

VETOES OF 1931

BILLS RETURNED TO THE LEGISLATURE BY THE GOVERNOR, WITH HIS OBJECTIONS THERETO, DURING ITS REGULAR SESSION ENDING MAY 28, 1931.

No. 1

AN ACT

To amend section one of the act, approved the seventeenth day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand seven hundred ninety-eight), entitled "An act providing a fixed charge, payable by the Commonwealth, on lands acquired by the State and the Federal Government for forest reserves, or for the purpose of preserving and perpetuating a portion of the original forests of Pennsylvania, and preserving and maintaining the same as public places and parks; and the distribution of the same for county, school, township, and road purposes in the counties, school districts, and townships where such forests are located; and making an appropriation," increasing the amount of said charges for county and school purposes.

Section 1. Be it enacted, &c., That section one of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand seven hundred and ninety-eight), entitled "An act providing a fixed charge, payable by the Commonwealth, on lands acquired by the State and the Federal Government for forest reserves, or for the purpose of preserving and perpetuating a portion of the original forests of Pennsylvania, and preserving and maintaining the same as public places and parks; and the distribution of the same for county, school, township, and road purposes in the counties, school districts, and townships where such forests are located; and making an appropriation," is hereby amended to read as follows:

Section 1. Be it enacted, &c., That from and after the passage of this act, all lands heretofore or hereafter acquired by the Commonwealth, or by the Government of the United States, for forests reserves or for the purpose of preserving and perpetuating any portion of the original forests of Pennsylvania and preserving and maintaining the same as public places and parks, and which, by existing laws, are now exempt from taxation, [and all lands and property heretofore or hereafter acquired for the purpose of conservation of water, or to prevent flood conditions, upon which a tax is imposed by existing laws payable by the Commonwealth,] shall hereafter be subject to an annual charge of [one] *two* cents per acre, for the benefit of the county in which said lands are located, [two] *four* cents per acre for the benefit of the schools in the respective school districts in which such lands are located, and two cents per acre for the benefit of the roads in the township where such lands are located, which charge shall be payable by the Commonwealth. The annual charge payable by the Common-

wealth on land acquired by the Government of the United States for forest reserves is to continue only until the receipts of money by treasurers and road supervisors of the said counties and school districts and townships in which national forest reserves are located, provided for in act of April twenty-seventh, one thousand nine hundred and twenty-five (Pamphlet Laws, three hundred and twenty-four), shall equal or exceed the amount paid by the Commonwealth in lieu of taxes.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, April 1, 1931.

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

I return herewith, without my approval, Senate bill No. 12, Printer's No. 45, entitled, "An act to amend section one of the act, approved the seventeenth day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand seven hundred and ninety-eight), entitled 'An act providing a fixed charge, payable by the Commonwealth, on lands acquired by the State and the Federal Government for forest reserves, or for the purpose of preserving and perpetuating a portion of the original forests of Pennsylvania, and preserving and maintaining the same as public places and parks; and the distribution of the same for county, school, township, and road purposes in the counties, school districts, and townships where such forests are located; and making an appropriation,' increasing the amount of said charges for county and school purposes."

The amendment proposed by this bill would increase the charge payable by the Commonwealth on State and Federal forest lands for county purposes from one (1) to two (2) cents per acre and for school purposes from two (2) to four (4) cents per acre. I am informed that it would involve an increase in State expenditures for these purposes amounting in total to one hundred and twenty-two thousand dollars (\$122,000) during the next biennium.

This increase was not contemplated in preparing the budget of the Department of Forests and Waters and could not be met without increasing the appropriation to that department by the sum named. Under the present financial stringency, I do not feel warranted in approving an increase in the budget for the purposes of this bill in the amount stated.

I appreciate the present needs of counties and school districts, but for the reasons I have stated I am reluctantly obliged to withhold my approval.

GIFFORD PINCHOT

No. 2

AN ACT

Fixing the salary of the coroner in counties of the first class.

Section 1. Be it enacted, &c., That the salary of the coroner in counties of the first class is hereby fixed at ten thousand dollars (\$10,000) per annum.

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

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, April 10, 1931.

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

I return herewith, without my approval, House bill No. 771, Printer's No. 188, entitled, "An act fixing the salary of the coroner in counties of the first class."

This bill would increase the salary of the coroner of Philadelphia County from eight thousand dollars (\$8,000) per annum to ten thousand dollars (\$10,000) per annum.

I am opposed to the fixing of salaries in any city or county by act of the Legislature. The local authorities who have the responsibility for fixing the tax rate and raising revenue should also have the right to determine what salaries shall be paid to local officers. Accordingly, the salaries of county officers as well as of city officers serving the county and city of Philadelphia should be fixed by city council, and not by the General Assembly. I shall not approve any measures inconsistent with the principle I have stated.

In addition, I am informed that eight thousand dollars (\$8,000) per annum amply compensates the coroner of Philadelphia for the services he performs.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 3

AN ACT

To amend section one thousand three hundred and one of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, five hundred nineteen), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by giving boroughs discretion to levy a tax on occupations.

Section 1. Be it enacted, &c., That section one thousand three hundred and one of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, five hundred and nineteen), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," is hereby amended to read as follows:

Section 1301. General Levy.—The council of the borough shall have power, by ordinance, to levy and collect annually for general borough purposes, any tax, not exceeding fifteen (15) mills on the dollar on the valuation assessed for county purposes as now is or may be provided by law. All property, [offices, professions, and persons,] made taxable by the laws of this Commonwealth for county rates and levies, shall be taxable after the same manner for general borough purposes. *All offices, posts of profit, trades, and occupations, made taxable by the laws of this Commonwealth for county rates and levies, may, in the discretion of the council, be taxable after the same manner for general borough purposes.*

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, April 11, 1931.

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

I return herewith, without my approval, House bill No. 518, Printer's No. 101, entitled, "An act to amend section one thousand three hundred and one of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, five hundred and nineteen), entitled 'An act concerning boroughs; and revising, amending, and consolidating the law relating to boroughs,' by giving boroughs discretion to levy a tax on occupations."

This bill would amend section 1301 of the Borough Code which now provides that "All property, offices, professions, and persons made taxable by the laws of this Commonwealth for county rates and levies, shall be taxable after the same manner for general borough purposes."

The amendment proposes to strike out the words "offices, professions, and persons" and to substitute this sentence, "All offices, posts of profits, trades, and occupations made taxable by the laws of this Commonwealth for county rates and levies, may, in the discretion of the council, be taxable after the same manner for general borough purposes."

Under the existing law, it is clear that a borough council may, in its discretion, tax offices, professions and persons if they are taxable for county purposes. The amendment would only cause confusion. It would provide expressly that council shall have a discretionary right to tax offices, posts of profit, trades, and occupations, and permit the present language to remain respecting the taxation of property. This would indicate that property, taxable for county purposes, must be taxed for general borough purposes. I do not believe that the members of the Legislature intended such a change in the law.

As the law now stands, its meaning is clear. Confusion would be the only result of the amendment.

In addition, when the Legislature has codified the law on any subject, it is, in my opinion, a serious mistake to destroy the value of the codification by the passage at the same session of the Legislature of a large number of acts making separate amendments to the code. To preserve the value of a codification, amendatory legislation should be passed as nearly as possible in codified form. I understand that an omnibus bill to amend the Borough Code is in course of preparation and will be introduced. Any amendments of this code to be made at this session should be incorporated therein.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 4
AN ACT

To amend section six hundred and fifty-two of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred seventy-eight), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto."

Section 1. Be it enacted, &c., That section six hundred and fifty-two of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred and seventy-eight), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," is hereby amended to read as follows:

Section 652. Park and Recreation Boards.—If the county commissioners shall determine that the power to supervise parks, playgrounds, playfields, gymnasiums, public baths, swimming pools or recreation centers shall be exercised by a park board or recreation board, they may establish in said county such park board or recreation board, which shall possess all the powers and be subject to all the responsibilities of the respective county commissioners. Either such boards when established shall consist of *not less than* five persons. The members of such boards shall be appointed by the commissioners of such county, and shall serve for terms of five years, or until their successors are appointed, except that the members of such board first appointed shall be appointed for such terms that the [term of one member shall expire annually thereafter] *terms of all the members shall not expire in the same year.* Members of such board shall serve without pay. Women shall be eligible for appointment. Vacancies in such board, occurring otherwise than by expiration of term, shall be for the unexpired term, and shall be filled in the same manner as original appointments.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, April 11, 1931.

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

I return herewith, without my approval, House bill No. 558, Printer's No. 137, entitled, "An act to amend section six hundred and fifty-two of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred and seventy-eight), entitled 'An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto.'"

This bill proposes an amendment to the County Code of 1929.

For the same reasons which I stated in returning without my approval House bill No. 905, I am unable to approve the present bill. Its provisions should be embodied in the pending omnibus bill to amend the County Code.

For these reasons the bill is not approved.

GIFFORD PINCHOT

AN ACT

To amend article four of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred seventy-eight), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by the addition at the end thereof of a new subheading, permitting the temporary use, in counties of the second class, of certain funds for purposes other than those for which such funds were acquired; providing the method for such transfer; and validating such transfers heretofore made.

Section 1. Be it enacted, &c., That article four of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred and seventy-eight), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," is hereby amended, by the addition at the end thereof of a new subheading, containing two new sections, to read as follows:

(f) Transfer of Funds in Second Class Counties

Section 408. Transfer of Funds.—Whenever any county of the second class has available in any special or appropriation fund, other than a sinking fund, moneys for which there is no immediate use and another special or appropriation fund has immediate and advantageous use for moneys, which such fund lacks, but the procedure for the securing of which has been consummated, the county commissioners shall have power by resolution, with the approval of the controller of such county, to temporarily transfer moneys from one special or appropriation fund wherein such moneys are not at the time required to a fund where such moneys can be so advantageously used and expended: Provided, That moneys so transferred shall be returned to the fund from which borrowed as soon as sufficient moneys are accumulated in the borrowing fund from such authorized sources, except in the case of moneys raised by taxation, which are transferred from one budget fund to a similar fund which derives its moneys from taxation, in which cases no such retransfer shall be required.

