

in such municipality, nor continue to operate a then existing Pennsylvania liquor store in the municipality for more than two years thereafter or after the expiration of the term of the lease on the premises occupied by such store, whichever period is less, unless and until at a later election a majority of the voting electors vote "yes" on such question.

APPROVED—The 22nd day of August, A. D. 1953.

JOHN S. FINE

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No. 383

AN ACT

Relating to marriage; and amending, revising, consolidating and changing the law relating thereto.

"The Marriage Law."

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short Title.—This act shall be known and may be cited as "The Marriage Law."

Section 2. License Necessary to Marry.—No person shall be joined in marriage in this Commonwealth until a marriage license shall have been obtained from the clerk of the orphans' court of any county. A license so issued shall authorize a marriage ceremony to be performed in the county where the license is issued or in any other county of this Commonwealth. Prior to issuance of said license, the clerk of the orphans' court shall be satisfied as to the identity of both of the applicants.

Section 3. Application for License to Marry.—No license to marry shall be issued by any clerk of the orphans' court except upon written and verified application made by both of the parties intending to marry. Such application shall contain a statement of the full Christian name and surname of the male and female applicant, race, occupation, birthplace, residence, and ages of the parties, whether the marriage contemplated \*is the first, second, or other marriage, and that neither of the contracting parties is afflicted with transmissible disease, together with the full Christian name and surname, residence, race, occupation, and birthplace of their parents, including the maiden name of the mother, together with such other facts as may be necessary to determine whether any legal impediment to the proposed marriage exists.

Section 4. Waiting Period After Application for License.—No license to marry shall be issued until or after the third day following the making of application therefor, except in case of emergency or extraordinary

\* "in" in original.

circumstances when a judge of the orphans' court, or a master duly appointed by said court, may authorize a license to be issued at any time before the third day following the making of the application.

Section 5. Restrictions on the Issue of Marriage License.—No license to marry shall be issued by any clerk of the orphans' court:

(a) Until there shall be in the possession of the clerk of the orphans' court a statement or statements, signed by a duly licensed physician of the Commonwealth of Pennsylvania, or any commissioned medical officer in the United States Army or Navy, or any physician of the Public Health Service of the Federal Government, that each applicant, within thirty days of the application for the marriage license, has submitted to an examination to determine the existence or nonexistence of syphilis, which examination has included a standard serological test or tests for syphilis, and that, in the opinion of the examining physician, the applicant is not infected with syphilis, or if so infected, is not in a stage of that disease which is likely to become communicable. The physician's statement shall be accompanied by a statement from the person in charge of the laboratory making the test, or from some other person authorized to make such statement, setting forth the name of the test, the date it was made, the exact name and address of the physician to whom a report was sent, and the exact name and address of the person whose blood was tested, but not setting forth the result of the test, and such other facts as the Department of Health may deem necessary to determine whether the applicant is infected with syphilis in a stage of that disease likely to become communicable.

(b) If either of the applicants for a license is under the age of sixteen years, unless a judge of the orphans' court shall decide that it is to the best interest of such applicant, and shall authorize the clerk of the orphans' court to issue the license.

(c) If either of the applicants is under the age of twenty-one years, unless the consent of a parent or guardian of said applicant shall be personally given before the clerk, or be certified under the hand of a parent or guardian, attested by two adult witnesses, and, in the latter case, the signature of the parent or guardian shall be acknowledged before an officer authorized by law to take acknowledgments. When any such minor has no guardian, and a judge of the orphans' court is absent or not accessible for any reason, the clerk of the orphans' court, or a duly appointed assistant clerk of said court, may appoint for such minor a guardian pro hac vice.

(d) If either of the applicants for a license is weak-minded, insane, of unsound mind, or is under guardianship as a person of unsound mind.

(e) If either of the applicants is an epileptic, or is or has been, within five years preceding the time of the application, an inmate of an institution for epileptics, weakminded, insane, or persons of unsound mind, unless a judge of the orphans' court shall decide that it is for the best interest of such applicant and the general public to issue the license, and shall authorize the clerk of the orphans' court to issue the license.

(f) If either of the applicants for a license is or has been, within five years preceding the time of the application, an inmate of an institution for indigent persons, unless a judge of the orphans' court shall determine that the applicant is no longer an indigent person and, if a male, that he is able to support a family, and shall authorize the clerk of the orphans' court to issue the license.

(g) If, at the time of making application, either of the applicants is under the influence of intoxicating liquor or narcotic drug.

