usually traveled in going from points and places where said constables may reside, or where he receives any paper to be executed, to the points or places required to be traveled, whether that route be by highways, railroads, or otherwise: Provided, That in no case shall more mileage be demanded or received than for the miles actually traveled.

For services not herein specially provided for, the same fee may be charged and received as for similar services," is hereby amended to read as follows:—

Section 1. Be it enacted, &c., That, from and after the passage of this act, the fees to be charged and received by constables in this Commonwealth shall be as follows:

For executing a warrant on behalf of the Commonwealth, for each defendant, one dollar *and fifty cents*.

For conveying defendants, except vagrants, to jail on mittimus or warrants, for each defendant, one dollar *and fifty cents*, and, in addition thereto, the actual costs of transportation of such defendant or defendants.

For arresting persons guilty of a breach of the peace, riotous or disorderly conduct, drunkenness, or who may be engaged in the commission of any unlawful act tending to imperil the personal security or endanger the property of the citizens, or violating any ordinance of any borough for the violation of which a fine or penalty is imposed, or offending or suspected of offending against the laws of this Commonwealth protecting timberlands, or the violation of any other law of this Commonwealth authorizing arrest by constable without process, and bringing such offender before a justice of the peace, for each defendant, one dollar *and fifty cents*; and for every act in or about the arrest or commitment of vagrants, one dollar *and fifty cents* for each vagrant so arrested or arrested and committed, and mileage as hereinafter provided.

For levying a fine or forfeiture on a warrant, fifty cents.

For taking the body of a defendant into custody on a mittimus where bail is afterwards entered before delivery of the body to the jailer, one dollar.

For executing bail-piece, one dollar *and fifty cents*.

For executing a search-warrant and making return thereon, one dollar *and fifty cents*.

For making returns to the court of quarter sessions, two dollars and fifty cents.

For serving summons, notices on referees, suitor, or tenant, either personally or by leaving copy, *one dollar and fifty cents*, for each person served.

*For serving and making demands on executions, one dollar.*

For serving subpoena, in all cases, fifty cents for the first witness, and twenty-five cents for each additional witness served.

For executing attachment, *one dollar* for each defendant and garnishee served.

*For executing fraudulent debtor attachment, one dollar for each service, and three dollars for taking possession of goods attached.*

For arresting on a capias, one dollar *and fifty cents* for each person arrested.

For taking bail on a capias or for delivery of goods, one dollar.

For notifying plaintiff where defendant has been arrested on capias, to be paid by plaintiff, twenty-five cents.

For serving capias execution, one dollar *and fifty cents*.

For executing landlord's warrant, one dollar.

For taking inventory of goods, each item two cents.

For levying or distraining goods, one dollar.

For advertising personal property to public sale, two dollars and fifty cents.

For selling goods levied or distrained, one dollar, and, when the same continues longer than three hours, three dollars per day.

For clerk hire at said sales when necessary, two dollars per day.

For watchman taking charge of property levied on when necessary, *three dollars and fifty cents* per day, also reasonable expenses of insurance, arranging goods for sale, heat, light, storage, rent, transportation, feeding livestock, and similar expenses incurred in caring for and keeping goods and chattels levied upon, when the same is necessary and advantageous or when requested by the plaintiff or defendant to incur such expense.

For receiving and paying over money paid after a levy without sale, one dollar and fifty cents.

For copy of vendue paper when demanded, each item, two cents.

For putting up notice of distress at mansion-house or at any other place on the premise, fifty cents.

For serving scire facias either personally or by leaving a copy, for each person served, *one dollar*.

For executing order of removal of a pauper or paupers, one dollar and fifty cents for each pauper.

For making return of nulla bona or non est inventus on any writ, fifty cents.

For executing writ of restitution, two dollars.

For executing writ of possession, two dollars.

For serving summons in landlord and tenant proceedings, *one dollar*.

For taking inventory of goods on an execution, each item, two cents.

For holding appraisement where exemption, is claimed by defendant, four dollars, out of which the constable shall pay to each appraiser one dollar.

For attending general, special, township, ward, or borough election, five dollars, which sum shall include pay for serving notices in writing to the persons elected at such special, township, ward, or borough election: Provided. That where any such election be held in any township, ward, or borough, in which there are more than one election districts or precincts, and a deputy constable is appointed to attend an election held at each of such districts or precincts, said deputy constables shall each receive the sum of five dollars.

For traveling expenses in the performance of any duty or service hereinbefore set forth, or in the performance of any other duty or service required by law, each mile going and returning ten cents. to be computed by the route usually traveled in going from points and places said constables may reside or where he received any paper to be executed to the points or places required to be traveled, whether that route be by highways, railroads, or otherwise: Provided, That in no case shall more mileage be demanded or received than for the miles actually traveled.

For services not herein specially provided for, the same fee may be charged and received as for similar services.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 23, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 950, entitled "An act to amend section one of an act, approved the twentieth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, one thousand one hundred fifty-eight), entitled 'An act to fix, regulate, and establish the fees to be charged and received by constables in this Commonwealth,' as amended."

This bill makes an increase of 50% and 100% in many of the different fees of constables. These fees were last fixed by the act of 1917, when a large increase was made in them. To increase them

still further at this time would greatly add to the cost of litigation before justices of the peace, where the amounts involved are small.

It seems unnecessary at this time to increase legal costs and the burden upon the litigants.

For these reasons the bill is not approved.

WM. C. SPROUL.

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No. 29.

AN ACT

Relating to the adequate protection of fruit, vegetables, or other articles of food from flies.

Section 1. Be it enacted, &c., That it shall be unlawful for any person, copartnership, firm, or corporation to expose for sale any fruit, vegetables, or other articles of food, which are eaten raw, uncooked, or without the further application of heat, unless said fruit, vegetables, or other articles of food, are adequately screened or protected from flies; and providing penalties for violation of its provisions.

Section 2. It shall be unlawful for any person, copartnership, firm, or corporation to expose for sale, outside of any building or other exposed place, any fruit, vegetables, or other articles of food, which are eaten raw, uncooked, or without the further application of heat, unless said fruit, vegetables, or other articles of food are elevated at least twenty-four inches above the level of the ground, street, sidewalk, or pavement.

Section 3. Any person, copartnership, firm, or corporation violating the provision of this act, shall, upon conviction in a summary proceeding before any magistrate, alderman, or justice of the peace, be punished by a fine of not more than fifty dollars (\$50.00), or, in default of payment thereof, shall suffer an imprisonment not exceeding one month.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 21, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 399, entitled "An act relating to the adequate protection of fruit, vegetables, or other articles of food from flies."

This bill is intended to accomplish a proper purpose, but unfortunately the title gives no notice that the bill provides penalties. Consequently no penalties could be imposed.

The bill was withdrawn from the Governor for the purpose of amendment in order to enable this oversight to be corrected, but the language which should have been added to the title was added to Section 1, where it is of no effect.

For these reasons the bill is not approved.

WM. C. SPROUL.



## AN ACT

To exempt electric washing machines, electric vacuum or suction cleaners, electric ironing machines or mangles, electric dish washing machines, electric sewing machines, electric portable lamps, electric refrigerating machines, electric sad irons, electric vibrators, electric heaters, electric ranges, or electric water heaters, leased or hired, from levy or sale on execution or distress for rent.

Section 1. Be it enacted, &c., That hereafter all electric washing machines, electric vacuum or suction cleaners, electric ironing machines or mangles, electric dish washing machines, electric sewing machines, electric portable lamps, electric refrigerating machines, electric sad irons, electric vibrators, electric heaters, electric ranges, or electric water heaters, leased or hired by any person or persons in this Commonwealth, shall be exempt from levy and sale on execution or distress for rent due by such person or persons so leasing or hiring any such electric washing machines, electric vacuum or suction cleaners, electric ironing machines or mangles, electric dish washing machines, electric sewing machines, electric portable lamps, electric refrigerating machines, electric sad irons, electric vibrators, electric heaters, electric ranges, or electric water heaters, in addition to any article or money now exempt by law:

Provided, That the owner or owners of such electric washing machines, electric vacuum or suction cleaners, electric ironing machines or mangles, electric dish washing machines, electric sewing machines, electric portable lamps, electric refrigerating machines, electric sad irons, electric vibrators, electric heaters, electric ranges, or electric water heaters, or his or their agent, or the person or persons leasing or hiring the same, shall give notice to the landlord or his agent, within ten days after such instrument or apparatus is placed upon the the demised premises, that the instrument or apparatus is leased or hired.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 23, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 787, entitled "An act to exempt electric washing machines, electric vacuum or suction cleaners, electric ironing machines or mangles, electric dish washing machines, electric sewing machines, electric portable lamps, electric refrigerating machines, electric sad irons, electric vibrators, electric heaters, electric ranges, or electric water heaters, leased or hired, from levy or sale on execution or distress for rent."

Originally only certain specific articles were exempt from levy and sale for rent, such as the sewing machine of a housewife, or certain tools of a man's trade which it was necessary for him to have in order to work at his usual occupation. No good reason is apparent for including all the articles enumerated in this bill in that favored class, nor is there any reason why the owners or lessors of electrical appliances, such as those enumerated therein, should be placed in any better position than the person who sells certain other articles

of household furniture or merchandise conditionally, or leases or hires the same, which are not exempt from levy and sale on execution or distress for rent. As long as bedroom furniture is subject to levy for rent, there seems no good reason why electric lamps and other electrical appliances should not be subject to the same process. For these reasons the bill is not approved.

WM. C. SPROUL.

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No. 31.

AN ACT

To amend section two hundred and thirty-nine of an act, approved the fourteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, eight hundred forty), entitled "An act concerning townships; and revising, amending, and consolidating the law relating thereto," by giving restricted authority to supervisors in townships of the second class to furnish labor and materials, subject to the approval of the township auditors.

Section 1. Be it enacted, &c., That section two hundred and thirty-nine of the act, approved the fourteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, eight hundred forty), entitled "An act concerning townships; and revising, amending, and consolidating the law relating thereto," which reads as follows:—

"Section 239. It is unlawful for any township supervisor, superintendent, or roadmaster to be interested, directly or indirectly, in any purchase made or contract relating to roads and bridges, except as provided for in this act, or to furnish any materials therefor. Any such person knowingly violating the provisions of this section shall be guilty of a misdemeanor. Upon conviction thereof, any such person shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), or to be imprisoned for a term not exceeding six months, or both, and shall forfeit his office," is hereby amended to read as follows:—

Section 239. It is unlawful for any township supervisor, superintendent, or roadmaster to be interested, directly or indirectly, in any purchase made or contract relating to roads and bridges, except as provided for in this act, or to furnish any materials therefor. Any such person knowingly violating the provisions of this section shall be guilty of a misdemeanor. Upon conviction thereof, any such person shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), or to be imprisoned for a term not exceeding six months, or both, and shall forfeit his office: Provided, That township supervisors of townships of the second class, when deemed necessary for the safety and convenience of the public, may furnish labor, teams, appliances, and materials, the payment for which shall be subject and subsequent to the approval of the board of township auditors.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 23, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House Bill No. 1071, entitled "An act to amend section two hundred and thirty-nine of an act, approved the fourteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, eight hundred forty), entitled 'An act concerning townships; and revising, amending, and consolidating the law relating thereto'; by giving restricted authority to supervisors in townships of the second class to furnish labor and materials, subject to the approval of the township auditors."

This bill would change the rule which has prevailed by common law and statute for many years. It would permit a township supervisor, superintendent, or road master to be personally interested in the purchase of goods or contracts relating to the roads and bridges. It is clearly against sound public policy, and no reason appears why the present long established and salutary rule should not continue.

For this reason the bill is not approved.

WM. C. SPROUL.

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No. 32.

AN ACT

To amend sections one and two of an act, approved the eighth day of April, one thousand eight hundred and sixty-one (Pamphlet Laws, two hundred and seventy), entitled "An act for the suppression of fortune telling and similar purposes."

Section 1. Be it enacted, &c., That any person who shall pretend, the eighth day of April, one thousand eight hundred and sixty-one (Pamphlet Laws, two hundred and seventy), entitled "An act for the suppression of fortune telling, and similar purposes," which reads as follows:—

Section 1. Be it enacted, &c., That any person who shall pretend for gain or lucre, to predict future events, by cards, tokens, the inspection of the head or hands of any person, or by any one's age, or by consulting the movements of the heavenly bodies; or who shall, for gain or lucre, pretend to effect any purpose by spells, charms, necromancy, or incantation, shall be guilty of a misdemeanor, punishable by any court of quarter sessions in this Commonwealth with fine and imprisonment, or both or either, at the discretion of the court; the first offence shall be punished with not more than two years imprisonment, nor less than fifteen days, and a fine of not more than one hundred dollars, nor less than ten dollars; second offence with any term of imprisonment and fine, not exceeding five years or five hundred dollars, as the court may deem proper," is hereby amended to read as follows:—

Section 1. Be it enacted, &c., That any person who shall pretend, for gain or lucre, to predict future events by cards, tokens, the inspection of the head or hands of any person, or by any one's age, or by

consulting the movements of the heavenly bodies; or who shall, for gain or lucre, pretend to effect any purpose by spells, charms, necromancy, or incantation,—shall be guilty of a misdemeanor, punishable, by any court of quarter sessions in this commonwealth, with fine and imprisonment, or both or either, at the discretion of the court; the first offence shall be punished with not more than two years imprisonment, nor less than fifteen days, and a fine of not more than one hundred, nor less than ten dollars; the second offence with any term of imprisonment and fine, not exceeding five years or five hundred dollars, as the court may deem proper.

