

An act, approved the ninth day of June, one thousand nine hundred and eleven (Pamphlet Laws, eight hundred fifty-four), entitled "An act providing for and regulating the licensing of persons engaged in the business of receiving, boarding, or keeping of infant children, under the age of three years, for hire, reward, or otherwise, in cities of the third class; and authorizing the passing of general ordinances providing for and regulating the issuing of said licenses and imposing penalties."

Act of June 9,
1911 (P. L. 854).

All other acts and parts of acts inconsistent herewith are hereby repealed.

Other acts inconsistent herewith.

APPROVED—The 14th day of April, A. D. 1925.

GIFFORD PINCHOT.

No. 156.

AN ACT

To amend sections one, five, six, seven, eight, nine, and ten of the act, approved the fourteenth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, eight hundred and two), entitled "An act relating to mattresses, pillows, bolsters, feather beds, comfortables, cushions, and upholstered furniture; regulating the making, remaking, renovating, sterilizing, disinfecting, sale, leasing, delivering, and consigning thereof, and the possession thereof with intent to sell, lease, deliver, or consign."

Section 1. Be it enacted, &c., That section one of the act, approved the fourteenth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, eight hundred and two), entitled "An act relating to mattresses, pillows, bolsters, feather beds, comfortables, cushions, and upholstered furniture; regulating the making, remaking, renovating, sterilizing, disinfecting, sale, leasing, delivering, and consigning thereof, and the possession thereof with intent to sell, lease, deliver, or consign," is hereby amended to read as follows:

Department of
Labor and Indus-
try.

Act of June 14,
1923 (P. L. 802)
amended.

Section 1
amended.

Section 1. Be it enacted, &c., That the word "mattress" shall mean any quilted pad, mattress, mattress pad, mattress protector, bunk quilt, or box spring, stuffed or filled with excelsior, straw, hay, grass, corn husks, moss, fibre, cotton, wool, hair, jute, kapok, or other soft material, to be used on a couch or other bed for sleeping or reclining purposes.

Definitions.

Mattress.

The words "pillow," "bolster," or "feather bed" shall mean any bag, case, or covering made of cotton or other textile material, and stuffed or filled with excelsior, straw, hay, grass, corn husks, moss, fibre, cotton, wool, hair, jute, feathers, feather down, kapok, or other soft material to be used on a bed, couch, divan, sofa, lounge, or other article of upholstered furniture for sleeping or reclining purposes.

Pillow, bolster
or feather bed.

- "Comfortable." The word "comfortable" shall mean any cover, quilt, or quilted article made of cotton or other textile material, and stuffed or filled with fibre, cotton, wool, hair, jute, feathers, feather down, kapok, or other soft material, to be used for sitting, resting, or reclining purposes.
- "Cushion." The word "cushion" shall mean any bag or case made of leather, cotton, or other textile materials, and stuffed or filled with excelsior, hay, grass, corn husks, tow, moss, fibre, cotton, wool, hair, feathers, feather down, kapok or other soft material, to be used on a hammock, chair, couch, divan, sofa, lounge, or other article of furniture for reclining, resting, or sleeping purposes.
- "Upholstered furniture." The words "upholstered furniture" shall mean any article of furniture stuffed or filled with excelsior, straw, hay, grass, corn husks, tow, moss, fibre, cotton, wool, hair, jute, feathers, feather down, kapok, or other soft material, to be used for sitting, resting, or reclining purposes.
- "New." The word "new," as used in this act, shall mean any material or article which has not been previously manufactured or used for any purpose.
- "Second-hand." The word "secondhand" shall mean any material or article of which prior use has been made.
- "Shoddy." The word "shoddy" shall mean any material which has been spun into yarn, knit or woven into fabric, and subsequently cut up, torn up, broken up, or ground up, or the clippings or nappings of any woven fabric.
- "Person." The word "person," as used herein, shall include persons, corporations, copartnerships, and associations.
- Number. Words used in the singular number shall include the plural; and the plural, the singular.
- Section 2 amended. Section 2. That section five of the said act is hereby amended to read as follows:
- Unlawful to manufacture, sell or lease used mattresses, etc., until disinfected. Section 5. No person shall *manufacture*, sell, lease, offer to sell, or lease, or deliver or consign in sale or lease, or have in his possession with intent to sell, lease, deliver, or consign in sale or lease, (a) any mattress, pillow, bolster, feather bed, comfortable, cushion, or article of upholstered furniture, made, remade, or renovated in violation of this act; (b) any secondhand mattress, pillow, bolster, feather bed, *cushion*, or comfortable, or any mattress, pillow, bolster, feather bed, *cushion*, or comfortable, filled with material that has had prior use in any form or of any kind, and whether changed in form and texture or not, unless, since last used, it has been thoroughly sterilized and disinfected by a reasonable process approved by the [Commissioner] *Secretary* of Labor and Industry.
- Section 6 amended. Section 3. That section six of said act is hereby amended to read as follows:

Section 6. Each and every mattress or article covered by this act, other than a feather or down filled pillow, bolster, bed comfortable, cushion, or any secondhand article of upholstered furniture, shall bear securely attached thereto and visible on the outside covering a *substantial cloth* tag, [to be procured from the Department of Labor and Industry] upon which shall be plainly and indelibly stamped or printed, in English, (a) a statement showing *the kind of materials used in filling said mattress or article, and stating whether the same* [materials used in filling said mattress or article] are wholly new or secondhand or partly secondhand; [(b)] *and if the prior use of the material cannot be readily determined by inspection said statement shall disclose the character of the material, its prior use, and the nature and kind of material from which it was manufactured;* (b) [the name and address of the maker or vendor; (c)] the word "secondhand" upon any article of which prior use has been made; [(d)] (c) the number of the permit issued for sterilizing and disinfection.

Every mattress or article to bear tag.

Statement of kind of materials in filling and whether new or secondhand, prior use and source.

The word "secondhand."

Number of permit for disinfecting.

Articles in which feathers or down are used to have tag attached.

Each and every pillow or other article covered by this act, in which feathers or down are used, shall bear securely attached thereto and visible on the outside covering a *substantial cloth* tag, [to be procured from the Department of Labor and Industry] upon which shall be plainly and indelibly stamped or printed, in English, (a) statement that the feathers or down used in filling have been sterilized and disinfected in accordance with this act; (b) the number of the permit issued for sterilizing and disinfecting the feathers or down; (c) [the name and address of maker and vendor; (d)] the word "secondhand" upon a feather or down filled article [of] *in which feathers or down are used which have had prior use* [has been made (e)]; (d) the number of permit issued for sterilizing and disinfecting.

That feathers or down have been sterilized.

Number of permit.

The word "secondhand."

Number of permit.

Each and every article of upholstered furniture of which prior use has been made shall bear securely attached thereto and visible on the outside covering a *substantial cloth* tag, [to be procured from the Department of Labor and Industry] upon which shall be plainly and indelibly stamped or printed, in English, the word "secondhand," [together with the name and address of the vendor].

Used upholstered furniture to bear tag.

No additional information shall be contained in said statements, *except, however, that when any article of upholstered furniture is made up of more than one movable cushion, mattress, or pillow covered by this act, the tag required by this section to be attached to each such cushion, mattress, or pillow may be attached to the body of such article of furniture, in which case said tag shall state thereon what material is used in filling the cushions, mattresses, or pillows making up*

Statements to contain no additional information.

One tag may be used for article made up of more than one cushion, etc.

such article of furniture, as well as that used in the body thereof.

Section 7 amend-
ed.

Section 4. That section seven of said act is hereby amended to read as follows:

Size of tag.

Section 7. The [statement on the] tag required by *section six* of this act to be attached to any article covered by this act shall [be] *contain not less than six square inches. The statement of the materials used must be in plain type not less than one-eighth of an inch in height* [three inches by four and one-half inches in size].

Size of type.

[The tag, with the replica of the seal of this Commonwealth printed thereon, shall be in the following form:

OFFICIAL STATEMENT

Materials used in filling.....
Made by.....
Vendor.....
Address.....
This article is made in compliance with the act of Assembly of Pennsylvania, approved.....
Permit number.....