(h) To a person divorced by his or her former spouse on the grounds of adultery, for the marriage of such person to the person with whom the crime of adultery was committed, during the lifetime of the former husband or wife.

(i) To applicants within the prohibited degrees of consanguinity and affinity, which are as follows:

#### Degrees of Consanguinity

A man may not marry his mother.

A man may not marry his father's sister.

A man may not marry his mother's sister.

A man may not marry his sister.

A man may not marry his daughter.

A man may not marry the daughter of his son or daughter.

A man may not marry his first cousin.

A woman may not marry her father.

A woman may not marry her father's brother.

A woman may not marry her mother's brother.

A woman may not marry her brother.

A woman may not marry her son.

A woman may not marry the son of her son or daughter.

A woman may not marry her first cousin.

## Degrees of Affinity

A man may not marry his father's wife.

A man may not marry his son's wife.

A man may not marry his wife's daughter.

A man may not marry the daughter of his wife's son or daughter.

A woman may not marry her mother's husband.

A woman may not marry her daughter's husband.

A woman may not marry her husband's son.

A woman may not marry the son of her husband's son or daughter.

Section 6. Tests for Syphilis; Physician's Statement; Appeals; Filing.—

(a) For the purpose of this act, a standard serological test for syphilis shall be a test approved by the State Department of Health, and shall be made at a laboratory approved to make such tests by the State Department of Health. Such laboratory tests as are required to be made by this act shall, on request of the physician submitting the sample and on his certificate that the applicant is unable to pay, be made without charge by the State Department of Health.

(b) Any applicant for a marriage license having been denied a physician's statement as required by this act shall have the right of appeal to the Department of Health of the Commonwealth of Pennsylvania for a review of the case, and such department shall, after appropriate investigation, issue or refuse to issue a statement in lieu of the physician's statement required by section one of this act.

(c) The statements of the physician who examined the applicant and the laboratory which made the serological test shall be uniform throughout the State, and shall be upon forms provided therefor by the State Department of Health. These forms shall be filed by the clerk of the orphans' court separately from the applications for marriage licenses, and shall be regarded as absolutely confidential by any and every person whose duty it may be to obtain, make, transmit or receive such information or report.

Section 7. Examination of Applicants.—Each of the applicants for a marriage license shall appear in person before the clerk of the orphans' court of the county in which the license is to be issued, or before an alderman or justice of the peace of that county or in any county of this Commonwealth. At the time of such appearance, the applicant, or both of them if they appear together, shall be examined under oath or affirmation as to:

(a) The legality of the contemplated marriage;

(b) Any prior marriage or marriages and its or their dissolution;

(c) All the information required to be furnished on the application for license as prepared and approved by the Department of Health;

(d) The restrictions set forth in section four of this act.

The application or applications shall thereupon be completed in accordance with such examination and duly sworn or subscribed to by the applicants.

Upon the completion of any application or applications taken before an alderman or justice of the peace, such application or applications shall be promptly transmitted to the clerk of the orphans' court of the county in which the license is to be issued.

The clerk of the orphans' court wherein the license is sought, when properly completed applications on behalf of each of the parties to the proposed marriage have been taken before him or duly forwarded to him by an alderman or justice of the peace, shall, if there is no legal objection to the marriage, grant a license. Such license shall not be granted until or after the third day following the date of the most recent of the two applications therefor.

The clerk of the orphans' court shall provide application blanks upon request to aldermen and justices of the peace.

Section 8. Finding that Spouse of Applicant is Presumed Decedent.—

(a) Finding of Death. When the spouse of an applicant for marriage license has disappeared, or is absent from his place of residence without being heard of after diligent inquiry, an orphans' court judge, aided by the report of a master if necessary, upon petition of the applicant for marriage license, may make a finding and decree that the absentee is dead and the date of his death: Provided, That notice to the absentee has been given as provided in subsection (d) of this section: Provided further, That either of the applicants is and for one year or more prior to the application has been a resident of Pennsylvania.

(b) Presumption from Absence. When the death of the spouse of an applicant for a marriage license is in issue, his unexplained absence from his last known place of residence and the fact that he has been unheard of for seven years may be sufficient ground for finding he died seven years after he was last heard from.

(c) Exposure to Specific Peril. The fact that an absentee was exposed to a specific peril of death may be a sufficient ground for finding that he died less than seven years after he was last heard from.