The provisions of this section shall not apply to ministers or missionaries of any denomination who fully conform to the rights and practices prescribed by the supreme conference, convocation, convention, association, assembly, or synod of the system with which they are affiliated.

Section 2. That section two of said act, which reads as follows:—

“Section 2. That whosoever shall pretend, for lucre or gain, to tell fortunes or foretell future events, by other means than those aforesaid, shall be guilty of a misdemeanor, to be prosecuted as offences against public law are now prosecuted in this Commonwealth, and to be punished as is provided in section first of this act,” is hereby amended to read as follows:—

Section 2. That whosoever shall pretend, for lucre or gain, to tell fortunes or foretell future events, by other means than those aforesaid, shall be guilty of a misdemeanor, to be prosecuted as offenses against public law are now prosecuted in this Commonwealth, and to be punished as is provided in section first of this act.

The provisions of this section shall not apply to ministers or missionaries of any denomination who fully conform to the rights and practices prescribed by the supreme conference, convocation, convention, association, assembly, or synod of the system with which they are affiliated.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 23, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1075, entitled “An act to amend sections one and two of an act, approved the eighth day of April, one thousand eight hundred and sixty-one (Pamphlet Laws, two hundred and seventy), entitled, ‘An act for the suppression of fortune telling and similar purposes.’ ”

This is an amendment of the act of 1861 which imposes severe penalties upon any one “who shall pretend, for gain or lucre, to predict future events by cards, tokens, the inspection of the head or hands of any person, or by any one’s age, or by consulting the movements of the heavenly bodies, or who shall for gain or lucre, pretend to effect any purpose by spells, charms, necromancy or incantation,” or any one “who shall pretend, for lucre or gain, to tell fortunes or foretell future events by other means than those aforesaid.”

Under the amendment proposed by this bill the foregoing prohibitions would not apply to “ministers or missionaries of any de-

nonination who fully conform to the rights and practices prescribed by the supreme conference, convocation, convention, association, assembly, or synod of the system with which they are affiliated."

I think the bill was intended for the very proper purpose of protecting those who in good faith adhere to certain beliefs, but it seems apparent that the method pursued is not an appropriate one. The result would be that any such minister or missionary of any kind of "denomination" would have the right to practice all the things prohibited by the act of 1861. I am sure the Legislature would not want to produce such a result.

For these reasons the bill is not approved.

WM. C. SPROUL.

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No. 33.

AN ACT

To authorize the filing and recording of notices of liens for taxes due the United States in the offices of the recorder of deeds of the several counties of this Commonwealth; providing for the discharge of such liens; and fixing the fees of the recorders of deeds for their services.

Section 1, Be it enacted, &c., That the recorder of deeds of the several counties of this Commonwealth be, and they are hereby, authorized and required to file and enter, among the records of their several offices, notice of the claim of lien for taxes due the United States under the several acts of Congress imposing the same, whenever the same may be presented for record by the collectors of the United States in the several revenue districts. Before the same shall be received for record, they shall be certified, by the United States revenue collector of the district in which the lands sought to be charged by such liens are situate, under the seal of the District Court of the United States for said district; and, when so recorded, they shall be indexed by said recorders in the mortgagor index in the name of the person against whom the lien is filed; and upon payment of any such lien, the recorder shall enter, upon the margin of the record thereof, a certificate of discharge from the office of the collector filing the same, which shall operate as a full and complete discharge from the lien thereof of all lands of the defendant or defendants within the county wherein the same was filed.

As compensation for the entry and recording of such liens, the recorders of deeds shall charge and receive, from the person offering the same for record, the sum of one dollar and fifty cents and the sum of fifty cents for entering the certificate discharge. Such fees shall be considered costs for the entry of the lien, and shall be collected from the person paying the lien in the same manner as the lien itself, and such fees as were paid at the time of the entry of the lien shall be returned to the party who paid the same.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 23, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 574, entitled "An act to authorize the filing and recording of notices of liens for taxes due the United States in the offices of the recorders of deeds of the several counties of this Commonwealth; providing for the discharge of such liens; and fixing the fees of the recorders of deeds for their services."

This bill authorizes and requires the recorder of deeds of the counties of this Commonwealth to accept and record notices of claims of liens for taxes due the United States. It contains the further provision that the recorder shall enter, upon the margin of the record of such lien, a certificate of discharge from the office of the collector filing the same, which shall operate as a full and complete discharge from the lien thereof of all lands of the defendant within the county wherein the same is filed. This is placing in an act of Assembly a legal question which should not be there. If the laws of the United States relating to these liens for taxes are different than this provision of the act, then the provision would be of no force and effect. No statute of the State of Pennsylvania can discharge a lien for taxes due the United States by setting forth that such lien shall be discharged upon compliance with the provision of the statute, if such lien is actually not discharged in accordance with the laws of the United States. Liens or claims for taxes in the various counties of the Commonwealth are filed in the office of the prothonotary and indexed in the locality index. Liens for taxes due the United States, if filed at all, should be filed in the same office.

For these reasons the bill is not approved.

WM. C. SPROUL.

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No. 34.

AN ACT

To amend section six of an act, approved the twentieth day of June, one thousand nine hundred and seventeen (Pamphlet Laws, six hundred and eighteen), entitled "An act relating to the appointment of persons to the police department in cities of the third class; providing for and regulating examinations, the manner of appointments, and the manner and power of removal of employes of said department; and providing a method for fixing compensation," as amended.

Section 1. Be it enacted, &c., That section six of an act, approved the twentieth day of June, one thousand nine hundred and seventeen (Pamphlet Laws, six hundred and eighteen), entitled "An act relating to the appointment of persons to the police department in cities of the third class; providing for and regulating examinations, the manner of appointments, and the manner and power of removal of employes of said department; and providing a method for fixing compensation," which, as amended by an act, approved the seventeenth day of May, one thousand nine hundred and nineteen (Pamphlet Laws, two hundred and four), entitled "An act to amend section

six of an act, approved the twentieth day of June, one thousand nine hundred and seventeen (Pamphlet Laws, six hundred and eighteen), entitled 'An act relating to the appointment of persons to the police department in cities of the third class; providing for and regulating examinations, the manner of appointments, and the manner and power of removal of employes of said department; and providing a method for fixing compensation,' so as to permit temporary suspensions by the superintendant of public affairs," reads as follows:—

"Section 6. All employes of said police department shall be subject to suspension by the superintendent of the department of public affairs for misconduct, or violation of any law of this Commonwealth, any ordinance of the city, or regulation of the said police department, pending action by the city council upon the charges made against any such employes; and on hearing before the city council, where they may be presented by the counsel, they may be find or suspended for a period not to exceed thirty days, with or without pay, or they may be discharged by the city council, if found guilty of the charges made against them: Provided, however, That the said superintendent of the department of public affairs may, for misconduct or violation as aforesaid, suspend any employe of said department of police for a period not to exceed ten days, with or without pay, without preferring charges and without a hearing of council," is hereby amended to read as follows:—

Section 6. All employes of said police department shall be subject to suspension by the superintendent of the department of public affairs for misconduct or violation of any law of this Commonwealth, any ordinance of the city, or regulation of the said police department, pending action by the city council upon the charges made against any such employes; and, on hearing before the city council, where they may be represented by counsel, they may be fined, suspended, or discharged by the city council, if found guilty of the charges made against them.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 23, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 603, entitled "An act to amend section six of an act, approved the twentieth day of June, one thousand nine hundred and seventeen (Pamphlet Laws, six hundred and eighteen), entitled 'An act relating to the appointment of persons to the police department in cities of the third class; providing for and regulating examinations, the manner of appointments, and the manner and power of removal of employes of said department; and providing a method for fixing compensation', as amended"

This bill amends the act of 1917 relating to the appointment of persons to the police department in cities of the third class and regulating the manner of appointment and the manner and power of removal of employes of said department.

The present law provides that employes shall be subject to suspension by the superintendent of public affairs for the reasons set forth in the act upon charges made and on hearing before the city

council, such suspension to be for a period not to exceed thirty days, or they may be discharged by city council if found guilty of the charges against them. There is also a proviso that the superintendent of public affairs may, for misconduct or violation of the law, suspend any employe of the police department for a period not to exceed ten days without preferring charges without a hearing of council.

This bill changes the existing law by providing that after hearing by council the employes may be fined, suspended, or discharged if found guilty of the charges against them, and eliminates the proviso for the suspension for ten days without charges or hearing. The superintendent of public affairs in our cities of the third class is generally the mayor, who is, or ought to be, the head of the city government. Third class city enactments have already divested the mayor of much of his power and responsibility, and while this bill might be of public advantage in some special case, where the mayor's power has been misused, I cannot believe it would be desirable as a general law to take from the mayors, chosen by the people, all control over the police departments of our smaller cities.

For these reasons the bill is not approved.

WM. C. SPROUL.

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No. 35.

AN ACT

To regulate and establish the traveling expenses and mileage to be charged by sheriffs in counties of the third, fourth, fifth, sixth, seventh, and eighth classes.

Section 1. Be it enacted, &c., That in all counties of the third, fourth, fifth, sixth, seventh, and eighth classes, for traveling expenses or milage in serving or executing any of the writs, rules, orders, decrees, or processes, or performing any of the duties or services authorized or specified by law, the sheriff of the county shall be entitled to receive and have taxed as costs ten cents a mile for each mile circular actually traveled and necessary, the same to be allowed on each separate writ, rule, order, decree, process, or service performed. He shall not receive more than one mileage where the plaintiff and defendant or plaintiffs and defendants in two or more contemporaneous writs are the same; nor shall he receive more than one mileage when conducting two or more prisoners at one time to or from a place of detention or correction, whether he is authorized by one or more writs.

Section 2. This act shall not apply to the expenses of the transportation of prisoners.

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



Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 23, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House Bill No. 741, entitled "An act to regulate and establish the traveling expenses and mileage to be charged by sheriffs in counties of the third, fourth, fifth, sixth, seventh, and eighth classes."

This bill makes an increase in the cost of serving process of the courts. I do not feel that the expenses incidental to securing redress in the courts of justice should be increased, as I have already indicated in disposing of several similar bills.

For this reason the bill is not approved.

WM. C. SPROUL.

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No. 36.

AN ACT

To provide for the abolition of railroad grade crossings.

Section 1. Be it enacted, &c., That every railroad company which operates within the Commonwealth of Pennsylvania shall, within one year after the passage of this act, remove at least two per centum of the total number of grade crossings upon its main lines within the Commonwealth, and shall, each year thereafter, remove at least two per centum of the total number of grade crossings remaining upon its lines within the Commonwealth.

Section 2. Every railroad company operating within this Commonwealth shall each year make a report to the Public Service Commission showing the total number of grade crossings upon its lines and number of crossings which were removed during the year previous and the points at which such removals were made.

Section 3. If any railroad company shall refuse or neglect to remove grade crossings in accordance with the provisions of this act, or to remove the number of grade crossings required to be removed by the provisions of this act, it shall be the duty of the Public Service Commission to make an order upon such railroad company directing the removal of a sufficient number of grade crossings to comply with the provisions of this act, and such orders of the Public Service Commission shall be enforced in the same manner and with the same effect as other orders of such commission are now enforced.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 23, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 946, entitled "An act to provide for the abolition of railroad grade crossings."

This bill would compel every railroad company operating in Pennsylvania to remove within a year at least two per centum of the total number of grade crossings upon its main line within the Commonwealth, and each year thereafter it would be required to remove at least two per centum of the total number of grade crossings remaining upon all of its lines.

While the purposes of the bill are entirely commendable, its enforcement would be impracticable, if not impossible. For instance, the largest of our railroad corporations alone has three thousand crossings which would be affected by the terms of this bill. Two per cent of this number would mean that sixty of these crossings would have to be eliminated after the first year. This would require an expenditure, at the average cost of recent grade crossing eliminations, ranging from \$6,000,000 to \$10,000,000 each year. Anyone who is familiar with the situation knows that this is out of the question, in the present financial condition of even our strongest railroad corporations.