Section 409. Validation.—All such transfers heretofore made are hereby ratified, confirmed and validated.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, April 11, 1931.

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

I return herewith, without my approval, House bill No. 905, Printer's No. 189, entitled "An act to amend article four of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred and seventy-eight), entitled 'An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto,' by the addition, at the end thereof, of a new subheading, permitting the temporary use, in counties of the second class, of certain funds for purposes other than those for which such funds were acquired; providing the method for such transfer; and validating such transfers heretofore made."

This bill proposes an amendment to the County Code enacted in 1929.

As stated in my message returning, without my approval, House bill No. 518, I am opposed to the passage of many separate bills amending an important code, thus to a large degree destroying the value of the code. It is certainly highly desirable that all changes in a code enacted as recently as the County Code be included in one bill.

There is now pending a bill which proposes to amend the County Code in many respects. The subject matter of the present bill can readily be included therein.

In addition, while it has been represented to me that there is urgent need for the immediate passage of the present bill, it is a fact that because of the failure of the bill to fix an earlier effective date, it would not, if approved in its present form, take effect until September 1, 1931, under the terms of the act of May 17, 1929, P. L. 1808. Thus approval of this bill would defeat any necessity for its immediate operation.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 6

AN ACT

To amend section ten of the act, approved the fourteenth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, seven hundred ten), entitled "An act allowing and regulating boxing, sparring, and wrestling matches and exhibitions; establishing a State Athletic Commission; making an appropriation therefor; and appropriating moneys received for monument and memorial purposes; and prescribing penalties," as amended, extending the length of professional bouts to fifteen rounds.

Section 1. Be it enacted, &c., That section ten of the act, approved the fourteenth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, seven hundred and ten), entitled "An act allowing and regulating boxing, sparring, and wrestling matches and exhibitions; establishing a State Athletic Commission; making an appropriation therefor, and appropriating moneys received for monument and memorial purposes; and prescribing penalties," which was amended by section four of the act, approved the twenty-ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, eight hundred and sixty), entitled "An act to repeal sections one to three, and to amend sections four, six, ten, fourteen, sixteen, seventeen, twenty, twenty-one, twenty-three, twenty-five and twenty-six, of the act approved the fourteenth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, seven hundred and ten), entitled 'An act allowing and regulating boxing, sparring, and wrestling matches and exhibitions; establishing a State Athletic Commission; making an appropriation therefor, and appropriating moneys received for monument and memorial purposes; and prescribing penalties,'" is hereby further amended to read as follows:

Section 10. Regulation of Conduct of Matches or Exhibitions.—No boxing or sparring match or exhibition shall be of more than ten rounds in length, *with the exception of championship bouts which, at the direction of the commission, may be extended to fifteen rounds*, nor shall such rounds be more than three minutes each. No boxer

shall be allowed to participate in more than ten rounds within twenty-four consecutive hours. The commission may, in respect to any bout, or in respect to any class of contestants, limit the number of rounds of a bout within the maximum of ten rounds, *except in championship bouts*. At each boxing or sparring match or exhibition there shall be in attendance, at the expense of the corporation or person, a duly licensed referee who shall direct and control the same. Before starting such contest, the referee shall ascertain from each contestant the name of his chief second, and shall hold such chief second responsible for the conduct of his assistant seconds during the progress of the contest. The referee shall have the power, in his discretion, to order held any remuneration or purse belonging to the contestants, or one of them, if, in his judgment, such contestant or contestants are not honestly competing. This purse or remuneration shall be turned over to the commission, and the contestant or contestants shall be given a hearing at the next stated meeting of the commission, when final disposition of such purse or remuneration shall be made. Any remuneration or purse, or part thereof, forfeited by the commission, shall be paid into the State Treasury for the use of the Commonwealth. There shall also be in attendance, at the expense of the corporation or person, two duly licensed judges who shall, at the termination of each such boxing or sparring match or exhibition, render their decision. If they are unable to agree, [the] a decision shall be rendered by the referee. *A contestant receiving two votes shall be declared the winner, otherwise the contest shall be declared a draw.* Each contestant shall wear, during such contest, gloves weighing not less than five ounces if such contestant is a lightweight or in a class of less weight, and six ounces if such contestant is in a class heavier than the lightweight class.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, April 16, 1931.

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

I return herewith, without my approval, House bill No. 598, Printer's No. 220, entitled, "An act to amend section ten of the act, approved the fourteenth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, seven hundred and ten), entitled 'An act allowing and regulating boxing, sparring, and wrestling matches and exhibitions; establishing a State Athletic Commission; making an appropriation therefor; and appropriating moneys received for monument and memorial purposes; and prescribing penalties,' as amended, extending the length of professional bouts to fifteen rounds."

This bill would amend the so-called "Boxing Law" by legalizing fifteen-round championship bouts in Pennsylvania.

In my judgment ten rounds are sufficient to establish superiority in any boxing match. Tunney won the championship of the world from Dempsey in Philadelphia in a ten-round bout. A number of championships in the lighter classes have been decided under our existing law. Moreover, boxing matches prolonged to fifteen rounds may, and often do, result in beating men up to the point of brutality.

There is no good reason why championship matches should extend to fifteen rounds. The proposed change in our present law is unnecessary.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 7

AN ACT

To amend the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (Pamphlet Laws, four hundred sixty-three), entitled "An act to regulate the pay of witnesses in this Commonwealth," providing for the mileage of witnesses.

Section 1. Be it enacted, &c., That the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (Pamphlet Laws, four hundred and sixty-three), entitled "An act to regulate the pay of witnesses in this Commonwealth," is hereby amended to read as follows:

Section 1. Be it enacted, &c., That the pay of witnesses in this Commonwealth shall be three dollars per diem with mileage *at the prevailing railroad rate*.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, April 24, 1931.

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

I am returning herewith, without my approval, House bill No. 336, Printer's No. 238, entitled "An act to amend the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (Pamphlet Laws, four hundred and sixty-three), entitled 'An act to regulate the pay of witnesses in this Commonwealth,' providing for the mileage of witnesses."

This bill proposes to amend the existing law regulating the compensation of witnesses for attending court by providing specifically that they shall receive mileage "at the prevailing railroad rates."

While I would not object to a provision increasing above three (3) cents per mile the rate of mileage payable to witnesses, I am very strongly of the opinion that when the present rate is increased the exact rate to be paid should be specified in the law. Assuming that the expression "at the prevailing railroad rates" would not result in confusion, railroad rates may change and it would be necessary for persons filing witness bills to prove as a fact what the prevailing rates were on the dates of the appearances of the witnesses in court. This would not be necessary if the law definitely fixed the mileage rate to be paid.

For these reasons the bill is not approved.

GIFFORD PINCHOT

AN ACT

To provide for the jury to view premises in trials to recover damages for land taken under right of eminent domain, and for the payment of costs thereof.

Section 1. Be it enacted, &c., That in all actions brought in this Commonwealth to recover damages for the taking of land under the right of eminent domain where an appeal has been taken to the court from the award of a board of viewers, or when a view by a board of viewers has been waived, it shall be the duty of the court, on motion of either the plaintiff or defendant, after the panel of jurors has been selected to try the case, to send the jury on the premises to view the same before evidence has been taken.

Section 2. The jurors shall be transported to the location in such manner as the court may direct, and the cost of sending the jurors on the ground shall be taxed as a part of the costs of the case and paid as other costs in the case are paid.

Section 3. All laws of this Commonwealth inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, April 24, 1931.

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

I return herewith, without my approval House bill No. 495, entitled "An act to provide for the jury to view premises in trials to recover damages for land taken under right of eminent domain, and for the payment of costs thereof."

This bill provides that where an appeal is taken to the court from the award of viewers in condemnation proceedings, the court shall, on motion of plaintiff or defendant, send the jury to see the premises before the testimony is heard. It authorizes the expense of transporting the jury to be taxed as costs in the case.

The courts now have authority to send juries to view properties involved in eminent domain proceedings, and they are disposed to exercise that authority liberally. Approval of the present bill would make a view by the jury compulsory upon demand of any litigant. This procedure tends to delay, adds to the costs, and requires juries to be absent from court for extended periods of time. While there are compensating advantages in some cases, there are others in which a view has no advantages whatever. Therefore, the practice should not be made compulsory, but should remain as at present, within the sound discretion of the court.

For this reason the bill is not approved.

GIFFORD PINCHOT

AN ACT

Making an appropriation to the Board of Trustees of the Phillipsburg State Hospital, of Phillipsburg, Pennsylvania, for deficiencies in the construction of hospital buildings and equipment.

Whereas, by an act of May eleventh, one thousand nine hundred and twenty-seven (Appropriation Acts, Page one hundred and ninety-three), an appropriation was made to the Board of Trustees of the Phillipsburg State Hospital of eighty-eight thousand four hundred and sixty-three dollars and fifty cents (\$88,463.50), for deficiencies in the construction of hospital buildings and equipment, which appropriation was reduced by the Governor to the sum of sixty thousand dollars (\$60,000); and

Whereas, liability for the indebtedness over and above the amount appropriated was assumed by the trustees of said hospital on notes; and

Whereas, it was intended to have these notes and other indebtedness paid off through funds raised locally but this has been found to be impossible owing to the financial conditions in the mining industry in the community where the hospital is located; therefor

Section 1. Be it enacted, &c., That the sum of forty thousand dollars (\$40,000), or so much thereof as may be necessary, is hereby specifically appropriated to the Board of Trustees of the Phillipsburg State Hospital, of Phillipsburg, Pennsylvania, for the payment of all deficiencies in the construction of hospital buildings and equipment and interest thereon.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, April 24, 1931.