(d) Notice to Absentee. The court shall require such advertisement in such newspapers as the court, according to the circumstances of the case, shall deem advisable, \*of the fact of such application for the marriage license, together with notice that at a specified time and place the court or a master appointed by the court for that purpose will hear evidence concerning the alleged absence, including the circumstances and duration thereof.

(e) Effect of Decree. Even though the spouse so declared to be presumed dead is in fact alive, the marriage performed pursuant to a license issued by virtue of such decree shall be valid and for all intents and purposes as though the marriage between said presumed decedent and the applicant has been terminated by a final decree in divorce a. v. m.

**Section 9. Orphans' Court to Pass Upon Refusal of Clerk to Issue License.—**

In those cases where the right to a license is not made to appear, the clerk of the orphans' court shall refuse to issue the same. Upon request of the applicants, the clerk of the orphans' court, immediately after such refusal, shall certify the proceedings to the orphans' court of the county without formality or expense to the applicants.

Such application for a license to marry shall thereupon, at the earliest possible time, be heard by a judge of said court, without a jury, in court or in chambers, during the term or in vacation, as the case may be. The finding of the court that a license ought to issue or ought not to issue shall be final, and the clerk of the orphans' court shall act in accordance therewith.

The true intent of this section is to secure for applicants an immediate hearing before the orphans' court without delay or expense on the part of the applicants.

**Section 10. Recording Application and Consent Certificate.—**The applications for license and all consent certificates shall be immediately filed with the clerk of the orphans' court in permanent files with a docket reference thereto, at the cost of the county, which shall be a public record, open to inspection or examination by the public at all times during business hours. Any person may make a copy or abstract of the entries contained in the said marriage license docket for the purpose of publication in any regularly published daily or weekly newspaper, and it shall be lawful to publish said copy or abstract in any regularly published daily or weekly newspaper printed within the Commonwealth.

**Section 11. Form of Marriage Licenses; Marriage Certificates.—**(a) The marriage license as issued by the clerk of the orphans' court shall not be valid for a longer

\* "of" omitted in original.

LAWS OF PENNSYLVANIA,

period than sixty days from the date of issue, and shall be in form substantially as follows to wit:

Commonwealth of Pennsylvania } ss: No.  
County of

To any person authorized by law to solemnize marriage: You are hereby authorized to join together, in holy state of matrimony, according to the laws of the Commonwealth of Pennsylvania, A. B., of full age and never heretofore married, and C. D. . . . . likewise of full age and never heretofore married.

Given under my hand and seal of the orphans' court of said county of . . . . ., at . . . . ., this . . . . . day of . . . . ., one thousand . . . . .

If either of said parties is not of full age of twenty-one years, then in lieu of the words "of full age," his or her age shall be stated, and the fact of consent of parent or guardian shall likewise be stated, and if either of said parties shall have been \*married previously to the issuing of such license, then in lieu of the words "never previously married" there shall be stated the number of times he or she shall have been previously married, and the mode by which said prior marriage or marriages was or were dissolved, the date or dates of divorce or death, and if by divorce, the cause thereof. If either of said parties is under the age of sixteen years and a judge of the orphans' court shall have authorized the license to be issued, then in lieu of the words "of full age," his or her age shall be stated, and the fact that a judge authorized the license to issue shall likewise be stated, in addition to the consent of a parent or a guardian.

(b) The license shall have appended to it two certificates, numbered to correspond with said license (one marked original and one marked duplicate), which shall be in form substantially as follows:

I hereby certify that on the . . . . . day of . . . . . one thousand . . . . ., at . . . . . Pennsylvania, . . . . . and . . . . . were by me united in marriage, in accordance with license issued by the clerk of the orphans' court of . . . . . county, Pennsylvania, numbered . . . . .  
Signed . . . . .  
(Title of person solemnizing marriage)  
Address . . . . .

\* "marreid" in original.

Section 12. Forms Where Marriage Ceremony Performed by Parties to Marriage.—In all cases in which the parties intend to solemnize their marriage by religious ceremony without an officiating clergyman, no such marriage shall take place until the clerk of the orphans' court shall certify their right so to do in a declaration in substantially the following form:

To A. B. and C. D. No. . . . .  
Legal evidence having been furnished to me, in accordance with law, this certifies that I am satisfied that there is no legal impediment to you joining yourselves together in marriage.