If it could be enforced, this bill would mean bankruptcy of the weaker lines in Pennsylvania.

There are a great many grade crossings which should be eliminated, and, within their means, the railroad have been cooperating with the State and its municipalities in getting rid of these. Provision will be made for a continuation of this work as soon as financial conditions make the same practicable. Our Public Service Commission is giving its attention particularly to the more dangerous situations arising from grade crossings upon our largely-travelled highways.

The sponsor of the bill in question has long striven for a general recognition of the grade crossings evil, and has endeavored to devise a plan which would hasten the protection of the public at the dangerous crossings throughout the State. It is to be hoped that before long some plan, which is workable, may be devised and that more rapid progress may be made in ridding the State of the more menacing railroad crossings.

In view of present conditions, however, I am unable to approve this bill.

WM. C. SPROUL.

No. 37.

### AN ACT

To amend section eighteen, article one, chapter seven, 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," as added.

Section 1. Be it enacted, &c., That section eighteen, article one, chapter seven, 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," which, as added by section nineteen of an act, approved the sixth day of July, one thousand nine hundred and seven-

teen (Pamphlet Laws, seven hundred and four), entitled "An act to amend an act, approved the fourteenth day of May, one thousand nine hundred and fifteen, entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,' and repealing certain acts relating to boroughs," reads as follows:—

"Section 18. The boroughs of the Commonwealth are authorized to organize a State association of boroughs. Any borough desiring representation in said association shall, upon resolution of council, designate the delegates to attend the annual meeting of said association, which delegation may consist of two councilmen, the burgess, and the borough solicitor, or any one or more of them.

The association shall hold annual meetings, at such time and place within the Commonwealth as they may designate, for the purpose of advancing the various interests of said boroughs, promoting remedial legislation, and discussing any and all topics relating to the welfare and conduct of the same, and for the purpose of providing for a uniform and economical method of administering the affairs of the respective boroughs.

The actual expenses of such delegates attending such meeting of said association, including traveling expenses and hotel bills actually paid by them, expenses of committees, together with the necessary expenses of the convention, including printing and employment of stenographers, shall be paid by the various boroughs, by order drawn on the borough treasury. The time spent in attending said meeting shall not be more than three days, exclusive of the time employed in traveling thereto and therefrom. The annual membership dues of each borough becoming a member of the said association shall not exceed the sum of five dollars," is hereby amended to read as follows:—

Section 18. The boroughs of the Commonwealth are authorized to organize a State association of boroughs. Any borough desiring representation in said association shall, upon resolution of council, designate the delegates to attend the annual meeting of said association, which delegation may consist of two councilmen, the burgess, and the borough solicitor, the borough secretary, the borough engineer, and the borough manager, or any one or more of them.

The association shall hold annual meetings, at such time and place within the Commonwealth as they may designate, for the purpose of advancing the various interests of said boroughs, promoting remedial legislation, and discussing any and all topics relating to the welfare and conduct of the same, and for the purpose of providing for a uniform and economical method of administering the affairs of the respective boroughs.

The actual expenses of such delegates attending such meeting of said association, including traveling expenses and hotel bills actually paid by them, expenses of committees, together with the necessary expenses of the convention, including printing and employment of stenographers, shall be paid by the various boroughs by order drawn on the borough treasury. The time spent in attending said meeting shall not be more than three days, exclusive of the time employed in traveling thereto and therefrom. The annual membership dues of each borough becoming a member of the said association shall not exceed the sum of ten dollars.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 23, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1307, entitled "An act to amend section eighteen, article one, chapter seven, 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,' as added."

Section 18, of article 1, chapter VII, of the Borough Code of 1915 (P. L. 312), as amended by section 19 of an act approved the sixth day of July, A. D. 1917 (P. L. 704), provides that boroughs of the Commonwealth are authorized to organize a State Association of Boroughs, and that any borough desiring representation in said association shall, upon resolution of council, designate the delegates to attend the annual meeting of the association, which delegation may consist of two councilmen, the burgess, and the borough solicitor, or any one or more of them. The boroughs are authorized to pay the expenses of their delegates and the expenses of the convention. The annual membership dues of a borough shall not exceed five dollars.

This bill undertakes to amend the present law by enlarging the delegation of a borough to a borough convention so as to include the borough secretary, the borough engineer, and the borough manager. It likewise provides that the dues for annual membership may be increased to ten dollars.

I doubt the wisdom of extending the size of the delegation representing a borough at such convention. It seems to me that sufficient latitude is allowed by the present law, which permits the borough council to designate two of its number, and the burgess and the borough solicitor, if it so desires. All of these officers, except the solicitor, are elected officers. There is abundant reason why the borough solicitor should attend the convention. It is not clear to me that the delegation sent by the taxpayers of our boroughs at the public expense need include any other appointed officers.

For these reasons the bill is not approved.

WM. C. SPROUL.

No. 38.

### AN ACT

Regulating the manner of making returns by election officers in the case of elections upon the increase of indebtedness of cities, boroughs, townships, school districts, poor districts, and other municipal or incorporated districts; prescribing the duties and powers of the clerk of the court of quarter sessions and of the court of quarter sessions in connection with such returns, and the count, computation, and recount of the vote; prescribing the duties and powers of said court in any instance of fraud, illegality, or error in such election or return thereof; prescribing the powers of such court over the election officers.

Section 1. Be it enacted &c., That hereafter, in every case of an election upon the question of increase of indebtedness of any county,

city, borough, township, school district, poor district, or other municipality or other incorporated district, return shall be made by the election officers by each precinct, division, or election district of such municipality or district, in the manner required by law, to the clerk of the court of quarter sessions, and the same shall be filed in the office of said clerk, who, at twelve o'clock noon, who, on the second day following said election, shall present the said returns to the said court of quarter sessions. In counties where there is no president court judge, the associate judge shall perform the duties imposed upon the court of quarter sessions, which shall convene for said purpose. The returns presented by the said clerk shall be opened by the said court, and computed by it, or such of its officers and such sworn assistants as the court shall appoint, in the presence of the judge or judges of said court, and, after the completion of such computation, a record shall be made thereof in said court, and the clerk shall, upon application, furnish a certificate thereof to the municipal authorities.

Section 2. That upon the sworn petition of five qualified electors of any such municipality or municipal district that any act of fraud, illegality, or error has been committed in any election in any precinct, division or district or in the return thereof, or if fraud, illegality, or error shall appear on the face of the returns, the court of quarter sessions shall direct the ballot box used in such election to be brought into court, and shall open the same and recount the votes or ballots. Such recount shall be conducted in such manner and under such conditions as the court shall prescribe. The court, in the course of such recount and upon evidence appearing on the face of the returns or ballots or by testimony or other matter produced before it, shall have the power to decide summarily upon all issues or questions of fraud, illegality, or error, including those involving qualification of voters, and to correct the returns in respect of any fraud, illegality, or error therein, and by the rejection of individual fraudulent or unlawful votes or ballots, or by the rejection of an entire return of any election precinct, division, or district, when the effect of any fraud or error is to make it impossible, in its opinion, to determine the correct vote cast therein. Final computation of the vote shall be made at such time as the court shall in its discretion determine.

Section 3. That in case the returns of any election district shall be missing when the returns are presented to the court, or in case the court shall deem such course desirable for the purpose of determining any question of fraud or error, the court shall issue summary process against the election officers and overseers, if any, of any election district to bring them forthwith into court with all election papers in their possession, where such officers and overseers shall be subject to such examination on oath as the court shall deem proper.

Section 4. That in all respects not altered by the provisions hereof, said election shall be governed by the laws heretofore regulating the same.

Section 5. That all acts or parts of acts inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 23, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1370, entitled "An act regulating the manner of making returns by election officers in the case of elections upon the increase of indebtedness of cities, boroughs, townships, school districts, poor districts, and other municipal or incorporated districts; prescribing the duties and powers of the clerk of the court of quarter sessions and of the court of quarter sessions in connection with such returns, and the count, computation, and recount of the vote; prescribing the duties and powers of said court, in any instance of fraud, illegality, or error in such election or return thereof; prescribing the powers of such court over the election officers."

This bill undertakes to regulate the manner of making returns by election officers in cases of elections held upon the question of the increase of indebtedness of municipalities.

It provides that the election officers of each precinct shall make return to the clerk of the quarter sessions, who shall present the returns to the court after computation. It provides further that upon the sworn petition of five qualified electors alleging fraud, illegality or error, or if fraud, illegality, or error appears on the face of the returns, the court shall direct the ballot box to be brought into court and open and recount the votes. The court is given power to decide all questions in a summary manner, and to correct the returns in respect of any fraud, illegality, or error, or the rejection or acceptance of fraudulent votes, and it may reject the entire return of any election precinct.

The act is very objectionable, however, in that it provides that in counties where there is no president judge, the associate judge shall perform the duties imposed upon the court of quarter sessions. The duties imposed and heretofore referred to are such as required a judge learned in the law. It would be grossly unsafe to lodge in an associate judge the authority granted in this bill to review the validity of an election involving, as it necessarily must, the decision of close legal questions.

For these reasons the bill is not approved.

WM. C. SPROUL.

No. 39.

#### AN ACT

To exempt talking machines, phonographs, and musical instruments of every description, leased or conditionally sold to, or hired by, any person or persons residing in or having a place of business in this Commonwealth, from levy or sale on execution or distress for rent.

Section 1. Be it enacted, &c., That all talking machines, phonographs, and musical instruments of every description, leased, conditionally sold to, or hired by, any person or persons residing in or having a place of business in this Commonwealth, under a lease or

contract of sale reserving title in the owner, lessor, or vendor until paid for, shall be exempt from levy and sale on execution or distress for rent due by such person or persons so leasing or conditionally purchasing or hiring any such talking machines, phonographs, and musical instruments of every description, in addition to any articles or money now exempt by law, so long as the title thereto remains in the owner, lessor, or vendor: Provided, That the owner, lessor, or vendor of such talking machines, phonographs, and musical instruments of every description, or his or their agent or agents, or the person or persons so leasing or conditionally purchasing or hiring the same, shall give notice to the landlord or his agent that the said talking machines, phonographs, and musical instruments of every description are leased, conditionally sold, or hired.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 23, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, Senate Bill No. 275, entitled "An act to exempt talking machines, phonographs, and musical instruments of every description, leased or conditionally sold to, or hired by, any person or persons residing in or having a place of business in this Commonwealth, from levy or sale on execution or distress for rent."

This bill would exempt talking machines, phonographs, and musical instruments from levy or sale, provided they have been leased, hired, or sold upon condition, and notice given to the landlord. Another bill passed at this session would likewise exempt all manner of electrical appliances.

There is no good reason apparent why talking machines, musical instruments, and similar articles of luxury should be placed in a favored class as against bedroom furniture and other necessary articles of household furniture which are subject to levy for rent, whether sold conditionally or otherwise.

For this reason the bill is not approved.

WM. C. SPROUL.

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No. 40.

AN ACT

Relating to the fees of attorneys-at-law as part of the taxable costs in cases in the several courts of common pleas and on appeals to the Superior and Supreme Courts of this Commonwealth.

Section 1. Be it enacted, &c., That in all cases in the courts of common pleas of this Commonwealth in which a verdict is rendered on which judgment is entered, the attorney of record of the successful party to such verdict and judgment shall be entitled to collect and receive, as part of the taxable costs in the cause, a docket fee of ten dollars.

Section 2. That in all appeals to the Superior Court of Pennsylvania, the attorney of record of the successful party to such appeal shall be entitled to collect and receive, as part of the taxable costs on the appeal, a docket fee of twenty-five dollars.

Section 3. That in all appeals to the Supreme Court of Pennsylvania, the attorney of record for the successful party to such appeal shall be entitled to collect and receive, as part of the taxable costs on the appeal, a docket fee of fifty dollars.

Section 4. Nothing contained in this act shall apply where the amount in controversy is less than five hundred dollars.

Section 5. This act may be cited as Docket Fees Act, nineteen hundred and twenty-one.

Section 6. All acts and parts of acts inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, Pa. May 23, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, Senate Bill No. 759, entitled "An act relating to the fees of attorneys-at-law as part of the taxable costs in cases in the several courts of common pleas and on appeals to the Superior and Supreme Courts of this Commonwealth."

This bill provides for increased docket fees in the case of judgments based upon verdicts, and also for docket fees of \$25.00 in the Superior Court, and \$50.00 in the Supreme Court, in cases involving \$500 or more, to be taxed in favor of the winning attorney as part of the costs to be paid by the defeated party. I do not think the expense of litigation should be increased, nor do I think it sound policy to increase the hazard of taking appeals by increasing the amount of costs an appellant may be required to pay. The right to apply for justice should be as free as possible.

For these reasons the bill is not approved.