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

I return herewith, without my approval, Senate bill No. 422, Printer's No. 90, entitled "An act making an appropriation to the Board of Trustees of the Phillipsburg State Hospital, of Phillipsburg, Pennsylvania, for deficiencies in the construction of hospital buildings and equipment."

This bill proposes to make an appropriation to the Board of Trustees of the Phillipsburg State Hospital "for the payment of all deficiencies in the construction of hospital buildings and equipment and interest thereon."

The reason for the passage of this bill is that prior to 1927 the trustees of the hospital incurred obligations in excess of appropriations for building construction purposes. The trustees executed notes for the deficit. In 1927, the Legislature appropriated \$88,463.50 "for a deficiency in the construction of hospital buildings and equipment," but intended to authorize the money to be used for the payment of the notes. My predecessor approved this appropriation in the amount of \$60,000.00, stating that he did so "with the understanding that sufficient funds will be raised locally to pay off the entire indebtedness of the institution." (1927 Appropriation Acts, Page 193).

The present bill recites that it has been found impossible, owing to financial conditions in the mining industry in the community where the hospital is located, to raise, locally, the moneys necessary to pay

off the notes given by the trustees for the amount which the State has not paid.

Notes given by trustees to cover expenditures in excess of appropriations are not obligations of the Commonwealth. They are obligations solely of the individual trustees. The amount of such notes is not a "deficiency" within the legal meaning of that term. Therefore, an appropriation for the payment of a deficiency could not properly be used to pay the notes with interest thereon.

If the Legislature desires to appropriate money for the payment of these notes and to ratify the illegal action of the trustees in contracting for expenditures in excess of appropriations, it should frankly and clearly state that purpose. The fiscal officers of the Commonwealth should not be impliedly requested to authorize the use of money for a purpose other than that expressly set forth in the bill.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 10

AN ACT

To prohibit the driving, entering, roaming and straying of horses, bovine animals, hogs and sheep upon cultivated lands of persons not the owners of such animals.

Section 1. Be it enacted, &c., That any owner, lessee, or employe of such owner or lessee, who wilfully drives any horse, bovine animal, hog or sheep upon the cultivated lands of another, or who wilfully or negligently allows or permits any such animal to enter, stray or roam upon cultivated lands of another, shall, upon conviction thereof in a summary proceeding, be sentenced for each offense to pay a fine of not more than ten dollars (\$10) and costs of prosecution, and, in default of the payment of such fine and costs, shall be imprisoned for a period of five days.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, April 24, 1931.

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

I return herewith, without my approval, Senate bill No. 118, Printer's No. 10, entitled "An act to prohibit the driving, entering, roaming and straying of horses, bovine animals, hogs and sheep upon cultivated lands of persons not the owners of such animals."

This bill renders liable to a fine, which if not paid subjects to imprisonment, any person whose cattle, horses, sheep or hogs are negligently permitted to stray upon the cultivated lands of another, whether or not any damage is inflicted upon the land owner.

It would be a drastic law that would subject the owner of cattle to a penalty where no actual injury was intended and where in fact no damage resulted from an unintentional trespass.

The trespass might be upon a field in which there was only grass, or wheat, corn or oats stubble. In such case no appreciable injury could be shown. To subject the owner of cattle to criminal process under such circumstances would be oppressive and unjustifiable.

Our trespass laws on this subject fully cover all damages suffered, and in my judgment supply every present need.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 11

AN ACT

Providing for the compilation, and printing and binding of the laws of the Commonwealth of Pennsylvania relative to soldiers, sailors, marines, the Pennsylvania National Guard, and veteran organizations; and providing for the distribution of the same.

Section 1. Be it enacted, &c., That the Legislative Reference Bureau shall make a compilation of all the laws of the Commonwealth of Pennsylvania relative to soldiers, sailors and marines, the Pennsylvania National Guard, and veteran organizations; and the Department of Property and Supplies shall cause the same to be printed and bound, and distribute a printed and bound copy thereof to each post, camp or local branch of the Grand Army of the Republic, of the United Spanish War Veterans, of the Veterans of Foreign Wars of the United States, of the American Legion, and of the Disabled American Veterans of the World War. The state department commander of each of said veteran organizations shall furnish to the Department of Property and Supplies the address of each post, camp or local branch of their respective organizations.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, April 30, 1931.

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

I return herewith, without my approval, House bill No. 192, Printer's No. 571, entitled, "An act providing for the compilation and printing and binding of the laws of the Commonwealth of Pennsylvania relative to soldiers, sailors, marines, the Pennsylvania National Guard, and veteran organizations; and providing for the distribution of the same."

This bill would render mandatory publication and distribution by the Legislative Reference Bureau of a compilation of the laws of this State relating to soldiers, sailors, marines, the Pennsylvania National Guard, and veteran organizations. It would require a bound volume of these laws to be furnished without charge to every post, camp or local branch of a number of designated veteran organizations.

I do not object to the compilation by the Legislative Reference Bureau of any laws which it is possible for the bureau to compile, publish and distribute with the resources at its command; but any act rendering mandatory the publication of any particular compilation should also make provision for the funds necessary to meet the cost of printing, binding and distribution. The present bill neglects this important feature.

For these reasons the bill is not approved.

GIFFORD PINCHOT

AN ACT

To amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred seventy-eight), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by adding thereto section one hundred and fifty-four, by providing for an assistant county solicitor in counties of the third class.

Section 1. Be it enacted, &c., That the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred and seventy-eight), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," is hereby amended, by adding thereto section one hundred and fifty-four, to read as follows:

Section 154. In counties of the third class, the county commissioners may appoint an assistant county solicitor, whose salary shall be set by the salary board, as provided by law; and who shall perform such duties in connection with the legal affairs of the county as may be assigned to him by the county commissioners or the county solicitor.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, April 30, 1931.

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

I return herewith, without my approval, House bill No. 823, Printer's No. 140, entitled, "An act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred and seventy-eight), entitled 'An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto,' by adding thereto section one hundred and fifty-four, by providing for an assistant county solicitor in counties of the third class."

This bill would amend the County Code of 1929.

An omnibus bill making numerous amendments to this bill is now pending and any changes which are to be made in the code should be included in it.

It is useless to codify important subjects of statutory law and then immediately proceed to destroy the value of the codification by making scattered amendments thus rendering it necessary for persons to search through the Pamphlet Laws to learn in what respects the code has been amended at the same session of the General Assembly. All amendments made at any one session should be incorporated in one bill.

For these reasons the bill is not approved.

GIFFORD PINCHOT

AN ACT

Authorizing the election of an additional justice of the peace in townships of the first class, if the township commissioners deem such additional justice necessary.

Section 1. Be it enacted, &c., That in any township of the first class, the qualified electors may vote for and elect one properly qualified person to serve as justice of the peace for such township, in addition to the two justices now provided by law, if the township commissioners of the township shall first, by resolution, declare that a necessity exists in such township for such additional justice of the peace. A copy of such resolution shall be certified to the county commissioners and to the Secretary of the Commonwealth. At the first municipal election occurring at least three months after the adoption of any such resolution by the township commissioners, the electors of the township shall elect such additional justice of the peace for a term of six years.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 6, 1931.

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

I return herewith, without my approval, House bill No. 980, Printer's No. 257, entitled, "An act authorizing the election of an additional justice of the peace in townships of the first class, if the township commissioners deem such additional justice necessary."

This bill proposes to authorize the election of an additional justice of the peace in townships of the first class, if the township commissioners by resolution declare that a necessity exists for such additional justice of the peace.

Article V, Section 10, of the Constitution provides:

"* * *. No township * * * shall elect more than two justices of the peace or aldermen without the consent of a majority of the qualified electors within such township * * *."

The method of submitting to the voters of a township the question whether they desire to increase the number of their justices of the peace, is provided by the act of June 21, 1839, P. L. 376, which, although antedating the present Constitution, is still in force.

Approval of the present bill would be a palpable violation of the constitutional provision I have quoted.

For these reasons the bill is not approved.

GIFFORD PINCHOT

AN ACT

Relating to life insurance trusts; extending the interpretation of the term "life or lives in being" in relation thereto.

Section 1. Be it enacted, &c., That in the case of life insurance trusts hereafter created generally for the benefit of the children or issue of the insured or settlor, whether taking effect during the life time

or at or after the death of the insured or settlor, the rule against perpetuities shall be so construed that the term "life or lives in being" shall include a natural child or children of the insured or settlor born after the date of creation of the trust.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 6, 1931.

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

I return herewith, without my approval, House bill No. 1024, Printer's No. 264, entitled, "An act relating to life insurance trusts; extending the interpretation of the term 'life or lives in being' in relation thereto."

The purpose of this bill is to change the application of the rule against perpetuities in cases of life insurance trusts created for the benefit of the children or issue of the settlor.

It would permit the phrase "life or lives in being" to be interpreted in one class of trust instrument,—and only one class,—to include a natural child or children of the settlor, born after the creation of the trust. This interpretation for a single class of trust-creating document would destroy the existing uniformity of the application of the rule against perpetuities.