It shall be unlawful for any person to imitate, counterfeit, sell, or have in his possession any imitated or counterfeited tag required under the provisions of this act.]

Unlawful use of words "felt" and "curled hair."

It shall be unlawful to use, exclusively, in the said statement concerning any mattress, pillow, bolster, comfortable, cushion, or article of upholstered furniture the word "felt," or words of like import, if any other than garnetted materials are used in filling, or the words "curled hair," or words of like import, if other than curled hair is used in filling.

False statements on tag.

It shall be unlawful to *make any false, untrue, [stamp or print on a tag any] or misleading statement [misleading term or designation] on such tag,* or to remove, deface, alter, or in any manner attempt [the same] *to remove, deface, or alter such tag, or to cause to be removed, defaced, or altered, any statement placed upon such [on a] tag [placed upon any article included in the provisions] in accordance with the requirements* of this act.

Section 8 amend-
ed.

Section 5. That section eight of said act is hereby amended to read as follows:

Applicant to be registered and numbered.

Section 8. The [Commissioner] *Secretary* of Labor and Industry shall, upon application to him by any person entitled thereto, register such applicant and assign a registry number, by which number said applicant shall thereafter be known and designated in applying and enforcing the tagging inspection and adhesive stamp provisions of this act; and thereupon he shall furnish to such applicant adhesive stamps in

And furnished with adhesive stamps.

quantities of not less than one thousand, for which the applicant shall pay ten dollars for each thousand stamps, which said payment and charge shall constitute an inspection charge for the purpose of enforcing this act. The Secretary of Labor and Industry is hereby authorized to prepare and cause to be printed adhesive stamps which shall contain a replica of the seal of the Commonwealth, the registry number of the person applying therefor, and such other matter as the Secretary shall direct.

Preparation and printing of stamps.

No person shall sell, lease, offer to sell or lease, or deliver or consign in sale or lease, or have in his possession with intent to sell, lease, deliver, or consign in sale or lease in the Commonwealth of Pennsylvania any article covered by this act unless there be affixed to the tag provided for in section six of this act, by the person manufacturing or renovating the same, an adhesive stamp prepared and issued by the Secretary of the Department of Labor and Industry as hereinbefore provided. [is hereby authorized to contract for the printing of the tags required by the provisions of this act. The commissioner shall, upon the application to him by any person, furnish tags, with the name and address printed thereon of the maker, remaker, or renovator of any article covered by this act, in quantities of not less than one thousand tags, for which the applicant shall pay ten dollars for each one thousand tags].

Unlawful to sell, lease or possess article covered by act unless bearing stamped tag.

All [fees] proceeds of the sale of stamps and all fines collected under the provisions of this act shall be paid to the [Commissioner] Secretary of Labor and Industry, and, when so collected and paid, shall thereafter be, by the [Commissioner] Secretary of Labor and Industry, paid into the State Treasury.

Disposition of proceeds and fines.

The State Treasurer shall establish a separate fund, to be known as the Bedding and Upholstery Fund, into which all moneys collected under the provisions of this act shall be paid, and from which all expenditures necessary in carrying into effect the provisions of this act shall be paid.

"Bedding and Upholstery Fund."

All moneys in the Bedding and Upholstery Fund, from time to time, are hereby specifically appropriated to the Department of Labor and Industry for the purpose of carrying into effect the provisions of this act, and for the payment of salaries and expenses of inspectors, employes, and for research, or any other necessary expenses of the Department of Labor and Industry connected with the enforcement of this act.

Appropriation of fund.

The money in the Bedding and Upholstery Fund shall be paid to the use of the Department of Labor and Industry, in advance, from time to time, as the same is required, upon requisition by the [Commissioner] Secretary of Labor and Industry.

Manner of payment.