WM. C. SPROUL.

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No. 41.

### AN ACT

To amend an act, approved the fourteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, eight hundred forty), entitled "An act concerning townships; and revising, amending, and consolidating the law relating thereto."

Section 1. Be it enacted, &c., That section fifteen of article one of chapter two of the act, approved the fourteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, eight hundred forty), which reads as follows:—

"Section 15. The townships now in existence and those to be hereafter created are divided into two classes. Those townships having a population of at least three hundred inhabitants to the square mile shall be townships of the first class. All other townships shall be townships of the second class," be, and the same hereby is, amended so as to read as follows:—



Section 15. The townships now in existence and those to be hereafter created are divided into two classes. Those townships having a population of at least five hundred inhabitants to the square mile shall be townships of the first class. All other townships shall be township of the second class.

Section 2. That section thirty of article two of chapter three of said act, which reads as follows:—

“Section 30. At any time not less than one year before the time fixed for taking a decennial census of the United States, whenever the owners of twenty-five per centum of the assessed valuation of the real estate of any townships of the second class shall present their petition to the court of quarter sessions, averring that the population of the township is at least three hundred to the square mile, and shall give such security as the court may prescribe for the payment of all costs and expenses which may be incurred in any procedure had upon said petition, the court shall appoint a commissioner to make an enrollment of the inhabitants of the township. The said commissioner shall make an enrollment of the inhabitants of such township, and make report thereof to the court at the next ensuing term. Upon the filing of the report, the same shall be confirmed nisi, which confirmation shall become absolute unless excepted to within twenty days thereafter, during which time notice of the said filing and confirmation shall be advertised, in a newspaper published in the county, once a week for three weeks. If exceptions are filed to the report within the said twenty days, the court, upon consideration thereof, shall confirm the report or modify the said finding. After final confirmation, the clerk of the court shall certify to the county commissioners the population of the township as shown by said proceedings. The costs and expenses of the proceedings, including a reasonable fee for the commissioner, shall be paid by the petitioners or by the township, or partly by each, as the court shall direct,” be, and the same hereby is amended so as to read as follows:—

Section 30. At any time not less than two years before the time fixed for taking a decennial census of the United States, whenever the owners of twenty-five per centum of the assessed valuation of the real estate of any township of the second class shall present their petition to the court of quarter sessions, averring that the population of the townships is at least four hundred to the square mile, and shall give such security as the court may prescribe for the payment of all costs and expenses which may be incurred in any procedure had upon said petition, the court shall appoint a commissioner to make and enrollment of the inhabitants of the township. The said commissioners shall make an enrollment of the inhabitants of such townships, and make report thereof to the court at the next ensuing term. Upon the filing of the report, the same shall be confirmed nisi, which confirmation shall become absolute unless excepted to within twenty days thereafter, during which time notice of the said filing and confirmation shall be advertised, in a newspaper published in the county, once a week for three weeks. If exceptions are filed to the report within the said twenty days, the court, upon consideration thereof, shall confirm the report or modify the said finding. After final confirmation, the clerk of the court shall certify to the county commissioners the population of the township as shown by said proceedings. The costs and expenses of the proceedings, in-

cluding a reasonable fee for the commissioner, shall be paid by the petitioners or by the township or partly by each as the court shall direct.

Section 3. That section thirty-one of article two of chapter three of said act, which reads as follows:—

"Section 31. In addition to the procedure provided by section thirty of this act, the county commissioners of each county shall, following each decennial census of the United States, ascertain from such census whether any township in the county has a population of three hundred inhabitants to the square mile. Before the first day of January following the ascertaining of the population by the decennial census of the United States, the county commissioners shall, by proclamation, designate the townships of the first class, if any have the required population. By proclamation, to be issued prior to the first day of January of each of the intervening year, the county commissioners of each county shall designate the townships, if any, which have been ascertained to come within the said conditions under the procedure provided in section thirty of this act and to be townships of the first class. All proclamations by the county commissioners shall be advertised in two newspapers published in the county. The cost of the advertisement of any such proclamation shall be paid by the township," be, and the same hereby is, amended so as to read as follows:—

Section 31. In addition to the procedure provided by section thirty of this act, the county commissioners of each county shall, following each decennial census of the United States, ascertain from such census whether any township in the county has a population of four hundred inhabitants to the square mile. Before the first day of January following the ascertainment of the population by the decennial census of the United States, the county commissioners shall, by proclamation, designate the townships of the first class, if any have the required population. No proclamation made after said first day of January shall be effective to change the classification of any township, and this provision shall apply to proclamations made subsequently to the first day of January in the year one thousand nine hundred and twenty-one. By proclamation, to be issued prior to the first day of January of each of the intervening years, the county commissioners of each county shall designate the townships, if any, which have been ascertained to come within the said conditions under the procedure provided in section thirty of this act and to be townships of the first class. All proclamations by the county commissioners shall be advertised in two newspapers published in the county. The cost of the advertisement of any such proclamation shall be paid by the township.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 23, 1921

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 861, entitled "An act to amend an act, approved the fourteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, eight hundred forty), entitled 'An act concerning townships; and revising, amending, and consolidating the law relating thereto.'"

Since the original division of townships into two classes more than twenty years ago, a population of at least three hundred to the square mile has been the basis of classification in the first class. This bill in one place changes the required population to five hundred to the square mile, and in another to four hundred to the square mile. The bill, therefore, is not consistent within itself and probably would prove unworkable. However, no reason appears for changing the basis of classification originally adopted and ever since adhered to. For these reasons the bill is not approved.

WM. C. SPROUL.

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No. 42.

AN ACT

Further supplementing and amending an act, entitled "An act to provide for the incorporation and regulation of motor power companies for operating passenger railways by cables, electrical or other means," approved March twenty-second, Anno Domini one thousand eight hundred and eighty-seven, and granting to such corporations, heretofore or hereafter incorporated, the additional powers and franchises, to wit: To acquire and operate motor buses; and to build extensions to any system of railways which it may, at any time, have leased or controlled through stock ownership.

Section 1. Be it enacted, &c., That in addition to the powers, privileges, and franchises conferred upon companies heretofore or hereafter incorporated under the provisions of the act, entitled "An act to provide for the incorporation and regulation of motor power companies for operating passenger railways by cables, electrical or other means," approved March twenty-second, Anno Domini one thousand eight hundred and eighty-seven, and in order to provide facilities reasonably adequate and practically sufficient for the accommodation and safety of their patrons, employes, and the public, there are granted to and conferred upon every such company the powers, privileges, and franchises following, to wit:

(a) To purchase or acquire motor buses and operate the same or lease the same to other like companies for operation over and along such routes, streets, and lines as may serve to best accommodate the public. Such buses may be propelled by self-contained mechanism, other than steam engines, or by electric power derived from storage batteries, or from overhead trolley wires to be erected along the routes to be operated.

(b) To build extensions to the system of railways, including track and trolley systems, which it may have leased or controlled through stock ownership, and which it may have transferred to any other such company by lease or assignment: Provided, however, That the powers herein granted shall not be exercised by any corporation until a certificate of public convenience with respect to the proposed action has been secured from the Public Service Commission, and the assent of the local authorities to the acquisition, construction, and operation of the said facilities shall have been obtained.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 23, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 949, entitled "An act further supplementing and amending an act, entitled 'An act to provide for the incorporation and regulation of motor power companies for operating passenger railways by cables, electrical or other means,' approved March twenty-second, Anno Domini one thousand eight hundred and eighty-seven; and granting to such corporations, heretofore or hereafter incorporated, the additional powers and franchises, to wit: To acquire and operate motor buses; and to build extensions to any system of railways which it may at any time have leased or controlled through stock ownership."

This bill confers on motor power companies the right to acquire and operate motor buses, and to build extensions to railway systems which it may have, at any time, leased or controlled through stock ownership.

The provision for the operation of buses would include the right to operate such vehicles from overhead trolley wires by the system popularly known as the trackless trolley.

While some features of the bill are desirable, I do not think that we are quite prepared to provide public rights of way to be maintained by the taxpayers of our various municipalities for the use of cars operated by electric power from trolley wires. With the congestion of traffic in our thickly settled districts, the trackless trolley would be likely to become an annoying and dangerous method of transportation.

For these reasons the bill is not approved.

WM. C. SPROUL.

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No. 43.

AN ACT

To amend an act, entitled "An act providing that in all counties having more than five hundred thousand inhabitants, advertisements and notices, required by law or rules of court to be published in newspapers of general circulation, unless dispensed with by special order of court, shall be published in the legal newspaper, issued at least weekly, of the proper county, designated by rules of court for the publication of court or other legal notices," approved the third day of May, Anno Domini one thousand nine hundred and nine (Pamphlet Laws, four hundred and twenty-four), as amended, so as to except therefrom the advertisement by counties, cities, boroughs, school districts, and other municipalities and incorporated districts of the sale of any bonds or other securities issued by them.

Section 1. Be it enacted, &c., That section one of an act, entitled "An act providing that in all counties having more than five hundred thousand inhabitants, advertisements and notices, required by law or rules of court to be published in newspapers of general circulation, unless dispensed with by special order of court, shall be published in the legal newspaper, issued at least weekly, of the proper county, designated by rules of court for the publication of court or other

legal notices," approved the third day of May, Anno Domini one thousand nine hundred and nine (Pamphlet Laws, four twenty-four), which, as amended by the act of April fifth, one thousand nine hundred and seventeen (Pamphlet Laws, forty-nine), entitled "An act to amend section one of an act, entitled 'An act providing that in all counties having more than five hundred thousand inhabitants, advertisements and notices, required by law or rules of court to be published in newspapers of general circulation, unless dispensed with by special order of court, shall be published in the legal newspaper, issued at least weekly, of the proper county, designated by rules of court for the publication of court or other legal notices', approved the third day of May, Anno Domini one thousand nine hundred and nine, so as to cause advertisements and notices required by law or rules of court to be published in newspapers of general circulation, unless dispensed with by special order of court, to be published in the legal newspaper, issued at least weekly, of the proper county, designated by rules of court for the publication of court or other notices, in counties having a population of one hundred and fifty thousand inhabitants or more instead of five hundred thousand inhabitants as required by the first act," reads as follows:—

"Section 1. Be it enacted, &c., That hereafter in all counties of the Commonwealth having one hundred and fifty thousand inhabitants or more, every notice or advertisement required by law or rules of court to be published in one or more newspapers of general circulation, unless dispensed with by special order of court, shall also be published in the legal newspaper, issued at least weekly, in said county, designated by rules of court for the publication of court or other legal notices, if such newspaper exists. Publication in such legal newspaper shall be made as often as required to be made in such newspapers in general circulation, and shall be subject to the same stipulations and regulations as those imposed for the like services upon all newspapers: Provided, That nothing herein contained shall be construed to require the publication in such legal newspapers of municipal ordinances, mercantile appraisers' notices, advertising for bids for contracts for public work, or lists of delinquent taxpayers," be, and the same is, amended so as to read as follows:—

Section 1. Be it enacted, &c., That hereafter in all counties of the Commonwealth having one hundred and fifty thousand inhabitants or more, every notice or advertisement required by law or rules of court to be published in one or more newspapers of general circulation, unless dispensed with by special order of court, shall also be published in the legal newspaper, issued at least weekly, in said county, designated by rules of court for the publication of court or other legal notices, if such newspaper exists. Publication in such legal newspaper shall be made as often as required to be made in such newspapers in general circulation, and shall be subject to the same stipulations and regulations as those imposed for the like services upon all newspapers: Provided, That nothing herein contained shall be construed to require the publication in such legal newspapers of municipal ordinances, mercantile appraisers' notices, advertising for bids for contracts for public work, lists of delinquent taxpayers, or advertisements by counties, cities, boroughs,

townships, school districts, and other municipalities and incorporated districts of the sale of any bonds or other securities issued by them.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 23, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 976, entitled "An act to amend an act, entitled 'An act providing that in all counties having more than five hundred thousand inhabitants, advertisements and notices, required by law or rules of court to be published in newspapers of general circulation, unless dispensed with by special order of court, shall be published in the legal newspaper, issued at least weekly, of the proper county, designated by rules of court for the publication of court or other legal notices,' approved the third day of May, Anno Domini one thousand nine hundred and nine (Pamphlet Laws, four hundred and twenty-four), as amended, so as to except therefrom the advertisement by counties, cities, boroughs, school districts, and other municipalities and incorporated districts of the sale of any bonds or other securities issued by them."

Under the law as it exists, counties, cities, boroughs, townships, school districts, and other municipalities, situated in counties having more than one hundred and fifty thousand inhabitants, are required to advertise in a legal newspaper published in the county notices of the proposed sale of bonds and other securities issued by them.

