

mission, determine whether or not the order appealed from is reasonable and in conformity with law: *Provided, however, That in every appeal taken, including those already taken and undetermined, involving a question of the reasonableness of rates, whether such appeal shall have been taken by a complainant or by a public service company, it shall be the duty of the court to consider the entire record of the proceedings before the commission, including the testimony, and, on its own independent judgment, to determine whether or not the findings made and the valuations and rates fixed by the commission are reasonable and proper. If the court shall determine that the findings or the valuations are unreasonable, or that the rates fixed are unreasonably high, it shall remit the case to the commission with directions to reform the findings, valuations, and rates in accordance with the court's opinion.*

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

Section 23,
Article VI,
amended.

Section 23. In all such cases *other than those involving the reasonableness of rates*, the orders of the commission shall be prima facie evidence of the [reasonableness thereof,] *facts found*, and the burden of proving the contrary shall be upon the appellant or appellants; and *in all appeals*, the notes of testimony taken before the commission or any of the members thereof, duly certified under its seal, and filed as aforesaid as a part of the record, shall be considered by the court as the testimony in the case.

Burden of proof
in appeals except
rate cases.

Certified
testimony.

Section 3. The provisions of these amendments shall become effective immediately upon the passage of this act, and the approval thereof by the Governor.

When effective.

APPROVED—The 12th day of June, A. D. 1931.

GIFFORD PINCHOT

No. 173

AN ACT

To prevent fraud and deception in sales, by auction, advertised, represented, or held out to be an insurance, bankrupt, mortgage, insolvent, assignee's, executor's, administrator's, receiver's, trustee's, removal, or closing out or quitting business sale, or sale of goods, wares and merchandise damaged by fire, smoke, water, or otherwise; conferring powers on officers of cities, boroughs, towns and townships, or their representatives, to investigate sales and to order unlawful sales discontinued; and providing penalties.

Section 1. Be it enacted, &c., That it shall be unlawful, whenever a sale at public auction shall be advertised, represented, or held out to be an insurance, bank-

Auction sales.
Fraudulently and
deceptively
advertised, etc.

rupt, mortgage, insolvent, assignee's, executor's, administrator's, receiver's, trustee's, removal, or closing out or quitting business sale, or sale of goods, wares and merchandise damaged by fire, smoke, water, or otherwise, for any person, firm or corporation, or his, her or its employes and agents, to sell any goods, wares and merchandise whatsoever at said sale which are not in truth or in fact the goods, wares and merchandise as advertised, represented, or held out to be.

Misdemeanor.

Any person, or any member of any firm, or any officer of any corporation, wilfully violating or responsible for the violation of any of the provisions of this section, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500.00), or to suffer imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment, in the discretion of the court.

Penalty.

**Duty of
municipal officers.**

Section 2. The mayor of any city, or the burgess of any borough or town, or the township commissioners of any township of the first class, or the township supervisors of any township of the second class, shall, upon the complaint of any resident of said city, borough, town or township, within twenty-four hours of such complaint, personally or through some one by him or them appointed, require the person, firm or corporation, conducting any such sale, to furnish a written statement of the goods, wares and merchandise to be sold, the time when, and the source from which the goods, wares and merchandise were secured, together with the names and addresses of the last previous owners thereof, and when and how said goods, wares and merchandise were damaged by fire, smoke, water, or otherwise, and the facts relating to any removal, closing out or quitting business sale, which statement shall be signed and sworn to by such person, or by a member of the firm, or an officer of the corporation, conducting such sale. Such statement shall be furnished to the person requiring the same within a reasonable time, to be fixed by such person. It shall be unlawful for any person, firm or corporation, and constitute a violation of this act, to fail, neglect or refuse to furnish the statement so and as required or within the time specified. Upon the receipt of such statement, the said mayor, burgess, township commissioners or township supervisors, or person by him or them appointed, shall cause said sale and the source of the goods, wares and merchandise to be investigated, and if it appears that any goods, wares and merchandise are being sold contrary to section one of this act, then such mayor, burgess, township commissioners, and township supervisors shall by an order, in writing, served on such person, or a member of such

**Statement
required.**

**Failure to
furnish statement.**

Investigation.

firm, or an officer of such corporation, or on any of his or their employes, order said sale to be immediately discontinued.

Sale to be discontinued.

Any person, firm or corporation who or which shall fail, neglect or refuse to furnish the statement required by this section or to furnish the same within the time specified by the person requiring such statement, or who or which shall continue to conduct any such sale after notice to discontinue the same as provided for in this section, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500.00), or such person, or the members of any firm, or the officers of any corporation, responsible for such violation, may be sentenced to suffer imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment, in the discretion of the court. Each day such sale is conducted after notice to discontinue the same shall constitute a separate offense.

Violations of act.

Misdemeanor.

Penalty.

Each day to constitute separate offense.

APPROVED—The 12th day of June, A. D. 1931.

GIFFORD PINCHOT

No. 174

AN ACT

Empowering cities, towns, and townships of the first class to regulate and license, by ordinance, any transient retail business for the sale of goods, wares, and merchandise, and to prohibit the doing of business without a license.

Section 1. Be it enacted, &c., That every city, town, and township of the first class shall have power, by ordinance, to regulate and license each and every transient retail business within such city, town, or township for the sale of goods, wares, and/or merchandise, and to prohibit the commencement or doing of any such business until or unless the license required by such ordinance has been procured from the proper authorities by the person, firm, or corporation desiring to commence such transient retail business, and to enforce such ordinances by penalties not exceeding three hundred dollars and/or by other appropriate means. The amount of such license shall not exceed two hundred dollars for each month, or fractional part thereof, during which any such sale is continued.

Municipalities.

Power to regulate and license transient, retail business.

Amount of license.

Nothing contained in this act shall be construed to apply to farmers selling their own produce, or to the sale of goods, wares, and merchandise, donated by the

Not to apply to farmers, etc.