- Requisition and warrant. The Auditor General shall, upon requisition, from time to time, of the [Commissioner] *Secretary* of Labor and Industry and the proper accounting for moneys already advanced from the fund, draw his warrant upon the State Treasurer for the amount specified in such requisition, not exceeding, however, the amount in such fund available for the purposes herein specified at the time such requisition is made.
- Section 9 amended. Section 6. That section nine of said act is hereby amended to read as follows:
- Enforcement of act. Section 9. The Department of Labor and Industry, through its officers and employes, is hereby charged with the administration and enforcement of this act, *and shall have the power to seize and hold for evidence at a trial for the violation of this act any article offered for sale or made in violation of this act.*
- Rules and regulations. *The Department of Labor and Industry shall make reasonable rules and regulations for the enforcement of this act.*
- Section 10 amended. Section 7. That section ten of said act is hereby amended to read as follows:
- Violations. Section 10. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof in a summary action before a magistrate, alderman, or justice of the peace, shall be sentenced to pay a fine of not less than ten dollars and not more than fifty dollars for each offense, and, in default of the payment of such fine, to undergo an imprisonment of not less than ten days for each separate offense: Provided, That the total term of imprisonment at one time for additional offenses shall not exceed six months.
- Penalties. Each mattress, pillow, bolster, feather bed, comfortable, cushion, or article of upholstered furniture, made, remade, or renovated, sold, offered for sale, delivered, consigned, or possessed with intent to sell, deliver, or consign, contrary to the provisions hereof, shall constitute a separate offense.
- Each article sold, etc., to constitute a separate offense. Each imitated or counterfeited [tag] *adhesive stamp* made, used, sold, offered for sale, delivered, or consigned, contrary to the provisions hereof, shall constitute a separate offense.
- Permit may be revoked. The [Commissioner] *Secretary of Labor and Industry* may revoke any permit issued under the provisions of this act if the person to whom the permit was issued has violated any provisions of this act or the rules or regulations established thereunder.
- Effective date. *That this act shall become effective and operative on July first, one thousand nine hundred and twenty-five, and all unused official tags issued by the Department of Labor and Industry under the provisions of the act of June fourteenth, one thousand nine hundred and twenty-three, shall be redeemed and exchanged for ad-*
- Unused tags.

hesive stamps under such rules and regulations as shall be prescribed by the Department of Labor and Industry.

APPROVED—The 14th day of April, A. D. 1925.

GIFFORD PINCHOT.

No. 157.

AN ACT

Authorizing counties, cities, boroughs, towns, and townships to appropriate money and to borrow money for use by the Commonwealth in the construction and completion of any project or improvement authorized by law for the conservation of water and control of floods; and providing for the expenditure and repayment of such moneys by the Commonwealth.

Section 1. Be it enacted, &c., That the word "municipality," as used in this act, includes counties, cities, boroughs, towns, and townships.

Municipalities.

Section 2. Any municipality is authorized from time to time to appropriate money or to borrow money and to increase its indebtedness within the limits prescribed by the Constitution for the purpose of assisting the Commonwealth in the construction and completion of any project or improvement for the conservation of water and the control of floods, by advancing to the Commonwealth for expenditure on such project or improvement the moneys so appropriated or borrowed.

May appropriate or borrow money to assist in flood control.

Section 3. No such moneys shall be appropriated, borrowed, or advanced to the Commonwealth by any such municipality except for construction on a project or improvement which has been prior to the passage of this act authorized by law to be constructed and completed by the Commonwealth or any department, board or commission thereof for the conservation of water and the control of floods. Such moneys, when appropriated or borrowed, shall be paid over to the Secretary of Forests and Waters of the Commonwealth, who shall immediately pay the same over to the State Treasurer for safe-keeping. Such moneys so paid over to the State Treasurer shall be placed in a separate fund and shall be expended by the Department of Forests and Waters for the construction and completion of any project or improvement for the conservation of water and the control of floods authorized by law and designated by the municipality which has paid over said money, and for such purposes said moneys in said special fund from time to time are hereby appropriated. Payments from said fund shall be made by warrant of the Auditor General on the State Treasurer after requisition by the Secretary of Forests and Waters.

No payment except for construction authorized by law.

Disposition of moneys.