The people in the counties affected by this legislation have become accustomed to consult the legal newspaper of the county for information on this subject. This is particularly true of bankers and others who are likely to bid for the bonds and of members of the bar who are expected to advise their clients regarding such investments. It is always a great convenience to have one definite place to secure desired information. If this bill should become a law it would be necessary to watch the various newspapers of the county, rather than one specific publication, in order to be definitely advised upon the subject. I see no valid reason for changing the present law.

For these reasons the bill is not approved.

WM. C. SPROUL.

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No. 44.

AN ACT

Fixing the pay of an election officer.

Section 1. Be it enacted, &c., That the minimum pay of all judges of election, inspectors, and clerks appointed by inspectors, is hereby fixed at five dollars per day, and the maximum pay of all judges of election, inspectors, and clerks appointed by inspectors is hereby fixed at ten dollars per day.

Section 2. It shall be the duty of the county commissioners of the respective counties of the Commonwealth to fix and determine the per diem pay of all judges of election, inspectors, and clerks appointed by inspectors at a sum not less nor greater than the minimum or maximum pay provided in section one of this act.

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

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 23, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 521, entitled "An act fixing the pay of an election officer."

While there is a great difference in the duties of election officers in various places in the State, this measure would ultimately increase the pay of all election officers to ten dollars a day.

Where the county commissioners did not authorize payment at this maximum, there would be dissatisfaction and pressure brought to bear which would make much local trouble.

I believe that the law fixing the compensation of our election officers should remain as it is.

For these reasons the bill is not approved.

WM. C. SPROUL.

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No. 45.

AN ACT

To further amend section two of the act, approved the fifth day of March, one thousand nine hundred and six (Pamphlet Laws, sixty-three), entitled "An act to provide for the personal registration of electors in cities of the third class of this Commonwealth, to make such registration a condition of the right to vote in such cities, and to provide penalties for violation of its provisions," as amended.

Section 1. Be it enacted, &c., That section two of the act, approved the fifth day of March, one thousand nine hundred and six (Pamphlet Laws, sixty-three), entitled "An act to provide for the personal registration of electors in cities of the third class of this Commonwealth, to make such registration a condition of the right to vote in such cities, and to provide penalties for violation of its provisions," which, as amended by the act, approved the twenty-fifth day of May, one thousand nine hundred and seven (Pamphlet Laws, two hundred fifty-one), entitled "An act amending sections three, seven, twelve, and thirteen of an act, entitled 'An act to provide for the personal registration of electors in cities of the third class of this Commonwealth, to make such registration a condition of the right to vote in such cities, and to provide penalties for violation of its provisions,' approved the fifth day of March, Anno Domini one thousand nine hundred and six; increasing the compensation of registrars in said cities and providing for an additional registration day," reads as follows:—

"Section 2. The names of two suitable persons to be registrars shall be suggested to the county commissioners, by petitions duly filed for each precinct or ward, by the party representatives of the two leading parties of the precinct or ward. The petitions shall be signed by five electors of the district, and shall set forth the names, addresses, occupations, and political affiliations of the persons suggested. The signers of the petitions shall swear to the truth of the facts set forth therein. The petitions shall remain on file, open to the public inspection, at least ten days before the persons named therein shall be appointed, except in cases where a vacancy occurs in the office of registrar within ten days of a registration day, when the appointment can be made without such delay. If no petitions are filed, the county commissioners may appoint without regard to party. No appointment shall be made unless the person who desires to be appointed personally appears before the county commissioners and satisfies them of his qualifications. In case of reappointment, however, it shall not be necessary for him to appear before them.

"At least one week's notice of the time and place of the examination of the suggested registrars shall be given by the county commissioners, in the daily press; and any elector may appear, either in person or by counsel, and object to the qualification of any applicant. If the persons nominated are found not to be properly qualified, the county commissioners may decline to appoint them; and the party authorities of the precinct or ward may then suggest another name, or other names, for the said place or places.

"The registrars shall receive a compensation of five dollars a day, for the time actually spent in the work of registration," is hereby further amended to read as follows:—

Section 2. The names of two suitable persons to be registrars shall be suggested to the county commissioners, by petitions duly filed for each precinct or ward, by the party representatives of the two leading parties of the precinct or ward. The petitions shall be signed by five electors of the district, and shall set forth the names, addresses, occupations, and political affiliations of the persons suggested. The signers of the petitions shall swear to the truth of the facts set forth therein. The petition shall remain on file, open to the public inspection, at least ten days before the persons named therein shall be appointed, except in cases where a vacancy occurs in the office of registrar within ten days of a registration day, when the appointment can be made without such delay. If no petitions are filed, the county commissioners may appoint without regard to party. No appointment shall be made unless the person who desires to be appointed personally appears before the county commissioners and satisfies them of his qualifications. In case of reappointment, however, it shall not be necessary for him to appear before them.

At least one week's notice of the time and place of the examination of the suggested registrars shall be given by the county commissioners in the daily press, and any elector may appear, either in person or by counsel, and object to the qualification of any applicant. If the persons nominated are found not to be properly qualified, the county commissioners may decline to appoint them; and the party authorities of the precinct or ward may then suggest another name or names for the said place or places.



The registrars shall receive compensation of seven dollars and fifty cents a day for the time actually spent in the work of registration.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 23, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 642, entitled "An act to further amend section two of the the act, approved the fifth day of March, one thousand nine hundred and six, (Pamphlet Laws, sixty-three), entitled 'An act to provide for the personal registration of electors in cities of the third class of this Commonwealth, to make such registration a condition of the right to vote in such cities, and to provide penalties for the violation of its provisions,' as amended."

This act is an amendment to the act of 1906 relating to the personal registration of electors in cities of the third class. It changes the compensation of registrars from five dollars (\$5.00) per day to seven dollars and fifty cents (\$7.50) per day.

During abnormal times it was difficult to get registrars to serve for \$5.00 a day, but in normal times this seems to be sufficient compensation, and there is no good reason, therefore, why the law as it now stands should be changed.

WM. C. SPROUL.

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No. 46.

AN ACT

Establishing an eight hour day for guards or keepers in county jails and prisons of counties of the first class.

Section 1. Be it enacted, &c., That the guards and keepers in all county jails and prisons of all counties of the first class shall be employed in the performance of their duties for a period of eight hours out of every twenty-four and no longer.

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

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 23, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 291, entitled "An act establishing an eight hour day for guards or keepers in county jails and prisons of counties of the first class."

The hours of jail or prison guards is not a proper subject for legislation relating to classes of counties. There is no reason why the

hours of a guard in a jail or prison located in a county of one class should be different from those of guard in a jail or prison located in any other county.

Further it seems to me, as a county of the first class is a quasi municipality under the Pennsylvania law, this bill is unconstitutional under the authority of *Commonwealth vs. Casey*, 231 Pa.170, where the Supreme Court held that the act of July 26, 1897 P. L. 418, prohibiting laborers on municipal works to be employed more than eight hours a day, was unconstitutional, inasmuch as it contravened Article III, Section 7, of the Constitution of Pennsylvania, which provides:

"The General Assembly shall not pass any local or special law regulating labor, trade, mining or manufacturing."

The Supreme Court has held that municipalities, with respect to matters not political and governmental, but proprietary and private, are to be regarded as private corporations.

There seems no good reason, either, why this bill should be restricted only to Philadelphia County. The reasons of public policy to which I have referred apply to all jails and prisons of the State.

"Legislation for a class is general and permissible if genuine and founded on a real distinction. The test is good faith." *Seabolt v. Co. Commissioners*, 187 Pa. 318.

It seems to me there is no such distinction as to the jails and prisons. A law that is good for one is good for all.

The bill is of doubtful validity and for these reasons is not approved.

WM. C. SPROUL.

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No. 47.

### AN ACT

To regulate and establish the fees to be charged and collected by the coroner in counties of the second class.

Section 1. Be it enacted, &c., That the fees to be charged and collected by the coroner in counties of the second class shall be as follows:

For investigating each case and viewing each dead body and holding each inquest, fifteen dollars (\$15.00).

For investigating each case of death and viewing each dead body when no inquest is held, five dollars and fifty cents (\$5.50).

For removal of each body, when death occurs away from home, to the morgue or other place of keeping, five dollars (\$5.00).

For summoning and qualifying each inquest, two dollars and fifty cents (\$2.50).

For drawing and filing each inquisition, three dollars (\$3.00).

For qualifying each witness, fifty cents (\$.50).

For summoning the first witness at each inquest, one dollar (\$1.00).

For each additional witness, seventy-five cents (\$.75).

For committing a prisoner or admitting to bail, one dollar and fifty cents (\$1.50).

For drawing and filing each return when no inquest is held, two dollars and fifty cents (\$2.50).

For writing each burial certificate, one dollar (\$1.00).

For burying each body, thirty-five dollars (\$35.00).

For exhuming each body, fifteen dollars (\$15.00).

For embalming each body, ten dollars (\$10.00).

For certified copies of inquest or other papers, for each page, fifty cents (\$.50).

For mileage for each circular mile actually traveled from the courthouse upon necessary business of the coroner's office, ten cents (\$.10).

For examining or causing to be examined each dead body, ten dollars (\$10.00).

For performing or causing to be performed each autopsy (including the examination), except in case of murder, thirty-five dollars (\$35.00).

For performing or causing to be performed each autopsy (including the examination) in cases of murder, fifty dollars (\$50.00).

For chemical analysis in connection with any autopsy, ninety dollars (\$90.00).

For stenographic service in taking testimony at each inquest and transcribing same, five dollars (\$5.00) for the first ten pages of testimony, and forty cents (\$.40) for each additional page.

Section 2. This act is intended as an entire and complete fee bill for coroners in counties of the second class of this Commonwealth.

Section 3. The following acts or parts of acts are hereby repealed in so far as they relate to the fees of the coroner in counties of the second class and to the extent in each case indicated:

Section one of an act, entitled "The law about officers' fees," passed the twenty-seventh day of November, one thousand seven hundred (two statutes at large, one hundred and thirty-seven).

Sections one and three of an act, entitled "An act regulating and establishing fees," passed the twenty-eighth day of February, one thousand seven hundred ten-eleven (two statutes at large; three hundred thirty-one).

Section nineteen of an act, entitled "An act establishing a fee bill," approved the twenty-eighth day of March, one thousand eight hundred and fourteen (Pamphlet Laws, three hundred and fifty-two).

An act, entitled "An act relative to the fees of the coroner of Allegheny county," approved the ninth day of March, one thousand eight hundred and sixty-seven (Pamphlet Laws, three hundred and eighty-two).

All other acts of Assembly, general, special, or local, or any parts thereof, that are in any way in conflict or inconsistent with this act or any part thereof are hereby repealed.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 23, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 529, entitled "An act to regulate and establish the fees to be charged and collected by the coroner in counties of the second class."

This is an act to regulate and establish the fees to be charged and collected by the coroner in counties of the second class. It would apply to Allegheny County only.

This bill would make a very decided increase in the fees to be paid the coroner, and defines a number of new services for which fees may be charged. For instance, the coroner's fee for investigating each case, viewing each dead body and holding an inquest would be increased from the present fee of \$5.50 to \$15.

While some of the new charges contemplated in this bill may be wise, and the particular conditions in Allegheny County may justify something of an increase in the fees of the coroner, there would not seem to be any warrant for the general increase in coroner's fees all over the State, which would likely soon follow the establishment of new rates in one of the principal counties.

The office of corner is not so important as it once was in the governmental make-up of the counties, the enlarged powers of the District Attorney and other officers having taken from the coroner's investigation much of the consequence which was formerly attached to it.

For these reasons the bill is not approved.

WM. C. SPROUL.

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No. 48.

AN ACT

An act empowering cities of the first class to enact ordinances to regulate traffic, and to provide punishment for the violation of any such ordinance.

Section 1. Be it enacted, &c., That cities of the first class shall have the power to enact ordinances regulating, in the interests of public safety, health, and convenience, the movement of vehicular traffic of every kind in streets, parks, bridges, squares, and public places in such cities; and said cities shall have power to impose fines, forfeitures, and penalties for the violation of any ordinances made in pursuance of this act, not exceeding the sum of two hundred dollars (\$200.00), and to provide for the recovery and collection of the same, which may include provision for the seizure of such vehicle pending the payment of such fine.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 23, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1103, entitled "An act empowering cities of the first class to enact ordinances to regulate traffic, and to provide punishment for the violation of any such ordinance."

This bill empowers cities of the first class to enact ordinances to regulate the movement of vehicular traffic of every kind in streets, parks, and all public places. It provides for the imposition of penalties under such ordinances in an amount not exceeding two hundred

dollars, together with the right to seize the vehicle pending the payment of the fine.

I see no necessity for the bill. The city of Philadelphia now exercises and has the power to exercise full authority over vehicular traffic, except as restricted in the motor vehicle law, which establishes general regulations for all parts of the State.