Signed . . . . .  
Clerk of the Orphans' Court

In lieu of the certificate before set forth, there shall be appended to such declaration two certificates, numbered to correspond to the declaration of the clerk of the orphans' court, in the following form:

We hereby certify that on the . . . . . day of . . . . ., one thousand nine hundred and . . . . ., we united ourselves in marriage, at . . . . ., in the county of . . . . ., Pennsylvania, having first obtained from the clerk of the orphans' court of . . . . . county, Pennsylvania, a declaration numbered . . . . ., that he was satisfied that there was no existing legal impediment to our so doing.

A. B. .  
C. D.

We, the undersigned, were present at the solemnization of the marriage of A. B. and C. D., as set forth in the foregoing certificate.

D. E.  
E. F.

Section 13. Persons Qualified to Solemnize Marriages.—The chief justice and each justice of the Supreme Court, the president judge and each judge of the Superior Court, the president judge and each judge of the court of common pleas court, the president judge and each judge of the orphans' court, the president judge and each judge of the Allegheny County and the Philadelphia Municipal Court, each magistrate, alderman, justice of the peace, mayor of any city, and burgess of any borough of this Commonwealth, and each minister, priest or rabbi of any regularly established church or congregation, is hereby authorized to solemnize marriages between such persons as produce a marriage license issued by the clerk of the orphans' court.



Every religious \*society, religious institution or religious organization in this Commonwealth may join together in marriage such persons as are members of the said society, institution or organization, or when one of such persons is a member of such society, institution or organization, according to the rules and customs of the society, institution or organization to which either of them belong.

Section 14. Returns of Marriages.—The certificate marked "original" shall, by the person solemnizing the marriage, be duly signed and be given to the parties contracting the marriage, and the certificate marked "duplicate" shall, by the person or by a member of the religious society, institution or organization solemnizing the marriage, be duly signed and returned to the clerk of the orphans' court who issued the license, within ten days after the solemnizing of said marriage. If the marriage was solemnized by the parties themselves, the certificate marked "original" shall be signed by the parties to the marriage and be attested by two witnesses and be retained by the parties contracting the marriage, and the certificate marked "duplicate" shall be signed by the parties to the marriage and be attested by the same two witnesses and be returned to the clerk of the orphans' court issuing the same within ten days.

The clerk of the orphans' court, upon receiving the "duplicate" certificate, shall record the same in the permanent marriage license files.

Section 15. Marriage License Needed to Officiate.—No person qualified to perform marriages shall officiate at a marriage ceremony without the parties having obtained a license properly issued by the clerk of the orphans' court authorizing the right to marry.

Section 16. Marriages Within Degrees of Consanguinity and Affinity.—All marriages within the prohibited degrees of consanguinity or affinity as set forth in this act are hereby declared voidable to all intents and purposes, but when any of said marriages shall not have been dissolved during the life time of the parties, the unlawfulness of the same shall not be inquired into after the death of either of the parties thereto.

Section 17. Marriages During Existence of Former Marriage.—If a person, during the lifetime of a husband or wife with whom a marriage is in force, enters into a subsequent marriage pursuant to the requirements of this act, and the parties thereto live together thereafter as husband and wife, and such subsequent marriage was entered into by one or both of the parties in good faith in the full belief that the former husband or wife was dead, or that the former marriage has been annulled or

\* "society" in original.

terminated by a divorce, or without knowledge of such former marriage, they shall, after the impediment to their marriage has been removed by death of the other party to the former marriage, or by annulment or divorce, if they continue to live together as husband and wife in good faith on the part of one of them, be held to have been legally married from and immediately after the removal of such impediment.

Section 18. Preparation of Forms.—Applications for licenses to marry, consent certificates, marriage licenses, and other necessary forms, shall be supplied to the clerk of the orphans' court by the county commissioners, at the expense of the county, and shall be uniform throughout the Commonwealth, as prepared by the Department of Health. Statements of physicians and laboratories relative to examination for syphilis, as prepared by the Department of Health, shall be furnished from time to time to the several clerks of the orphans' court of this Commonwealth.

Section 19. Fees.—The fee to be charged by the clerk of the orphans' court in various counties for issuing a marriage license or declaration and for returns thereof to the Department of Health shall be three dollars, two dollars and fifty cents of which shall be for the use of the clerk of the orphans' court of the county wherein such license is issued, and fifty cents for the use of the Commonwealth. In addition, the clerk shall make the usual charge for affidavits. All monies collected by the said clerk for the use of the Commonwealth shall, on or before the tenth day of the following month, be transmitted to the State Treasurer, to be placed in the General Fund for the use of the Commonwealth.