The result would be confusion and uncertainty in a field of legal interpretation where there is now clarity and certainty.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 15

AN ACT

To amend sections five hundred and one, five hundred and two, and five hundred and nine, as amended, and seven hundred and four (b), seven hundred and five, seven hundred and six, and seven hundred and seven, and to repeal section five hundred and eleven, of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, three hundred fifty-nine), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by declaring an open season for deer without visible antlers over a certain weight; authorizing the Board of Game Commissioners to reduce or close seasons for either sex of game animals or birds; and permitting the hunting of elk, deer, and bear by the use of a bow and arrow.

Section 1. Be it enacted, &c., That section five hundred and one of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, three hundred and fifty-nine), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," which was amended by the act, approved the fourteenth day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand seven hundred and nineteen), entitled "An act to amend section five hundred and one of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, three hundred and fifty-nine),

entitled 'An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto,' as amended," is hereby further amended to read as follows:

Section 501. Open Season.—The open season for game birds and game animals, Sundays and other periods fixed by special regulations for particular counties excepted, is as follows:

Kind of Game.	Open Season.
Blackbirds,	From Aug. 1st to Nov. 30th.
Rail,	From Sept. 1st to Nov. 30th.
Woodcock and Wilson or jacksnipe,	From Oct. 1st to Nov. 30th.
All birds known as wild waterfowl,	
coots or mudhens, and gallinules,	From Oct. 1st to Jan. 15th.
Raccoon,	From Nov. 1st to Jan. 15th.
Wild turkey, ruffed grouse, commonly called pheasant, male ringneck pheasant, Virginia partridge, commonly called quail, gambel quail, valley quail, and Hungarian quail, and gray, black, and fox squirrel,	From Nov. 1st to Nov. 30th.
Red squirrel,	From Nov. 1st to Aug. 15th, next following.
Wild rabbit and hare,	From Nov. 1st to Dec. 15th.
Bear over one year old,	From Nov. 10th to Dec. 15th.
Male deer, with two or more points to one antler,	From Dec. 1st to Dec. 15th.
<i>Deer, without visible antlers or horns, of at least such weight as shall be fixed by resolution of the Board of Game Commissioners,</i>	<i>Open season in any county, or subdivision thereof, only such as shall be fixed by resolution of the Board of Game Commissioners.</i>
Male elk, with four or more points to one antler,	From Dec. 1st to Dec. 15th.

Section 2. That section five hundred and two of said act, which was amended by section two of the act, approved the fourteenth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, eight hundred and three), entitled "An act to amend sections five hundred and one and five hundred and two of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, three hundred and fifty-nine), entitled 'An act concerning game and other wild birds and wild animals and amending, revising, consolidating, and changing the law relating thereto,' " is hereby further amended to read as follows:

Section 502. Bag Limit.—It is unlawful for any person to kill in any one day or in any one season more game animals or game birds than hereinafter enumerated:

Kind of Game.	In one Day.	In one Season.
Wild turkey,	1	1
Ruffed grouse,	3	15
Male ring-neck pheasants,	2	6
Quail, also known as partridge, of the combined kinds,	8	25
Woodcock,	6	20
Squirrels, including the fox, black and gray combined,	6	20
Wild rabbits,	5	30
Hares,	3	15
Wild ducks of the combined kinds,	15	60
Wild geese,	5	30
Brant,	5	30
Bear,	1	1
Bear (by hunting party),	4	4
Deer,	1	1
Deer (by hunting party),	6	6
Elk,	1	1
Elk (by hunting party),	1	1

Except as hereinafter otherwise provided, every deer taken shall be a male deer, having two or more points to one antler, or a deer, without visible antlers or horns, of at least such weight as shall be fixed by resolution of the Board of Game Commissioners.

Every bear taken shall be not less than one year old.

Every elk taken shall be a male elk, killed through the method known as "still hunting" only, having not less than four points to one antler.

Nothing contained in this section shall prohibit any owner, who raises ring-neck pheasants strictly in captivity, from killing any number of such birds during the open season on lands he may own or control.

Provided, That no game protector shall have power to enforce, or to be called upon to assist in the enforcement of, any law except laws pertaining to the protection of game, or other wild birds or wild animals, or to fish, frogs or terrapin, or to forests.

Section 3. That section five hundred and nine of said act, which was amended by section one of the act, approved the fourteenth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, seven hundred and fifty-two), entitled "An act to amend sections five hundred and nine, five hundred and eleven, five hundred and twelve, seven hundred and nine, and seven hundred and twenty, and repeal section five hundred and ten, of an act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, three hundred and fifty-nine), entitled 'An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto,' " is hereby further amended to read as follows:

Section 509. Removal of Game—Removal of Protection—Changing Seasons and Bag Limits.—When it is proven to the satisfaction of the board that deer, game birds or game animals, or fur-bearing animals are materially destroying property, or otherwise becoming a nuisance, or the sexes are not balanced properly, or the natural food

supply is insufficient, or that hunting or trapping in addition to the regular open season provided by this act may be permitted without jeopardizing the future supply of game or fur-bearing animals of any kind in any section of the Commonwealth, the board may at any time remove or have removed such animals or birds from that section, or may direct or authorize the killing of such birds or animals, or grant an extension of the open season, or permit additional hunting or trapping, under such rules governing seasons, bag limits, methods of taking and other regulations as the case may require, regardless of protection afforded or open seasons or bag limits fixed by this act.

Upon failure to relieve, under the several provisions of the Game Law, damages being done to private property by birds or animals of any kind protected by law, on lands open to public hunting, the board shall endeavor to capture and may use for stocking purposes any surplus birds or animals captured, or may make such other disposition thereof as in their judgment may be desirable. If unable to capture alive such birds or animals, protected by law, which are causing material damage on lands open to public hunting, with a reasonable expenditure of funds, or rapidly enough to relieve the conditions promptly, the board is hereby directed to detail its officers, or such other responsible citizens as the board may designate, to kill such number of the species of birds or animals causing the damage as may be necessary to relieve the situation promptly. The board may dispose of such carcasses as they deem desirable.

To aid in the better protection of game or fur-bearing animals in any part of the Commonwealth, the board may also reduce open seasons and bag limits, or may close seasons, as in their judgment may be necessary to guarantee a future supply of such birds or animals of *any or both sexes*, in any part of or throughout the entire Commonwealth.

To remove protection, declare additional open seasons, or reduce open seasons or bag limits, or close seasons, for the killing of game or fur-bearing animals of *any or both sexes*, in any county or part thereof; a notice to that effect shall be published by the board in not less than two newspapers of general circulation, in each county affected, one time each week for at least two consecutive weeks, setting forth the action of the board and the rules and regulations adopted relative thereto. The board shall prepare and distribute such additional posters or notices as in their judgment may be necessary.

It is unlawful for any person to violate any of the rules and regulations adopted by the board for the preservation of game birds or game animals or fur-bearing animals, or to take such birds or animals at a time or in any number or manner, or of any kind or sex, contrary to such rules and regulations.

Section 4. That section five hundred and eleven of said act and the amendments thereto is hereby repealed.

Section 5. That clause (b) of section seven hundred and four of said act is hereby amended to read as follows:

(b) Unlawful Manner of Hunting Elk, Deer, or Bear.

It is unlawful to kill, or attempt to kill, any elk or deer or bear, except through the use of a gun propelling one all-lead or lead alloy or soft-nosed or expanding bullet or ball at a single discharge or

through the use of a bow and arrow, or to take an elk in any manner except through the method known as still hunting.

Section 6. That section seven hundred and five of said act is hereby amended to read as follows:

Section 705. Unlawful Killing of Elk and Deer.—It is unlawful for any person at any time by standing on watch or otherwise to kill, or attempt to kill, a second male elk or a second [male] deer in one season. It is unlawful for any person at any time to shoot at or wound or kill, or attempt to shoot at or wound or kill, or have in possession, a female elk or a [female] deer, *without visible antlers or horns, of at least such weight as shall be fixed by resolution of the Board of Game Commissioners*, or any part thereof, or a male elk or a male deer, found in a wild state, or any part thereof, that may not be lawfully taken except as otherwise provided by the laws of this Commonwealth. [relating to the taking of game animals and game birds under authority of a license issued by the board.]

Section 7. That section seven hundred and six of said act is hereby amended to read as follows:

Section 706. Possession of Deer or Elk Without Head Attached.—The possession or control of a deer or elk, or of any portion of either of such animals, shall be prima facie evidence that such animal was killed unlawfully in this Commonwealth, unless the head [bearing antlers as hereinbefore provided] is attached in a natural way. Each person in whose possession or under whose control the same may be found, or who may be proven to have had such animal, or part thereof, in possession or under control, shall be liable to the penalty provided in this article for the unlawful killing of elk or deer, as the case may be, unless such person shall immediately, upon demand made by an officer of the Commonwealth whose duty it is to protect game, produce the head, [bearing such antlers,] or shall swear that the flesh in question, found in his possession or proven to have been under his control, is a part of a deer or elk legally killed in the Commonwealth, both or either, as in the mind of the officer investigating may be considered necessary.

Section 8. That section seven hundred and seven of said act is hereby amended to read as follows:

Section 707. Hunting Regulations for Parties Hunting Large Game.—Tagging Large Game.—Each camp or body of men hunting together for elk or deer or bear shall, at all times while hunting, maintain a roster or record giving, in plain English, the name, address, and license numbers of all persons hunting with that party at any time during that season. Such roster or record shall be kept at the camp, boarding house, or other stopping place, and, if not in a camp or stopping together, in the possession of the leader or captain of such party. Such roster or record shall at all times be open to inspection by any officer whose duty it is to protect the game of the Commonwealth, and shall be produced upon the demand of any such officer. Every failure to keep or produce any such roster or record shall render the person responsible for such neglect or refusal liable to penalties provided in this article.