Uniformity of legislation in respect to speed of automobiles is quite desirable. If the statutes of the State are not sufficient to prevent reckless operation of motor vehicles, let us have a more drastic law for the whole State. It is extremely undesirable to make constant changes in the law fixing the speed of motor vehicles. The people now know the provision of the motor vehicle laws which relate to speed. They also know that the law, as to speed, is uniform throughout the State. Municipalities may reduce the speed to fifteen miles per hour, and no person is permitted to run his machine in any place at a speed greater than is reasonably proper having regard to the width, traffic, and use of the highways. Proper enforcement of existing laws, rather than more confusion of law, it would seem to me, is what is needed.

For these reasons this bill is not approved.

WM. C. SPROUL.

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No. 49.

AN ACT

To increase the pay of jurors and witnesses in this Commonwealth.

Section 1. Be it enacted, &c., That from and after the first day of July, Anno Domini one thousand nine hundred and twenty-one, the pay of jurors in this Commonwealth shall be four dollars and fifty cents, and the pay of witnesses shall be two dollars per diem, together with mileage at six cents per mile each way.

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

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 23, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1350, entitled "An act to increase the pay of jurors and witnesses in this Commonwealth."

This bill would increase the pay of jurors and also of witnesses in our courts, and would raise the mileage allowance to six cents per mile.

As originally introduced, it provided only for the payment of the actual traveling expenses of witnesses, but it was modified to make a general raise in compensation, which would impose very heavy additional burdens upon the counties for the maintenance of the courts and add to the costs of litigation as well.

Jury service is a public duty of the highest order. It is not generally sought by our citizens, but it is one of the responsibilities of citizenship. Like many other public duties, and especially those which are not followed as a regular vocation, jury service is not intended to be lucrative, and the amount given to jurors, under our laws, is merely sufficient to meet the ordinary expenses of the average citizen. Those who are more fortunately situated should be willing to make some sacrifice of their time to assist in the work of our courts.

The same may be said of witnesses, who are likewise performing a duty which they owe to the State in its administration of justice.

For these reasons the bill is not approved.

WM. C. SPROUL.

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No. 50.

AN ACT

Constituting a salary board to fix the salaries of the directors of the poor of county poor districts in counties of the fourth class; and repealing all acts, general, local, or special, inconsistent therewith.

Section 1. Be it enacted, &c., That in counties of the fourth class, the directors of the poor of the county poor district shall each receive a salary not to exceed twenty-five hundred dollars per annum, payable in the manner now provided by law.

In all such counties, the salaries of the directors of the poor shall be fixed by the salary board, composed of the county commissioners, the county controller, and the chairman, or president of the board of directors of the poor. The said salary board shall, at least two months prior to each municipal election at which directors of the poor are to be elected in any county, fix the salaries of the directors of the poor district of such county for the term for which directors are about to be elected.

Section 2. This act shall not apply to any directors of the poor in office at date of approval of this act.

Section 3. All acts and parts of acts, general, local, or special, inconsistent with this act, are hereby repealed.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 24, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 634, entitled "An act constituting a salary board to fix the salaries of the directors of the poor of county poor districts in counties of the fourth class; and repealing all acts, general, local or special, inconsistent therewith."

The bill constitutes a salary board to fix the salaries of poor directors of poor districts coextensive with the boundaries of counties of the fourth class. This salary board is composed of the county commissioners, the county controller, and the chairman or president of the board of directors of the poor, and the salary is limited to \$2,500.

I see no good reason for this bill. The salaries of directors of the poor in the districts coextensive with the boundaries of the counties of the fourth class are now fixed by act of Assembly, either general or special, and I know of no general demand for any other method of fixing them.

One objectionable feature in this bill is the fact that it names the chairman or president of the board of directors of the poor as a member of the salary board, so that such member would be given authority to pass upon his own salary. Another is the fact that it fixes the maximum salary at \$2,500. There would be importunity on the part of directors of the poor that the salary be fixed at the maximum amount or as near that as possible, and great temptation on the part of the salary board to yield to such importunity. This would impose upon many counties of this class the burden of salaries not at all commensurate with the services rendered by these officers.

For these reasons the bill is not approved.

WM. C. SPROUL.

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No. 51.

AN ACT

Authorizing certain heads of departments of the State Government to increase the compensation of employes, and prescribing a limit to said increase.

Section 1. Be it enacted, &c., That in all cases where the compensation of employes in the several departments of the State Government is now fixed by statute, and where the compensation is at present eighteen hundred dollars per annum or less, the heads of the several departments may, with the approval of the Governor, increase such compensation, not exceeding twenty per centum of the present compensation: Provided, That the maximum compensation allowed by this act shall in no case exceed the sum of two thousand dollars per annum.

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

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 24, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1359, entitled "An act authorizing certain heads of departments of the State Government to increase the compensation of employes, and prescribing a limit to said increase."

This bill authorizes the head of any department of the State Government, with the approval of the Governor, to increase the compensation of any employe in such department to \$2,000, in all cases where the compensation as now fixed by statute is \$1,800 or less, provided such increase does not exceed twenty per cent. of the present compensation. This bill is utterly without merit from

any point of view. A present decisive objection to it is that the appropriations for the several departments will be wholly inadequate to make it effective. Ultimately, however, it would add greatly to the expenses of the government.

I recognize that the State, in order to command proper service, must provide a standard of remuneration for its servants commensurate with that obtaining elsewhere. Increases in the compensation of State officials and employes are justified from time to time as conditions change, or as the increasing responsibilities and duties attaching to certain positions demand. All this should and can be dealt with in an orderly way by specific acts touching such cases as the particular need arises. A wholesale increase such as is here proposed, wiping out the existing laws fixing the compensation in a large number of cases by a single blanket enactment, is indefensible, and amounts to an abdication of that discrimination which should attend and govern each individual increase which experience may show to be wise.

Not only is the principle characterizing this bill unsound, but it would prove most mischievous in practice. It would subject the Governor and the heads of departments to constant importunities and pressure to grant the increases it makes permissible. Its direct cost to the State would be large; its indirect cost in arousing discontent might be yet greater. The example of one department allowing an increase under it would be cited, and become an argument for similar action in every other.

For these reasons the bill is not approved.

WM. C. SPROUL.

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No. 52.

AN ACT

To amend section six hundred and thirty-two of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred 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, that are or may be inconsistent therewith."

Section 1. Be it enacted, &c., That section six hundred and thirty-two of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred 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 reads as follows:—

"Section 632. The board of school directors in every district shall, with every building used for school purposes, provide and maintain in a proper manner a suitable number of water-closets or outhouses.



not less than two for each building, where both sexes are in attendance. Such water-closets or outhouses shall be suitably constructed for, and used separately by, the sexes. When any water-closets or outhouses are outside and detached from the school building, the entrances thereto shall be properly screened, and they shall, unless constructed at a remote distance from each other, have separate means of access thereto, and, if possible, for not less than twenty-five feet from such water-closets or outhouses, such means of access or walks leading thereto shall be separated by a closed partition, wall, or fence, not less than seven feet high," is hereby amended to read as follows:—

Section 632. The board of school directors in every district shall, with every building used for school purposes, provide and maintain in proper manner suitable inside flush or inside chemical toilets, not less than two for each recitation room in said building, where both sexes are in attendance. Such inside flush or inside chemical toilets shall be suitably constructed for and used separately by the sexes. Each and every toilet so provided and maintained shall be of a type approved by the State Board of Education and the State Industrial Board. Such toilets shall be considered an essential and necessary part of the equipment of each building used for school purposes. Each school district shall have at least one-third of the said toilets as herein required provided on or before the first day of September, one thousand nine hundred and twenty-one, a second one-third provided on or before the first day of September, one thousand nine hundred and twenty-two, a third one-third provided on or before the first day of September, one thousand nine hundred and twenty-three. The board of school directors of each district are particularly charged with the carrying out of the provisions of this section. Upon their failure so to do, in addition to all other remedies, penalties, and punishments, the State Superintendent of Public Instruction, upon due hearing, after two weeks written notice to the board of school directors affected, may withhold and declare forfeited any part or all of the State appropriation of any school district which refuses or neglects to enforce and carry out the provisions of this section in a manner satisfactory to him.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 24, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 954, entitled "An act to amend section six hundred and thirty-two of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred 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, that are or may be inconsistent therewith.'"

This bill would amend the School Code by providing that the board of school directors in every district shall furnish not less

than two suitable inside flush or inside chemical toilets for each recitation room in buildings where both sexes are in attendance. This bill would cause enormous expense, and I know of no good reason for these requirements. In the country districts, especially, the provisions seem almost absurd, and in no building do they seem necessary.

For these reasons the bill is not approved.

WM. C. SPROUL.

No. 53.

AN ACT

Concerning conditional sales, and to make uniform the law relating thereto.

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Section 1. Be it enacted, &c., That *Definition of Terms*.—In this act “Conditional Sale” means: (1) Any contract for the sale of goods under which possession is delivered to the buyer, and the property in the goods is to vest in the buyer at a subsequent time upon the payment of part or all of the price or upon the performance of any other condition or the happening of any contingency; or (2) any contract for the bailment or leasing of goods by which the bailee or lessee contracts to pay, as compensation, a sum substantially equivalent to the value of the goods, and by which it is agreed that the bailee or lessee is bound to become or has the option of becoming the owner of such goods upon full compliance with the terms of the contract.

"Buyer" means the person who buys or hires the goods covered by the conditional sale, or any legal successor in interest of such person.

"Filing district" means the subdivision of the State in which conditional sale contracts, or copies thereof, are required by this act to be filed.

"Goods" means all chattels personal, other than things in action and money; and includes emblements, industrial growing crops, and things attached to or forming a part of land, which are agreed to be severed before sale or under the conditional sale.

"Performance of the condition" means the occurrence of the event upon which the property in the goods is to vest in the buyer, whether such event is the performance of an act by the buyer or the happening of a contingency.

"Person" includes an individual, partnership, corporation, and any other association.

"Purchase" includes mortgage and pledge.

"Purchaser" includes mortgagee and pledgee.

"Seller" means the person who sells or leases the goods covered by the conditional sale, or any legal successor in interest of such person.

Section 2. *Primary Rights of Buyer.* The buyer shall have the right, when not in default, to retain possession of the goods, and he shall also have the right to acquire the property in the goods on the performance of the conditions of the contract. The seller shall be liable to the buyer for the breach of all promises and warranties, express or implied, made in the conditional sale contract, whether or not the property in the goods has passed to the buyer.

Section 3. *Primary Rights of Seller.* The buyer shall be liable to the seller for the purchase price or for installments thereof as the same shall become due, and for breach of all promises made by him in the conditional sale contract, whether or not the property in the goods has passed to the buyer.

Section 4. *Conditional Sales Valid except as Otherwise Provided.* Every provision in a conditional sale reserving property in the seller after possession of the goods is delivered to the buyer shall be valid as to all persons, except as hereinafter otherwise provided.

Section 5. *Conditional Sales Void as to Certain Persons.* Every provision in a conditional sale reserving property in the seller shall be void as to any purchaser from or creditor of the buyer who, without notice of such provision, purchases the goods or acquires, by attachment or levy, a lien upon them before the contract, or a copy thereof, shall be filed as hereinafter provided, unless such contract or copy is so filed within ten days after the making of the conditional sale:

Section 6. *Place of Filing.* The conditional sale contract or copy shall be filed in the office of the prothonotary in the county in which the goods are first kept for use by the buyer after the sale. It shall not be necessary to the validity of such conditional sale contract, or in order to entitle it to be filed, that it be acknowledged or attested. This section shall not apply to the contracts described in section eight.

Section 7. *Fixtures.* If the goods are so affixed to realty, at the time of a conditional sale or subsequently, as to become a part

thereof and not to be severable, wholly or in any portion, without material injury to the freehold, the reservation of property, as to any portion not so severable, shall be void, after the goods are so affixed, as against any person who has not expressly assented to the reservation. If the goods are so affixed to realty, at the time of a conditional sale or subsequently as to become part thereof but to be severable without material injury to the freehold, the reservation of property shall be void, after the goods are so affixed, as against subsequent purchasers of the realty for value and without notice of the conditional seller's title, unless the conditional sale contract, or a copy thereof, together with a statement, signed by the seller, briefly describing the realty, and stating that the goods are or are to be affixed thereto shall be filed, before such purchase, in the office where a deed of the realty would be recorded or registered to affect such realty. As against the owner of realty, the reservation of the property in goods by a conditional seller shall be void when such goods are to be so affixed to the realty as to become part thereof but to be severable without material injury to the freehold, unless the conditional sale contract, or a copy thereof, together with a statement, signed by the seller, briefly describing the realty and stating that the goods are to be affixed thereto shall be filed, before they are affixed, in the office where a deed would be recorded or registered to affect such realty.