Section 20. Certified Copies of Records; Evidence.—A certified copy of the record of a marriage license, under the hand of the clerk of the orphans' court and the seal of such court, or under the hand of the Secretary of Health and the seal of the Department of Health, shall be received in all courts of this Commonwealth as prima facie evidence of the marriage between the parties therein named.

Section 21. Penalties.—(a) Any clerk of the orphans' court who shall wilfully issue a marriage license in any manner except as provided for in this act, or who shall refuse or neglect to enter upon the marriage license docket any marriage license application or any marriage license issued from his office immediately after it is issued, or to enter any consent certificate or authorization of a judge of the orphans' court, or shall fail to keep the marriage license docket open for inspection or examination by the public, or shall prohibit or prevent any person from making a copy or abstract of the entries

in the marriage license docket for the purpose of publishing the same in any regularly published daily or weekly newspaper, shall, upon conviction in a summary proceeding, be sentenced to pay a fine not exceeding fifty dollars (\$50.00) and costs for each offense.

(b) Any applicant for a marriage license, physician or representative of a laboratory who shall misrepresent any of the facts described by clause (a) of section four of this act, or any licensing officer failing to receive the statements prescribed by such clause, or who shall have reason to believe that any of the facts thereon have been misrepresented and shall nevertheless issue a marriage license, or any person who shall disregard the confidential character of the information or reports required by such clause, or any other person who shall otherwise fail to comply with the provisions of such clause, shall, upon conviction thereof in a summary proceeding in the county wherein such offense was committed, be sentenced to pay a fine of not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00) and the costs of prosecution, and upon failure to pay such fine and costs, shall be imprisoned not less than ten (10) days nor more than thirty (30) days.

(c) Any person solemnizing a marriage who shall neglect or refuse to return the "duplicate" certificate of marriage of the clerk of the orphans' court within ten (10) days after the marriage was solemnized shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of fifty dollars (\$50.00) and the costs of prosecution.

(d) If any person shall solemnize any marriage ceremony, or shall be a party or an attesting witness to the same, without the parties to the marriage having first obtained the proper license as provided for in this act, he, she or they so officiating, contracting or attesting shall, upon conviction in a summary proceeding, be sentenced to pay a fine not exceeding fifty dollars (\$50.00).

(e) Any person who shall knowingly perform a marriage ceremony between parties when either of said parties is intoxicated or under influence of narcotic drugs shall be guilty of a misdemeanor, and, upon conviction thereof, shall pay a fine of fifty dollars (\$50.00) or be imprisoned not exceeding sixty (60) days, or both.

(f) Any alderman or justice of the peace who shall knowingly insert or permit to be inserted any false statement in any application for marriage license shall, upon conviction in a summary proceeding, be sentenced to pay a fine not exceeding fifty dollars (\$50.00) and costs of prosecution.

(g) All fines and penalties collected pursuant to this act shall be for the use of the county in which the marriage license was issued.

Section 22. Statistics.—Each clerk of the orphans' court shall furnish the Department of Health, not later than the fifteenth day of each month, with a transcript or record of each marriage license issued and each return of the celebration of a marriage received or filed in his office during the preceding calendar month.

The transcripts or records required to be furnished shall be made by the clerk of the orphans' court on forms prepared from time to time by the Department of Health, and shall contain such information as the department may require. The forms so prepared shall be furnished to the clerks of the orphans' court by the Department of Health.

The records so furnished to the Department of Health shall not be open to public inspection, except as authorized by the regulations of the Advisory Health Board. The Department of Health shall from time to time compile and publish statistics from such records for public information.

Section 23. Common Law Marriage.—Nothing herein contained shall be construed to change the existing law with regard to common law marriage.

Section 24. Repeals.—The following acts and parts of acts are hereby repealed as specifically indicated:

Sections five, six and nine of the act, approved the thirteenth day of March, one thousand eight hundred fifteen (Pamphlet Laws 150), entitled "An act concerning divorces," so far as supplied by this act.

Section two of the act, approved the tenth day of April, one thousand eight hundred forty-nine (Pamphlet Laws 549), entitled "An act to prevent the killing of deer at certain seasons, in Union County; and relative to marriage certificates," absolutely.

The act, approved the twenty-third day of June, one thousand eight hundred eighty-five (Pamphlet Laws 146), entitled "An act relating to marriage licenses, providing for officers herein indicated to issue licenses for parties to marry," and its amendments, absolutely.