It is unlawful for any body of men, either camping together or hunting in unison or in any manner cooperating with each other, to kill or be possessed of, in one season, more than six legal [male] deer

or more than one legal male elk or more than four bears found in a wild state.

Every person in a camp or body of men hunting together, or in any manner cooperating with others in hunting for elk or deer or bear, shall be individually liable to the full penalty imposed in this article for each elk or deer or bear killed in excess of the number provided for in this section, after the time the various members of such party hunting together have had ample opportunity to get together, not exceeding the close of said day, and ascertain that the legal limit of such animals has been killed. In any case where more than the lawful number of elk or deer or bear are killed unintentionally by any camp or hunting party, any excess animals shall be turned over to the nearest game protector or paid representative of the Department of Forestry, within eighteen hours after killing, for delivery to a charitable institution, and the head and skin shall be disposed of by the board.

Every person who may hunt individually or with another camp or party hunting in unison for elk or deer or bear, or in any manner cooperating with others hunting for such animals, after having participated in any manner in killing during the season the number of such animals prescribed in this section for camps or hunting parties, shall be liable to the full penalty and costs of prosecution prescribed in this article for killing such animals contrary to the provisions of this article, and such penalty shall be imposed for every day such person shall hunt contrary to the provisions of this section.

Each person killing an elk or deer or bear found in a wild state shall attach thereto a tag or marker within six hours after such killing, bearing, in plain English, his name, address, license number, and county number, with the location where such game was killed. Every failure to have said tag attached as herein provided shall subject the person so neglecting to the penalties provided in this article. Any game found in the possession of any person and not tagged as herein provided shall be confiscated. If the person responsible for such neglect to tag any such game cannot be located, each member of the camp or party shall be individually liable to such penalty.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 6, 1931.

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

I return herewith, without my approval, House bill No. 1469, Printer's No. 524, entitled, "An act to amend sections five hundred and one, five hundred and two, and five hundred and nine as amended, and seven hundred and four (b), seven hundred and five, seven hundred and six, and seven hundred and seven, and to repeal section five hundred and eleven, of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, three hundred and fifty-nine), entitled 'An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto,' by declaring an open season for deer without visible antlers over a certain weight;

authorizing the board of Game Commissioners to reduce or close seasons for either sex of game animals or birds; and permitting the hunting of elk, deer, and bear by the use of a bow and arrow."

An omnibus bill making numerous amendments to the Game Law is now pending, and the provisions of this bill have been incorporated in the omnibus bill.

It is useless to codify important subjects of statutory law and then immediately proceed to destroy the value of the codification by making scattered amendments thus rendering it necessary for persons to search through the pamphlet laws to learn in what respects the code has been amended at the same session of the General Assembly. All amendments made at any one session should be incorporated in one bill.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 16

AN ACT

Authorizing cities of the first class to negotiate emergency loans during the present calendar year.

Section 1. Be it enacted, &c., That to meet emergencies occasioned by business depression, unemployment and other causes, it shall be lawful for the council of any city of the first class, during the year one thousand nine hundred and thirty-one, to authorize the creation of one or more emergency loans, not exceeding in the aggregate six million dollars (\$6,000,000) in excess of the emergency borrowing power granted to the council of such cities by the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, five hundred and eighty-one), entitled "An act for the better government of cities of the first class of this Commonwealth," and said council shall have additional appropriating power to the extent of the proceeds of such emergency loan or loans. Any such loan or loans shall be negotiated on behalf of the city by the mayor, the city controller, the city solicitor, or any two of them, and shall be upon notes for periods not to extend beyond such year, and shall be repayable out of the income of the year one thousand nine hundred and thirty-one: Provided, however, That unless such loans shall be paid within said year, they shall be included by the city controller in his estimate of liabilities which must be paid out of the receipts of the year one thousand nine hundred and thirty-two before ordinary appropriations may be made therefrom.

Section 2. This act shall become effective immediately upon its approval by the Governor.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 6, 1931.

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

I return herewith, without my approval, House bill No. 427,

Printer's No. 141, entitled "An act authorizing cities of the first class to negotiate emergency loans during the present calendar year."

This bill would permit the council of the city of Philadelphia to make emergency loans during the present calendar year totaling eight million dollars (\$8,000,000). Under existing law the limit for such loans is two million dollars (\$2,000,000).

The bill contains no direction that any part of the money shall be used for unemployment relief.

I have repeatedly stated my willingness to sign a bill increasing the emergency councilmanic borrowing capacity of Philadelphia by three million dollars (\$3,000,000) for unemployment relief.

I have also repeatedly expressed my belief that it would be wrong to increase the tax burdens of the citizens of Philadelphia by borrowing a second three million dollars (\$3,000,000) for expenses which can easily be met by economies in the expenditure of money already available; but I said also that I was open-minded on the question whether a three million dollar (\$3,000,000) loan for payroll purposes is necessary and, if made, would require the tax rate to be increased.

In the face of my reasonable request that the two items be separated, the city council of Philadelphia has chosen to cause both items to be combined in one bill with the obvious purpose of forcing me to approve the payroll loan.

The Philadelphia Evening Bulletin of last night states the case. It says:

"* * * the dominating influences in City Hall have chosen the political detour, the long way around, the coupling of city pay roll requirements with the bread and butter needs of acute distress. This is playing politics with human suffering, * * *"

I agree entirely with the Bulletin.

There is ample time in which to pass a bill authorizing a loan of three million dollars (\$3,000,000) for unemployment relief. I stand ready to approve such a bill as promptly as I have vetoed the present bill.

GIFFORD PINCHOT

No. 17

AN ACT

To amend section six hundred and one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, one hundred and seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers' Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," by providing that the chairmen of the respective appropriation committees of the House of Representatives and Senate shall collaborate with and assist the Budget Secretary in the preparation of budget information to be submitted to the Governor.

Section 1. Be it enacted, &c., That section six hundred and one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, one hundred and seventy-seven), entitled "An act providing for and reorganizing the conduct

of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," is hereby amended to read as follows:

Section 601. Preparation of Budget.—The Budget Secretary shall, in each even-numbered year, obtain and prepare information necessary for the preparation of a State budget for the biennium beginning June first of the following year. He shall, not later than the fifteenth day of August of such even-numbered year, distribute to the Governor, to the Lieutenant Governor, to each administrative department, to each independent administrative board and commission, to the chief clerk of the Senate, to the chief clerk of the House of Representatives, to the prothonotaries of the various courts of the Commonwealth, and to all institutions or other agencies which desire State appropriations to be made to them, the proper blanks necessary to the preparation of the budget estimates, with a request that such blanks be returned with the information desired, not later than the first day of November of the same year. Such blanks shall be in such form as shall be prescribed by the Budget Secretary, to procure any or all information pertaining to the revenues and expenditures for the preceding fiscal years, and for the current fiscal year, the appropriations made by the previous General Assembly, the expenditures therefrom, encumbrances thereon, the amount unencumbered and unexpended, an itemized estimate of the revenues and expenditures of the current fiscal year, and for the succeeding biennium, and an estimate of the revenues and amounts needed for the respective departments, boards, and commissions, for expenses of the General Assembly, for the Judicial Department, and for any and all institutions, or other agencies to which appropriations are likely to be made by the General Assembly for the two fiscal years next succeeding. Such blanks shall also request the person returning them to accompany them with a statement in writing, giving the facts, and an explanation of and reasons for the estimates of receipts and expenditures for the succeeding biennium contained upon the blanks returned. It shall be the duty of each administrative department, and each independent administrative board and commission, to comply, not later than November first, with any and all requests made by the Budget Secretary in connection with the budget. *The Budget Secretary, on receipt of such blanks, statements, et cetera, shall furnish copies of the same to the chairmen of the respective appropriation committees of the*

Senate and House of Representatives of the preceding session of the General Assembly.

The Budget Secretary may, under the direction of the Governor, make further inquiries and investigations as to the financial needs, expenditures, estimates, or revenues, of any department, board, commission, institution, or other [agency] agency. *In such inquiries and investigations, the chairmen of the said appropriation committees shall collaborate with, assist, and advise the Budget Secretary.* The Governor may, after giving to each department, board, commission, institution, or other agency, an opportunity to be heard, approve, disapprove, or alter the [estimates] estimates. *The chairmen of the said appropriation committees shall be invited to attend such hearings, and shall be entitled to make inquiry thereat with respect to the estimates and the revision thereof.* The Budget Secretary shall, on or before the first day of January next succeeding, submit to the Governor, in writing, the above information, and any additional information requested by the Governor, as a basis for the Governor's estimates for appropriations for the next succeeding biennium.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 11, 1931.

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

I return herewith, without my approval, Senate bill No. 87, Printer's No. 39, entitled, "An act to amend section six hundred and one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, one hundred and seventy-seven), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards, and commissions, and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined,' by providing that the chairmen of the respective appropriation committees of the House of Representatives and Senate shall collaborate with and assist the Budget Secretary in the preparation of budget information to be submitted to the Governor."

This bill would amend The Administrative Code by providing that it shall be the duty of the Budget Secretary, when he receives the information necessary to enable him to prepare for the Governor the biennial budget to be submitted to the Legislature, to furnish copies

of all data received to the chairmen of the appropriation committees of the Senate and House of Representatives of the preceding session of the General Assembly. It would also authorize these chairmen to participate in all inquiries, investigations and hearings in connection with requests made to the Governor for State appropriations.

There are several fundamental objections to this bill.

The budget submitted to the General Assembly is an executive budget. It is intended to embody the recommendations of the Governor and only of the Governor. It is prepared for submission to the Legislature in accordance with the constitutional mandate that the Governor "shall, from time to time, give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he may judge expedient." Article IV, Section 11. The Governor, under this mandate, does not have the right to divide his responsibility with two former officers of legislative committees.