Section 8. *Railroad Equipment or Rolling Stock.* No conditional sale of railroad or street or interurban railway equipment or rolling stock shall be valid as against the purchasers and creditors described in section five unless the contract shall be acknowledged by the buyer or attested in like manner as a deed of real property, and the contract, or a copy thereof, shall be filed or recorded in the office of the recorder of deeds of the county wherein the same is located, and unless, when any engine or car so sold is delivered, there shall then be plainly and conspicuously marked upon each side thereof the name of the seller followed by the word "owner."

Section 9. *Conditional Sale of Goods for Resale.* When goods are delivered under a conditional sale contract, and the seller expressly or impliedly consents that the buyer may resell them prior to performance of the condition, the reservation of property shall be void against purchasers from the buyer for value in the ordinary course of business; and as to them the buyer shall be deemed the owner of the goods, even though the contract or a copy thereof shall be filed according to the provisions of this act.

Section 10. *Filing.* The filing officer shall mark upon the contract or copy filed with him the day and hour of filing, and shall file the contract or copy in his office for public inspection. He shall keep a separate book, in which he shall enter the names of the seller and buyer, the date of the contract, the day and hour of filing, a brief description of goods, the price named in the contract, and the date of cancellation thereof, except that in entering the contracts mentioned in section eight, the recorder of deeds shall record either the sum remaining to be paid upon the contract or the price of the goods. Such book shall be indexed under the names of both seller and buyer. For filing and entering such contract or copy, the filing officer shall

be entitled to a fee of fifty cents, except that for filing and entering a contract described in section eight, the recorder of deeds shall be entitled to the same fee as he is now allowed by law for similar services.

**Section 11. Refiling.** The filing of conditional sale contracts provided for in sections five, six, and seven shall be valid for a period of three years only. The filing of the contract provided for by section eight shall be valid for a period of fifteen years only. The validity of the filing may, in each case, be extended for successive additional periods of one year from the date of refileing by filing, in the proper filing district, a copy of the original contract within thirty days next preceding the expiration of each period, with a statement attached, signed by the seller, showing that the contract is in force and the amount remaining to be paid thereon. Such copy, with statement attached, shall be filed and entered in the same manner as a contract or copy filed and entered for the first time, and the filing office shall be entitled to a like fee as upon the original filing.

**Section 12. Cancellation of Contract.** After the performance of the condition, upon written demand delivered personally or by registered mail by the buyer or any other person having an interest in the goods, the seller shall execute, acknowledge, and deliver to the demandant a statement that the condition in the contract has been performed. If for ten days after such demand the seller fails to mail or deliver such a statement of satisfaction, he shall forfeit to the demandant five dollars, and be liable for all damages suffered. Upon presentation of such statement of satisfaction, the filing officer shall file the same, and note the cancellation of the contract and the date thereof on the margin of the page where the contract has been entered. For filing and entering the statement of satisfaction, the filing officer shall be entitled to a fee of thirty cents, except that the recorder of deeds shall be entitled to a fee of fifty cents for filing and entering a statement of the satisfaction of a contract described in section eight.

**Section 13. Prohibition of Removal or Sale without Notice.** Unless the contract otherwise provides, the buyer may, without the consent of the seller, remove the goods from any filing district, and sell, mortgage, or otherwise dispose of his interest in them; but, prior to the performance of the condition, no such buyer shall remove the goods from a filing district in which the contract, or a copy thereof, is filed, except for temporary uses for a period of not more than thirty days, unless the buyer, not less than ten days before such removal, shall give the seller, personally or by registered mail, written notice of the place to which the goods are to be removed and the approximate time of such intended removal; nor, prior to the performance of the condition, shall the buyer sell, mortgage, or otherwise dispose of his interest in the goods, unless he or the person to whom he is about to sell, mortgage, or otherwise dispose of the same shall notify the seller, in writing personally or by registered mail, of the name and address of the person to whom his interest in the goods is about to be sold, mortgaged, or otherwise transferred, not less than ten days before such sale, mortgage, or other disposal. If any buyer does so remove the goods, or does so sell, mortgage, or otherwise

dispose of his interest in them, without such notice or in violation of the contract, the seller may retake possession of the goods, and deal with them as in case of default in payment of part or all of the purchase price. The provisions of this section regarding the removal of goods shall not apply, however, to the goods described in section eight.

Section 14. *Refiling on Removal.* When, prior to the performance of the condition, the goods are removed by the buyer from a filing district in this State to another filing district in this State in which such contract or a copy thereof is not filed, or are removed from another State into a filing district in this State where such contract or copy is not filed, the reservation of the property in the seller shall be void as to the purchasers and creditors described in section five, unless the conditional sale contract, or a copy thereof, shall be filed, in the filing district to which the goods are removed, within ten days after the seller has received notice of the filing district to which the goods have been removed. The provisions of this section shall not apply, however, to the goods described in section eight. The provisions of section eleven regarding the duration of the validity of the filing and the necessity for refileing shall apply to contracts or copies which are filed in a filing district other than where the goods are originally kept for use by the buyer after the sale.

Section 15. *Fraudulent Injury, Concealment, Removal, or Sale.* When, prior to the performance of the condition, the buyer, maliciously or with intent to defraud, shall injure, destroy, or conceal the goods, or remove them to a filing district where the contract, or a copy thereof, is not filed, without having given the notice required by section thirteen, or shall sell, mortgage, or otherwise dispose of such goods under claim of full ownership, he shall be guilty of a crime, and, upon conviction thereof, shall be imprisoned in the county jail for not more than one year, or be fined not more than five hundred dollars, or both.

Section 16. *Retaking Possession.* When the buyer shall be in default in the payment of any sum due under the contract, or in the performance of any other condition which the contract requires him to perform in order to obtain the property in the goods, or in the performance of any promise the breach of which is, by the contract expressly made a ground for the retaking of the goods, the seller may retake possession thereof. Unless the goods can be retaken without breach of the peace, they shall be retaken by legal process, but nothing herein shall be construed to authorize a violation of the criminal law.

Section 17. *Notice of Intention to Retake.* Not more than forty nor less than twenty days prior to the retaking, the seller, if he so desires, may serve upon the buyer, personally or by registered mail, a notice of intention to retake the goods on account of the buyer's default. The notice shall state the default and the period at the end of which the goods will be retaken, and shall briefly and clearly state what the buyer's rights under this act will be in case they are retaken. If the notice is so served, and the buyer does not perform the obligations in which he has made default before the day set for retaking, the seller may retake the goods and hold them subject to the provisions of sections nineteen, twenty, twenty-one, twenty-two,

and twenty-three regarding the sale, but without any right of redemption.

Section 18. *Redemption.* If the seller does not give the notice of intention to retake described in section seventeen, he shall retain the goods for ten days after the retaking within the State in which they were located when retaken, during which period the buyer, upon payment or tender of the amount due under the contract at the time of retaking and interest, or upon performance or tender of performance of such other condition as may be named in the contract as precedent to the passage of the property in the goods, or upon performance or tender of performance of any other promise for the breach of which the goods were retaken, and upon payment of the expenses of retaking, keeping, and storage, may redeem the goods and become entitled to take possession of them and to continue in the performance of the contract as if no default had occurred. Upon written demand, delivered personally or by registered mail by the buyer, the seller shall furnish to the buyer a written statement of the sum due under the contract and the expense of retaking, keeping, and storage. For failure to furnish such statement within a reasonable time after demand, the seller shall forfeit to the buyer ten dollars, and also be liable to him for all damages suffered because of such failure. If the goods are perishable so that retention for ten days as herein prescribed would result in their destruction or substantial injury, the provisions of this section shall not apply, and the seller may resell the goods immediately upon their retaking. The provision of this section requiring the retention of the goods within the State during the period allowed for redemption shall not apply to the goods described in section eight.

Section 19. *Compulsory Resale by Seller.* If the buyer does not redeem the goods within ten days after the seller has retaken possession, and the buyer has paid at least fifty per cent. of the purchase price at the time of the retaking, the seller shall sell them at public auction in the State where they were at the time of the retaking; such sale to be held not more than thirty days after the retaking. The seller shall give to the buyer not less than ten days' written notice of the sale, either personally or by registered mail directed to the buyer at his last known place of business or residence. The seller shall also give notice of the sale by at least three notices posted in different public places within the filing district where the goods are to be sold, at least five days before the sale. If at the time of the retaking five hundred dollars or more has been paid on the purchase price, the seller shall also give notice of the sale, at least five days before the sale, by publication in a newspaper published or having a general circulation within the filing district where the goods are to be sold. The seller may bid for the goods at the resale. If the goods are of the kind described in section eight, the parties may fix in the conditional sale contract the place where the goods shall be resold.

Section 20. *Resale at Option of Parties.* If the buyer has not paid at least fifty per cent. of the purchase at the time of the retaking, the seller shall not be under a duty to resell the goods as prescribed in section nineteen, unless the buyer serves upon the seller, within

ten days after the retaking, a written notice demanding a resale, delivered personally or by registered mail. If such notice is served, the resale shall take within thirty days after the service, in the manner, at the place, and upon the notice prescribed in section nineteen. The seller may voluntarily resell the goods for account of the buyer on compliance with the same requirements.

Section 21. *Proceeds of Resale.* The proceeds of the resale shall be applied: (One) To the payment of the expenses thereof; (Two) to the payment of the expenses of retaking, keeping, and storing the goods; (Three) to the satisfaction of the balance due under the contract. Any sum remaining after the satisfaction of such claims shall be paid to the buyer.

Section 22. *Deficiency on Resale.* If the proceeds of the resale are not sufficient to defray the expenses thereof and also the expenses of retaking, keeping, and storing the goods and the balance due upon the purchase price, the seller may recover the deficiency from the buyer or from any one who has succeeded to the obligations of the buyer.

Section 23. *Rights of Parties Where There Is No Resale.* Where there is no resale, the seller may retain the goods as his own property without obligation to account to the buyer, except as provided in section twenty-five, and the buyer shall be discharged of all obligation.

Section 24. *Election of Remedies.* After the retaking of possession as provided in section sixteen, the buyer shall be liable for the price only after a resale and only to the extent provided in section twenty-two. Neither the bringing of an action by the seller for the recovery of the whole or any part of the price, nor the recovery of judgment in such action, nor the collection of a portion of the price, shall be deemed inconsistent with a later retaking of the goods as provided in section sixteen. But such right of retaking shall not be exercised by the seller after he has collected the entire price or after he has claimed a lien upon the goods or attached them or levied upon them as the goods of the buyer.

Section 25. *Recovery of Part Payments.* If the seller fails to comply with the provisions of section eighteen, nineteen, twenty, twenty-one, and twenty-three after retaking the goods, the buyer may recover from the seller his actual damages, if any, and in no event less than one-fourth of the sum of all payments which have been made under the contract, with interest.

Section 26. *Waiver of Statutory Protection.* No act or agreement of the buyer before or at the time of the making of the contract, nor any agreement or statement by the buyer in such contract, shall constitute a valid waiver of the provisions of sections eighteen, nineteen, twenty, twenty-one, and twenty-five, except that the contract may stipulate that, on such default of the buyer as is provided for in section sixteen, the seller may rescind the conditional sale either as to all the goods or as to any part thereof for which a specific price was fixed in the contract. If the contract thus provides for rescission, the seller at his option may retake such goods, without complying with or being bound by the provisions of sections seventeen to twenty-five, inclusive, as to the goods retaken, upon crediting the



buyer with the full purchase price of those goods. So much of this credit as is necessary to cancel any indebtedness of the buyer to the seller shall be so applied, and the seller shall repay to the buyer on demand any surplus not so required.

Section 27. *Loss and Increase.* After the delivery of the goods to the buyer, and prior to the retaking of them by the seller, the risk of injury and loss shall rest upon the buyer. The increase of the goods shall be subject to the same conditions as the original goods.

Section 28. *Act Prospective Only.* This act shall not apply to conditional sales made prior to the time when it takes effect.

Section 29. *Rules for Cases Not Provided For.* In any case not provided for in this act, the rules of law and equity, including the law merchant and in particular those relating to principal and agent and to the effect of fraud, misrepresentation, duress, or coercion, mistake, bankruptcy, or other invalidating cause, shall continue to apply to conditional sales.

Section 30. *Uniformity of Interpretation.* This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

Section 31. *Short Title.* This act may be cited as the Uniform Conditional Sales Act.

Section 32. *Inconsistent Laws Repealed.* Except so far as they are applicable to conditional sales made prior to the time when this act takes effect, the following act shall be, and is hereby, repealed, to wit:

The act, approved the seventh day of June, one thousand nine hundred and fifteen (Pamphlet Laws, eight hundred and sixty-six), entitled "An act defining conditional sales, and regulating the recording and effect thereof, and providing penalties."