The act, approved the twenty-second day of May, one thousand eight hundred ninety-five (Pamphlet Laws 99), entitled "An act requiring clerks of orphans' court to keep marriage license dockets open for inspection by the public, and allow copies or abstracts of the same to be made for publication, and providing a penalty for non-compliance," absolutely.

The act, which was certified to have become a law by the Secretary of the Commonwealth on the twenty-fourth day of June, one thousand nine hundred one (Pamphlet Laws 597), entitled "An act making it unlawful for first cousins to be joined in marriage, and declaring all marriages contracted after the first day of January, Anno

Domini one thousand nine hundred and two, in violation of this act, void," absolutely.

The act, approved the twenty-fourth day of July, one thousand nine hundred thirteen (Pamphlet Laws 1013), entitled "An act regulating the issuance of licenses to marry; prohibiting the issuance of such licenses to certain persons; regulating the time during which licenses shall be valid, and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court; and prescribing the duties of the clerk of the orphans' court," and its amendments, absolutely.

The act, approved the second day of May, one thousand nine hundred twenty-five (Pamphlet Laws 494), entitled "An act fixing the fee to be charged for the issuing of marriage licenses," absolutely.

The act, approved the twenty-fourth day of March, one thousand nine hundred twenty-seven (Pamphlet Laws 64), entitled "An act establishing the minimum marriageable age at sixteen years and providing for certain exceptions thereto," absolutely.

The act, approved the seventeenth day of May, one thousand nine hundred thirty-nine (Pamphlet Laws 148), entitled "An act regulating the issuance of marriage licenses; prohibiting the issuance thereof to persons infected with syphilis in certain stages; requiring each applicant to produce certain evidence of freedom from such disease; imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties, and imposing penalties," and its amendments, absolutely.

Sections thirty and thirty-one of the act, approved the twenty-first day of May, one thousand nine hundred forty-three (Pamphlet Laws 414), entitled "An act relating to vital statistics and to make uniform the law with reference thereto," absolutely.

The act, approved the ninth day of March, one thousand nine hundred forty-five (Pamphlet Laws 41), entitled "An act to amend section one of the act, approved the seventeenth day of May, one thousand nine hundred thirty-nine (Pamphlet Laws, one hundred forty-eight), entitled 'An act regulating the issuance of marriage licenses; prohibiting the issuance thereof to persons infected with syphilis in certain stages; requiring each applicant to produce certain evidence of freedom from such disease; imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties, and imposing penalties,' authorizing a medical officer of the United States Public Health Service, or a medical officer of the United States Army, or a medical officer of the United States Navy to make serological tests and make statements," absolutely.

Section six of the act, approved the sixteenth day of May, one thousand nine hundred forty-five (Pamphlet Laws 577), entitled "An act for the prevention, control and cure of \*venereal diseases by requiring certain persons to submit to physical examination and blood tests; providing for the treatment of certain persons; requiring reports to be made to the State Department of Health; imposing duties upon and authorizing and directing the Secretary of Health to make rules and regulations, and to disseminate certain information; regulating the advertisement and restricting the sale of certain drugs and remedies; and imposing penalties," absolutely.

All other acts and parts of acts are hereby repealed in so far as they are inconsistent with the provisions of this act.

Section 25. Effective Date.—The provisions of this act shall become effective the first day of January, one thousand nine hundred and fifty-four.

APPROVED—The 22nd day of August, A. D. 1953.

JOHN S. FINE

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No. 384

AN ACT

To further amend the act, approved the twenty-third day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1669), entitled, as amended, "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses, professions, occupations, trades, vocations and commercial activities therein; providing for its levy and collection; conferring and imposing powers and duties on the Board of Public Education, receiver of school taxes and school treasurer in such districts; and prescribing penalties," by further defining "receipts" in the case of sales in a natural state of mined products.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Clause five of section one of the act, approved the twenty-third day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1669), entitled, as amended, "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses, professions, occupations, trades, vocations and commercial activities therein; providing for its levy and collection; conferring and imposing powers and duties on the Board of Public Education, receiver of school taxes and school treasurer in such

Taxation—  
school districts  
of the first class.

Clause (5) of  
section 1, act of  
May 23, 1949,  
P. L. 1669, as  
last amended by  
act of September  
29, 1951, P. L.  
1629, further  
amended.

\* "venereal" in original.