A second objection is that it is an executive and not a legislative function, to "require information in writing from the officers of the Executive Department, on any subject relating to the duties of their respective offices." Constitution, Article IV, section 10. This power is conferred upon the Governor alone.

A third objection is equally pertinent. Between the adjournment of a regular session of the General Assembly and the preparation of the biennial budget to be submitted to the next regular session, one-half of the members of the Senate and all of the members of the House are elected by the people. The persons who were chairmen of the appropriation committees of the last preceding session of the Legislature may or may not be members of the next Legislature. If they are members they may or may not again preside over the appropriation committees. Therefore, this bill might and in many instances would require the Governor to disclose to persons no longer members of the General Assembly, all data received by him in anticipation of the preparation of the budget and would empower the same persons, although no longer officers of any branch of the Government, to participate in important governmental inquiries, investigations and hearings. This would be an outside interference with the conduct of the State Government without any corresponding advantage whatsoever.

Finally, there has not been in my experience, any disposition on the part of the Governor, through his Budget Secretary, to refuse to the General Assembly while in session, any information in his possession which is pertinent to the work of the Legislature. The policy of providing all such information will continue, at least as long as I am Governor, and there is, therefore, no necessity for this measure.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 18

AN ACT

To amend the act, approved the twenty-fifth day of May, one thousand eight hundred and 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, increasing the weekly payments, and extending the provisions of said act to poor districts.

Section 1. Be it enacted, &c., That the act, approved the twenty-fifth day of May, one thousand eight hundred and 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 was amended by the act, approved the thirteenth day of May, one thousand nine hundred and nine (Pamphlet Laws, five hundred and 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 the county and local institutions,' approved May twenty-five, one thousand eight hundred and ninety-seven; increasing the weekly sum, therein authorized to be paid, from one dollar and fifty cents to two dollars," is hereby further amended to read as follows:

Section 1. Be it enacted, &c., That any county, municipality, *poor district*, 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] *Department of Welfare*, shall receive from the State Treasury the sum of [two (2)] *three (\$3.00) dollars* per week for every indigent insane person of such county, municipality, *poor district*, 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] *Department of Welfare* 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.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 13, 1931.

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

I return herewith, without my approval, House bill No. 801, Printer's No. 461, entitled "An act to amend the act, approved the twenty-fifth day of May, one thousand eight hundred and 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, increasing the weekly payments, and extending the provisions of said act to poor districts."

This bill would require the Commonwealth to pay to any county, municipality, poor district, borough or township maintaining an institution for the care and treatment of its indigent insane, three dollars (\$3.) each week for every indigent insane person maintained in such institution. At the present time the Commonwealth pays such institutions two dollars (\$2.) each week for each such patient.

If this bill were approved, it would impose upon the Commonwealth during the forthcoming biennium a financial burden exceeding the amount for which provision has been made by at least one million two hundred and fifty thousand dollars (\$1,250,000).

For this reason the bill is not approved.

GIFFORD PINCHOT

AN ACT

To amend sections one and four of the act, approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand fifty-four), entitled "An act providing for assistance by the Commonwealth in the improvement, construction, reconstruction and/or maintenance of certain streets and highways in cities of the second class, second class A, and third class; and for the assessment of benefits against owners of real estate abutting on the line of the improvement; and making an appropriation," by providing that appropriations allocated to any city may, under certain circumstances, be expended on any city streets.

Section 1. Be it enacted, &c., That section one of the act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand and fifty-four), entitled "An act providing for assistance by the Commonwealth in the improvement, construction, reconstruction and/or maintenance of certain streets and highways in cities of the second class, second class A, and third class; and for the assessment of benefits against owners of real estate abutting on the line of the improvement; and making an appropriation," is hereby amended to read as follows:

Section 1. Be it enacted, &c., That the Department of Highways is hereby authorized to enter into agreements with cities of the second class, second class A, and third class providing for the improvement, construction, reconstruction and/or maintenance, in whole or in part, of the existing width, or of a lesser width, of any streets and highways in any such city which are not on the plan of the State highway system but which are continuations of State highways entering such cities, or running through such cities, or which furnish the shortest or most convenient route through such cities for the traveling public, and such agreements may provide that the improvement, construction, reconstruction and/or maintenance shall be done by the Department of Highways, or the city, or by contract let by the Department of Highways, or by the city, or by both, and that the Commonwealth shall, in either event, pay the whole or any portion of the cost of such improvement, construction, reconstruction and/or maintenance, the city to pay the remaining portion of such cost. *In the event that the moneys allocated to any city during any fiscal biennium, from any appropriation to carry into effect the provisions of this act, cannot reasonably be expended in the improvement, construction, reconstruction and/or maintenance of the streets of such city hereinbefore described, then such moneys so allocated shall be expended in like manner as in this act provided in the improvement, construction, reconstruction and/or maintenance of any street or streets within the limits of such city.* Any city of the second class, second class A, or third class is hereby authorized to enter into any contract, as hereinbefore provided for, with the Department of Highways, and to expend the moneys of the city for such purposes. Any such agreement may also provide for the improvement, construction or reconstruction of a greater width of any such street or highway than that agreed to be paid for wholly or partly by the Commonwealth, and for the payment by the city, or by the assessment of benefits as hereinafter provided, or both, of the whole cost of any such additional width.

Section 2. That section four of said act is hereby amended to read as follows:

Section 4. The sum of two million dollars (\$2,000,000), or so much thereof as may be necessary, is hereby specifically appropriated to

the Department of Highways, out of moneys in the Motor License Fund, for the improvement, construction, reconstruction and/or maintenance of city streets and highways in the manner provided by this act, *and its amendments*, for the two fiscal years beginning June first, one thousand nine hundred and twenty-nine. The moneys so appropriated shall be allocated by the Department of Highways for expenditure in the several cities to which this act applies, upon the ratio that the mileage of streets in any city, which are continuations of State highways entering such cities, and which are continuations of State highways running through such cities, and which furnish the shortest and most convenient route for State highways through such cities, bears to the total mileage of such streets in the cities of this Commonwealth to which this act applies.

Section 3. This act shall become effective on the date of its approval by the Governor.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 13, 1931.

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

I return herewith, without my approval, House bill No. 951, Printer's No. 766, entitled "An act to amend sections one and four of the act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand and fifty-four), entitled 'An act providing for assistance by the Commonwealth in the improvement, construction, reconstruction and/or maintenance of certain streets and highways in cities of the second class, second class A, and third class; and for the assessment of benefits against owners of real estate abutting on the line of the improvement; and making an appropriation,' by providing that appropriations allocated to any city may, under certain circumstances, be expended on any city streets."

This bill would authorize the expenditure of allocated but unexpended motor license funds for the improvement and maintenance by the Department of Highways of streets in cities of the second class, second class A, and third class, even though such streets are not continuations of State highways and have no relation thereto. It would change the existing law which limits the use of State funds to those city streets which form parts of the State highway system.

I can see no reason for permitting cities to benefit locally from funds intended for improving and maintaining the State highway system. As all of the money available to the Department of Highways is required for the work now imposed on the department, it would be a serious mistake to divert funds at this time for other purposes. This is particularly true in view of the pending legislation which will add to the State highway system more than twenty thousand (20,000) miles of township roads.

For these reasons the bill is not approved.

GIFFORD PINCHOT

AN ACT

Regulating the bringing of suits between citizens of this Commonwealth.

Section 1. Be it enacted, &c., That whenever any citizen of this Commonwealth shall have any cause of action, not involving possession of or title to real estate, against another citizen of this Commonwealth, and the cause of action arose in this Commonwealth, and lawful service of process can be had upon the defendant in this Commonwealth, the action shall be instituted in one of the courts of this Commonwealth, and not otherwise.

Section 2. Any court of common pleas of this Commonwealth, sitting in equity, shall, upon application of the defendant in any such action, restrain any citizen within its jurisdiction from instituting and/or prosecuting any such action in a foreign state contrary to the provisions of this act.

Section 3. The word "citizen," in this act, shall be construed to mean any person, firm, partnership, co-partnership, association, or corporation within the Commonwealth.

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

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 20, 1931.

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

I return herewith, without my approval, Senate bill No. 103, Printer's No. 250, entitled, "An act regulating the bringing of suits between citizens of this Commonwealth."

This bill would forbid any citizen of the Commonwealth to sue another citizen of the Commonwealth in any court, except the State courts of Pennsylvania, in any controversies arising within the State and in which service can be had on the defendant within the State. It excludes from its provisions, however, controversies involving possession or title to real estate. The bill further gives courts of equity express jurisdiction to enjoin citizens from prosecuting any action in a foreign state, contrary to the provisions of the act.

The bill is unwise in policy and would be unconstitutional in its application. It would forbid suits in the Federal Courts between citizens of Pennsylvania, except where title or possession of real estate was in question. The Constitution and laws of the United States give citizens of the various states rights to bring certain civil actions in the Federal courts. No state can, in any way, limit the jurisdiction thus given to the Federal courts. Therefore, the bill would be utterly inoperative insofar as it would attempt to restrict proceedings in the courts of the United States.

The attempt of the bill to prevent proceedings in the courts of other states would be unwise even if it could be sustained constitutionally. The courts of the other state would not be bound to recognize the statute of Pennsylvania, and could, therefore, entertain the suit which this bill would prohibit. There are many cases in which the plaintiff can have no remedy within the Commonwealth. If he can obtain

a legitimate remedy in another state, he should be entitled to it. The Commonwealth of Pennsylvania should not deprive its citizens of any rights which another state is willing to afford to them.