All other acts or parts of acts inconsistent with this act are repealed.

Section 33. *Time of Taking Effect.* This act shall take effect the first day of September, one thousand nine hundred and ~~twenty-one~~ *twenty-two*.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 24, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 710, entitled "An act concerning conditional sales, and to make uniform the law relating thereto."

This bill attempts to codify the law upon the subject of conditional sales. I understand it has been adopted in several States, but an examination discloses that the effect of its adoption in Pennsylvania would be to create uncertainty and confusion in a branch of the law which is now well settled by the decisions of our courts and thoroughly understood by the legal profession and the business people interested in the subject.

It may be desirable to have uniform State laws upon certain subjects, but it is much more important that the people of this Commonwealth shall have laws which are just and fair, of definite meaning, and suited to our own needs. Rules of law established

by judicial decisions are preferable to ambiguous and uncertain statutes.

While the bill has some good features, it introduces others unknown to the law of Pennsylvania, and for which no good reason seems apparent.

For these reasons the bill is not approved.

WM. C. SPROUL.

No. 54.

### AN ACT

To amend an act, approved the twenty-first day of May, one thousand nine hundred and thirteen (Pamphlet Laws, two hundred and eighty-five), entitled "An act providing for the return of taxes on seated lands in counties, poor districts, boroughs, incorporated towns, and townships, for county, poor, borough, town, or township taxes, respectively; and providing for the sale of such lands for taxes," as amended; providing for the preservation of the lien of first mortgages.

Section 1. Be it enacted, &c., That section one of an act, approved the twenty-first day of May, one thousand nine hundred and thirteen (Pamphlet Laws, two hundred and eighty-five), entitled "An act providing for the return of taxes on seated lands in counties, poor districts, boroughs, incorporated towns, and townships, for county, poor, borough, town, or township taxes, respectively; and providing for the sale of such land for taxes," which, as amended by an act, approved the first day of June, one thousand nine hundred and fifteen (Pamphlet Laws, six hundred and sixty), entitled "An act to amend an act, approved the twenty-first day of May, Anno Domini one thousand nine hundred and thirteen, entitled 'An act providing for the return of taxes on seated lands in counties, poor districts, boroughs, incorporated towns, and townships, for county, poor, borough, town, or township taxes, respectively; and providing for the sale of such lands for taxes,' so as to include school taxes," reads as follows:—

"Section 1. Be it enacted, &c.. That returns of taxes assessed by the authorities of any county, school district, poor district, borough, incorporated town, or township, against seated lands, shall be made whenever personal property cannot be found thereon sufficient to pay such taxes, to the commissioners of the county, on or before the first day of February succeeding the date when the taxes were assessed. Whenever any such taxes are not paid within two years after the date of the assessment, such seated lands shall be advertised and sold by the county treasurer, at the time, and in the manner, and with the same conditions and effect, as unseated lands," be, and the same is hereby, further amended to read as follows:—

Section 1. Be it enacted, &c., That return of taxes assessed by the authorities of any county, school district, poor district, borough, incorporated town, or township, against seated lands, shall be made whenever personal property cannot be found thereon sufficient to pay such taxes, to the commissioners of the county, on or before the first day of February succeeding the date when the taxes were assessed.

Whenever any such taxes are not paid within two years after the date of the assessment, such seated lands shall be advertised and sold by the county treasurer, at the time, and in the manner, and with the same conditions and effect, as unseated lands: Provided, That such sales, in their effect upon the lien of mortgages, shall be subject to the provisions of the act of Assembly, approved the nineteenth day of May, one thousand eight hundred and ninety-three (Pamphlet Laws, one hundred and ten), entitled "An act relating to judicial sales and the preservation of the lien of mortgages," and the amendment thereto, approved the eighth day May, one thousand nine hundred and one (Pamphlet Laws, one hundred and forty-one), entitled "An act to amend the first section of an act, approved the nineteenth day of May, Anno Domini one thousand eight hundred and ninety-three, entitled 'An act relating to judicial sales and the preservation of the lien of mortgages.'"

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 25, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 575, entitled "An act to amend an act, approved the twenty-first day of May, one thousand nine hundred and thirteen (Pamphlet Laws, two hundred and eighty-five), entitled 'An act providing for the return of taxes on seated lands in counties, poor districts, boroughs, incorporated towns, and townships, for county, poor, borough, town, or township taxes, respectively; and providing for the sale of such lands for taxes,' as amended; providing for the preservation of the lien of first mortgages."

This bill undertakes to change the law with reference to the effect of sales of certain seated lands for taxes. The amendment consists of the addition of a proviso that such sales in their effect on the lien of mortgages shall be subject to the provisions of the act of May 19, 1893, P. L. 110, and the act of May 8, 1901, P. L. 141, reciting only the titles of said acts.

A reading of the bill does not disclose the effect it is intended to accomplish. It is an illustration of the method of legislation intended to be provided by Article III, Section 6 of the Constitution, which provides:

"No law shall be revived, amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revived, amended, extended or conferred shall be re-enacted and published at length."

Therefore, the bill is not approved.

WM. C. SPROUL.

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No. 55.

AN ACT

Authorizing corporations created under the laws of other States of the United States for certain purposes to take, hold, mortgage, lease, and convey real estate in this Commonwealth; and validating certain titles.

Section 1. Be it enacted, &c., That it shall be lawful for any corporations created under the laws of other State of the United

States, all or substantially all of the shares of the capital stock of which are owned by a manufacturing corporation incorporated under the laws of this Commonwealth, and organized for the purpose or engaged in the business of producing or supplying raw materials used by such manufacturing corporation, and which foreign corporation shall have complied or may hereafter comply with the provisions of the act, entitled "An act to regulate the doing of business in this Commonwealth by foreign corporations; the registration thereof and service of process thereon; and providing punishment and penalties for the violation of its provisions; and repealing previous legislation on the subject," approved June eighth, one thousand nine hundred and eleven, to take, by purchase, exchange, or otherwise, and to hold, mortgage, lease and convey such real estate in this Commonwealth as may be necessary and proper for its legitimate business.

Section 2. No such foreign corporation shall employ any greater amount of capital in its business within this Commonwealth or hold any greater quantity of real estate in this Commonwealth than such a domestic manufacturing corporation as aforesaid is permitted to employ or hold under the laws of this Commonwealth.

Section 3. Nothing herein contained shall be deemed to prevent or relieve real estate held by any such foreign corporation, under the provisions of this act, from being taxed in like manner as other real estate in this Commonwealth.

Section 4. Every such foreign corporation, doing business as aforesaid in this Commonwealth, shall be liable to taxation to an amount not exceeding that imposed on corporations organized for similar purposes under the laws of this Commonwealth, and every such foreign corporation shall make the same returns to the Auditor General that are required by law of the corporations of this State.

Section 5. The title to any real estate heretofore taken, held, mortgaged, leased, or conveyed, for any of the purposes aforesaid, by any such foreign corporation is hereby validated; and any real estate now held by any such corporation may be held, mortgaged, leased, or conveyed with the same effect as if taken and held under the provisions of this act.

Section 6. Nothing herein contained shall be deemed to limit the power of any foreign corporation under existing laws to take and hold real estate.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 25, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House Bill No. 712, entitled "An act authorizing corporations created under the laws of other States of the United States for certain purposes to take, hold, mortgage, lease, and convey real estate in this Commonwealth; and validating certain titles."

This bill would authorize foreign corporations, all or substantially all of the capital stock of which is owned by Pennsylvania manufacturing corporations, to buy, hold, mortgage, lease and convey such real estate in this Commonwealth as may be necessary and proper for their legitimate business, provided such corporations have

This is a most important subject but the appropriation is so small that it would be entirely inadequate to satisfactorily carry on such a work.

For these reasons the bill is not approved.

WM. C. SPROUL.

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No. 113.

AN ACT

Making an appropriation to the Philadelphia College of Pharmacy, Philadelphia, Pennsylvania.

Whereas, The Legislature of the session of one thousand nine hundred and nineteen made an appropriation to the Philadelphia College of Pharmacy of fifteen thousand dollars (\$15,000) for maintenance for the two fiscal years beginning June first, one thousand nine hundred and nineteen; and

Whereas, There still remains in the treasury of the Commonwealth an unexpended balance of the aforementioned appropriation amounting to thirteen thousand one hundred and twenty-five dollars (\$13,125), no part of which has been paid to the said Philadelphia College of Pharmacy; therefore,

Section 1. Be it enacted, &c., That the aforementioned sum of thirteen thousand one hundred and twenty-five dollars (\$13,125), or so much thereof as may be necessary, is hereby specifically appropriated to the Philadelphia College of Pharmacy, located at number one hundred forty-five North Tenth Street, Philadelphia, for deficiency in maintenance for the two fiscal years ending May thirty-first, one thousand nine hundred and nineteen.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 27, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1411, entitled "An act making an appropriation to the Philadelphia College of Pharmacy, Philadelphia, Pennsylvania."

On account of insufficient State revenues, this bill is not approved.

WM. C. SPROUL.

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No. 114.

AN ACT

Making an appropriation to aid in the erection of a monument, at Erie, Pennsylvania, commemorating the building of the fleet at that place and the conspicuous manner in which it performed its errand at the Battle of Lake Erie.

Section 1. Be it enacted, &c., That the sum of twenty thousand dollars (\$20,000) be, and the same is hereby, appropriated, from money

in the State Treasury not otherwise appropriated, to the commissioners appointed by the Governor of Pennsylvania to cooperate with the commissioners from other States in the celebration of the centennial anniversary of the Battle of Lake Erie, which shall be used by said commission, with other moneys heretofore appropriated and available for that purpose, in the erection of a monument, at Erie, Pennsylvania, commemorating the building of the fleet at that place that won the Battle of Lake Erie and the conspicuous manner in which it performed its errand at that battle. The money hereby appropriated to be paid upon requisitions of the chairman of said commission and warrant issued by the Auditor General upon the State Treasurer according to law.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 27, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 559, entitled "An act making an appropriation to aid in the erection of a monument, at Erie, Pennsylvania, commemorating the building of the fleet at that place and the conspicuous manner in which it performed its errand at the Battle of Lake Erie."

On account of insufficient State revenue, this bill is not approved.

WM. C. SPROUL.

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No. 115.

AN ACT

To provide for the payment to Philadelphia County of moneys, with interest thereon, advanced for the payment of expenses incident to the conduct of primary elections in the said county of Philadelphia; and making an appropriation therefor.

Section 1. Be it enacted, &c., That the sum of six hundred and six thousand nine hundred fifty-six dollars and six cents (\$606,956.06), or so much thereof as may be necessary, be, and the same is hereby, specifically appropriated to the county of Philadelphia, for the two fiscal years commencing June first, one thousand nine hundred twenty-one, for the following purposes:

To reimburse the county of Philadelphia for moneys, with interest thereon at the rate of six per centum (6%), advanced by the county of Philadelphia for the payment of expenses in the conduct of the fall primary election held in the county of Philadelphia on September thirtieth, one thousand nine hundred eleven, of the spring primary election held in the county of Philadelphia on April thirteenth, one thousand nine hundred and twelve, of the fall primary election held in the county of Philadelphia on September sixteenth, one thousand nine hundred thirteen, and of the spring primary election held in the county of Philadelphia on May nineteenth, one thousand nine hundred fourteen:

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 27, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1384, entitled "An act to provide for the payment to Philadelphia County of moneys, with interest thereon, advanced for the payment of expenses incident to the conduct of primary elections in the said county of Philadelphia; and making an appropriation therefor."

The Auditor General who held office at the time this claim was presented vigorously contested the right and justice of the items in this claim, and as the amount at issue has not been adjudicated, I cannot see my way clear to approve this bill.

WM. C. SPROUL.

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No. 116.

AN ACT

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

Whereas, the Department of Labor and Industry of the Commonwealth of Pennsylvania has ruled that the age limit of the horizontal return tubular boilers having a longitudinal lap joint and carrying over fifty (50) pounds pressure shall be twenty (20) years; and

Whereas, The boilers of this type at the Western Pennsylvania Institution for the Blind are twenty-six (26) years old, and the Department of Labor and Industry has required their removal not later than July first, one thousand nine hundred and twenty-one; therefore,

Section 1. Be it enacted, &c., That the sum of twenty thousand dollars (\$20,000), or so much thereof as may be necessary, is hereby specifically appropriated to the Western Pennsylvania Institution for the Blind for the purchase and installing of two boilers of ample capacity and approved type.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg May 28, 1921.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 60, entitled "An act making an appropriation to the Western Pennsylvania Institution for the Blind, located at Pittsburgh, Pennsylvania."

On account of insufficient State revenues, this bill is not approved.

WM. C. SPROUL.