Courts of equity already have jurisdiction to restrain citizens from prosecuting in foreign states suits that are instituted in such manner as to be frauds on the rights of the defendant or upon the laws of this Commonwealth. This affords ample protection to honest defendants.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 21

AN ACT

Fixing and regulating the fees, commissions, mileage and other costs chargeable by sheriffs for their official acts, and the services of their deputies, watchmen, appraisers and other help; requiring prepayment of same unless secured or chargeable to the county, and delivery of itemized receipts therefor; authorizing certain payments by the counties in lieu of mileage; providing for the taxation and collection of fees, commissions, mileage and other costs; requiring salaried sheriffs to account for certain fees, commissions and mileage; and repealing inconsistent laws, general, special or local.

Section 1. Be it enacted, &c., That after one month from the passage of this act, the fees and costs, including commissions and mileage, to be charged and received by sheriffs in this Commonwealth shall be as follows:

For receiving, docketing, and making return thereof, for each writ of scire facias, replevin, retorno habendo, summons, foreign attachment, domestic attachment, attachment execution, subpoena in divorce, distringas, writ of sequestration, writ of assistance, satisfaction of mortgage, injunction, mandamus, quo warranto, bill in equity, rule, decree, order, citation, subpoena, series of interrogatories, proclamation, or notice of any kind in any civil action, criminal proceeding, or public matter, issued out of any court or required by law or rule of court, one dollar.

For serving any such process or official notice, personally or by copy served or posted, one dollar and fifty cents and mileage.

For each additional defendant or person served, or copy posted, one dollar and mileage.

For making each copy, served or posted, forty cents.

For return of *tarde venit*, fifty cents.

For return of *non est inventus*, fifty cents and mileage.

Provided, however, That no charge for service shall be made upon an *alias* or *pluries* writ, if the same has been charged upon the original with respect to any defendant already served.

For serving the same by publication in one or more newspapers, as required by law or order of court, two dollars and seventy-five cents in each case, in addition to printer's bill.

For serving any writ, notice, petition, rule, decree, process, or order of court not herein specifically provided for, he shall charge and receive, or be credited on his fee account with, the same official fees and legal costs, including mileage, as for a writ served in a similar way, as heretofore provided, in addition to any fee of the prothonotary chargeable against the sheriff in relation thereto; but no charge shall be made for any affidavit of such service, except the fee of the notary or other official administering the oath or affirmation thereto.

For executing writs of levavi facias, fieri facias, venditioni exponas, or any writ or order issued out of any court, requiring the levy and seizure of lands and tenements and selling the same according to law, the following items to be paid by the plaintiffs or petitioners:

For receiving, docketing, and making return thereof, two dollars.

For serving or posting any copy or notice thereof, the fees and mileage hereinbefore provided.

For levying on each separate piece or parcel of land, one dollar and mileage.

For advertising to public sale in newspapers, each piece or parcel of land, two dollars and seventy-five cents, in addition to printer's bill.

For advertising to public sale by hand-bills, each piece or parcel of land separately described by metes and bounds, or otherwise, two dollars and seventy-five cents and mileage, in addition to printer's bill.

For crying the sale of each separate piece or parcel of land separately sold, and each adjourned sale, one dollar.

For clerk hire, when necessary, for each sale, two dollars.

In addition, the sheriff shall charge and receive as an official fee, or be credited on his account with, a commission charge of two cents on every dollar, based upon the total amount bid for the property, whether paid to the sheriff or credited to the purchaser; provided that the amount of same does not exceed one thousand dollars in counties of the first, second, and third classes, and five hundred dollars in other counties, in which case one-half cent ($\frac{1}{2}c$) on every dollar in excess of this amount shall be charged or credited in addition, to be paid by the plaintiff or petitioner or the county, as the case may be.

For making and acknowledging any deed for lands and tenements, three dollars to be paid by the purchaser.

For registering the same, in any municipality, the fee required by law to be paid by the purchaser.

In addition, the purchaser shall pay any fee of the prothonotary for the acknowledgment of the sheriff's deed, and the fee of the recorder for recording same.

For executing any writ of inquiry, partition, condemnation, appraisalment, inquisition, or any similar writ, issued by any court, alderman, justice of the peace, magistrate or commissioner, under any act of Assembly, the following items to be paid by the party who procured same, unless otherwise provided by law:

For receiving, docketing, and making return thereof, one dollar.

For summoning parties or persons in possession, personally or by copy served or posted, for first service, one dollar and fifty cents and mileage.

For each additional service, personally or by copy, or posting, one dollar and mileage.

For making each copy served or posted, forty cents.

For summoning and swearing special jurors, four dollars.

For holding inquisition, or appraisalment of real estate, if same be held upon the premises, four dollars and mileage to and from the place where same may be located, in addition to jurors', experts', or surveyors' fees and necessary expenses.

For other execution of any such writ, four dollars.

For serving the same by publication in one or more newspapers, as

required by law or order of court, two dollars and seventy-five cents, in addition to printer's bill.

For delivering lands to plaintiff in inquisition or similar proceedings, two dollars and seventy-five cents and mileage, and no commission in such case shall be charged.

For executing fieri facias, domestic attachment, foreign attachment, fraudulent debtor's attachment, retorno habendo, and replevin, or any writ or order issued out of any court requiring the levy and seizure of personal property and selling the same according to law, the following items to be paid by the parties procuring same, unless otherwise provided by law:

For receiving, docketing, and making return thereof, two dollars.

For serving or posting any copy or notice thereof, the fees and mileage hereinbefore provided.

For each levy on personal property, one dollar and mileage.

For return of nulla bona, fifty cents and mileage.

For clerk hire at each sale, two dollars.

For advertising personal property to public sale by hand-bills, two dollars and seventy-five cents and mileage.

In addition, the sheriff shall charge and receive as an official fee, or be credited on his fee account with, a commission of two cents on every dollar, based upon the total amount realized from said sale, whether paid to the sheriff or credited to the purchaser on account of any writ; provided that the amount of same does not exceed one thousand dollars in counties of the first, second, and third classes, and five hundred dollars in all other counties, in which case one-half cent ($\frac{1}{2}c$) on every dollar in excess of that amount shall be charged or credited in addition, to be paid by the plaintiff or petitioner or the county, as the case may be.

For each watchman to take care of property attached, levied upon, or otherwise taken into legal custody, when necessary, or requested by any of the parties interested, five dollars for each period of eight hours, to be considered a day's service, and a proportionate sum for any fraction of such day, to be payable to such watchman and collectable for his benefit by the sheriff, from the party or person requiring his services, in like manner as other legal costs payable to the sheriff may be collected.

For insurance, arranging goods for sale, heat, light, power, storage, rent, transportation, supplies, feeding livestock, and similar expenses, incurred in caring for and keeping the goods and chattels levied upon, when the same are necessary and advantageous, or when requested by any party interested to incur any such expenses, the actual cost thereof, to be paid by the plaintiff, petitioner or party requiring same to be incurred—any surplus of advance for same to be refunded.

For the settlement or staying by the plaintiff of any writ embraced in this section of this act, relating to either lands and tenements or personal property, the execution of the same not being concluded, the sheriff shall receive the same fees or credits for receiving, docketing and returning, levying and advertising, with mileage and such commission as would be charged and received, or credited to his fee account, if sale had been made upon said writ for an amount sufficient to satisfy the same, whether such sum be paid to him or to the plaintiff, or a compromise be made between plaintiff and defendant.

For receiving and docketing each property claim, wage claim, rent claim, or exemption claim, one dollar, to be paid by the claimant upon filing same with the sheriff or his deputy.

For the appraisement of personal property by virtue of any act of Assembly, or at the request of any party, four dollars and mileage to be paid to the appraisers: Provided, That in any case where the appraisement of a large quantity of goods or the services of experts shall be required, the sheriff, or any party, may apply by petition to the court, or a judge thereof, having jurisdiction over said matter, setting forth the facts; and said court or judge may make an order fixing the sum to be allowed and paid to the sheriff for the compensation of the appraisers as the proper cost of making such appraisement, which sum so fixed and allowed shall be taxed as the sheriff's proper legal costs. The plaintiff or petitioner in the proceedings shall pay for the making and filing of any appraisement required unless otherwise provided by law.

For notifying the Auditor General of the proposed sale of the property or the franchises of any corporation or joint-stock association, three dollars.

For executing venire facias or venire facias jurotores, issued out of any court of record, the following items, to be paid by the county or Commonwealth:

For receiving, docketing, and making return thereof, on each venire, two dollars.

For any services of the sheriff in drawing names of jurors from the jury wheel, and summoning such jurors or summoning any jurors drawn by any jury board or commissioner, the sheriff shall be entitled to charge the county on his fee account, one dollar and mileage for each juror drawn; but in lieu of paying said mileage, the county may pay him only the necessary expenses, including transportation charges, incurred by him or his deputies or clerks for serving such jury notices, personally or by mail, in addition to the fees payable to him or credited against his salary.

For executing writs of habere facias, liberari facias, dower, possessionem, or possessory process, requiring the delivery of possession of real estate, or ejecting or dispossessing any person or persons of their effects, five dollars and mileage, and reasonable costs for help, when necessary to preserve the peace or safe-guard property, in addition to the costs of sale when made, to be paid by the party depositing such writ or demanding possession unless otherwise provided by law.

For executing any process, warrant, capias, attachment, decree, sentence or order of court, issued out of any court, where any person or the defendant's body is taken into custody, to be paid by the county or the Commonwealth when the public is interested, otherwise by the party procuring such writ, order, decree or sentence, as follows:

For receiving, docketing, and making return thereof, one dollar.

For each arrest, one dollar and mileage, in addition to necessary help and expenses, including the compensation of any special deputies, required to be fixed as hereinafter provided.

For transportation of each prisoner, the actual amount paid to any common carrier for such transportation, or the actual cost of such transportation by motor vehicle, in addition to necessary help and ex-

penses, including the compensation of any special deputies, required to be fixed as hereinafter provided.

For each commitment to jail, correctional institution asylum or place of detention of any juvenile court, in any criminal or civil case, fifty cents, to be paid by the county unless otherwise provided by law.

For discharging any person or prisoner from any such place of confinement, in any case, fifty cents, to be paid by the county.

For executing bail-piece or taking bond in any matter, whether civil or criminal, one dollar, to be paid by the county or person benefited unless otherwise provided by law.

In addition, the sheriff shall receive for the indictment, in each oyer and terminer case, the sum of three dollars; and in each quarter sessions court, or other county court case, the sum of one dollar and fifty cents, to be paid by the county.

For each case acted upon by any juvenile court, one dollar and fifty cents, to be paid by the county.

For each non-support or desertion case acted upon by any court, the sum of one dollar and fifty cents, to be paid by the county unless otherwise provided by law.

In counties where the sheriff shall be in charge of any jail or prison or place of detention, he shall be entitled to such allowance for the custody, care and maintenance of prisoners and inmates as may be fixed by the courts or official boards of the respective counties having supervision of such institutions, or as said courts or boards may approve, upon itemized bills rendered from time to time, to be paid by such counties in addition to any compensation for his services fixed by law or by any other governmental body chargeable therewith by law.

For removing an insane or weak minded or defective person to any institution for the confinement of the insane, or any person to the penitentiary, workhouse, Huntingdon Reformatory, or to any charitable institution or any hospital, school or house where persons are confined or detained, under any commitment, sentence, or order of any court, two dollars and fifty cents on each commitment or order, in addition to mileage and necessary expenses, to be paid by the county or other governmental body chargeable therewith by law: Provided, however, That the mileage for the person in custody, under commitment or order, shall be based upon the miles actually traveled to his or her destination.

For attending court when required to do so by law or by any judge, or bringing into and removing therefrom prisoners for arraignment, trial or sentence, or witnesses held in custody, the sum of five dollars per day for the sheriff or each deputy, for each day of oyer and terminer court, quarter sessions court, juvenile court, or county court, including the municipal court of Philadelphia and the county court of Allegheny County, when the sheriff or deputy is actually present, to be paid by the county.

For levying or paying out fines, three cents per dollar, to be paid by the party or person receiving the fine.

For advertising general or special elections in newspapers, two dollars and seventy-five cents, in addition to printer's bill, to be paid by the county.

For advertising general or special elections by hand bills, for each

polling-place, two dollars and seventy-five cents and mileage, in addition to printer's bill, to be paid by the county.

For serving notices on the judge of each election district in special elections, seventy-five cents, to be paid by the county.

For services performed in his capacity as a conservator of the peace or police officer, in suppressing riots, mobs or insurrections, and when discharging the duty requiring the summoning of a posse comitatus or special deputy sheriffs, the sheriff shall receive or be credited with a per diem compensation of not less than five dollars, to be allowed by the salary board or county commissioners or body fixing the compensation of county employeés, together with the mileage and necessary expenses, including subsistence for himself and those under him, to be paid by the county unless chargeable and collectable from some person or corporation benefited thereby by agreement or by law.

For each special deputy appointed by any sheriff in case of any emergency to assist him in executing any civil or criminal process or court order, or preserving the peace, such sheriff may charge and shall receive from the county such reasonable compensation, to be paid to such deputy in addition to the expenses incurred for the transportation and subsistence of such deputy while rendering such service, as the court which issued such process or order or the salary board or the county commissioners may approve, unless such sheriff is otherwise entitled to receive and retain sufficient legal fees, costs and mileage for the services of such special deputy to cover such compensation and expenses. Any court having jurisdiction may mandamus the county officers to make such payments upon proof of such services and expenses.

For mileage in serving or executing any of the writs, notices, rules, decrees, orders or processes, or performing any of the duties or services herein specified, and intended to be authorized by law, the sheriff shall be entitled to charge and receive, and may tax as official costs, ten cents a mile circular, for each mile necessary to be traveled by him or any of his deputies or employeés, and the same shall be allowed upon each separate writ, rule, order, decree, process or notice served, or service performed: Provided, That he shall not receive more than one mileage, where the plaintiff and defendant, in two or more contemporaneous writs, are the same; or when conducting two or more persons or prisoners at one time to or from a place of detention or correction, if he receives the actual expenses for transporting such prisoners and his deputies guarding them and meals and lodging during the journey and the return of his deputies.

For the executing of any matter directed to the sheriff, or authorized by law or rule of court, the performance of which is not herein mentioned, the sheriff shall receive the same official fees, commissions and legal costs, including mileage, as for similar services herein specially provided for.

In all cases or proceedings of which either the municipal court of Philadelphia County or the county court of Allegheny County shall have jurisdiction, the sheriff shall receive or be credited with the same fees, commissions and costs, including mileage, for official services in connection therewith as for similar services in like proceedings in other courts of the Commonwealth.

Section 2. In all the counties wherein the sheriff is or shall be compensated by a salary, all fees and commissions which he shall be re-

quired or entitled to charge or receive for official acts or services shall belong to the county, except such taxes and fees as are levied or collected for the Commonwealth or the Federal Government, and he shall not retain for his own use any such fees or commissions; but shall be entitled to all mileage and other allowances for costs and expenses chargeable by him, except mileage earned and due from the county and credited on his fee account, which shall be retained by the county in all cases where the county shall pay all his expenses for specified services to it in lieu of mileage, as herein or otherwise provided.

Section 3. All official fees, commissions and legal costs, including mileage, which are or shall be chargeable by the sheriff, shall be payable upon demand unless otherwise provided herein. No sheriff shall be required to render any service in any civil proceeding until he receives indemnity satisfactory to him for the payment of his official fees, mileage, expenses and legal costs or prepayment of same from the party at whose instance or for whose benefit such service is to be performed, but any money advanced for his charges and not earned or expended shall be refunded to the payer thereof. Any sheriff, without obtaining any extension of time for the return of any civil writ, notice, decree, order or process, may refuse to make return thereof until he shall receive all unpaid fees, commissions, mileage, expenses and legal costs, relating thereto, from the party for whose benefit the same was granted or issued unless his charges are to be paid by the Commonwealth or any county thereof. In case he does not receive his charges in advance or upon demand, he may file with his return in any proceeding an itemized list of unpaid fees, commissions, mileage, costs and expenses respecting the service to which such return relates; and, if no exceptions are filed to the same within thirty days from the time of making such return, the items included in such list shall be considered taxed and confirmed as fees, commissions, mileage and costs due such sheriff, and become a judgment in law; and the said sheriff may issue an execution for the amount so taxed, and collect the same from any party chargeable therewith without further suit, and shall not be disqualified to enforce such execution by reason of his interest therein: Provided, That such taxation may be reviewed and execution controlled by any court having jurisdiction if sufficient cause be shown by any person aggrieved. Nothing herein contained shall be deemed to impair the power of any court in any criminal proceeding to enforce the payment of any fees, commissions and costs, including mileage, chargeable by the sheriff or payable to him in connection therewith, in any manner now or hereafter provided by law.

Section 4. The several sheriffs of this Commonwealth shall and are hereby required to make fair tables of their respective fees and commissions, according to this act, and to publish and keep a copy of the same in some conspicuous place in their offices, within one month after the passage of this act.

Section 5. It shall be the duty of every sheriff, his deputy or agent, if demand for that purpose shall be made, immediately after receiving any of his official fees, commissions and legal costs, including mileage, to deliver a bill of particulars, specifying the several items contained therein and the amount thereof, to the party paying said fees, et cetera, and to give a receipt therefor, or to endorse on any written security,

when taken, that the same was given for fees, commissions and legal costs, including mileage, and to sign the endorsement so made.

Section 6. The sheriff shall be relieved from any liability for the loss, destruction, removal or damage to any goods or chattels, or any injury to any real estate, levied upon, seized or taken into possession by virtue of any writ, attachment, order, decree, distraint or sequestration, if the person or party lodging the same with him shall refuse to advance or secure the reasonable fees, mileage charges and expenses, incident to the seizure, safe keeping and proper protection of such property, upon demand, in manner aforesaid. Any such fees and other charges so paid by such person or party shall be deemed part of the costs on such writ, attachment or other order, and be refunded to such person out of any proceeds of any sale of such property so taken into custody or possession.

Section 7. This act is intended as an entire and complete fee bill for sheriffs in all counties of this Commonwealth; and any and all other acts, general, special or local, or any parts thereof, that are inconsistent herewith are hereby repealed, without intending to revive any acts or parts of acts repealed thereby.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 21, 1931.

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

I return herewith, without my approval, Senate Bill No. 221, Printer's No. 137, entitled "An act fixing and regulating the fees, commissions, mileage and other costs chargeable by sheriffs for their official acts, and the services of their deputies, watchmen, appraisers and other help; requiring prepayment of same unless secured or chargeable to the county, and delivery of itemized receipts therefor; authorizing certain payments by the counties in lieu of mileage; providing for the taxation and collection of fees, commissions, mileage and other costs; requiring salaried sheriffs to account for certain fees, commissions and mileage; and repealing inconsistent laws, general, special or local."

This bill is a general fee bill for sheriffs in all counties of the Commonwealth. I am in sympathy with its purpose to provide by legislation uniform fees for all sheriffs. Nevertheless, I am compelled to withhold my approval from this measure for a number of reasons.

This bill not only originated in Philadelphia. It was made to order for Philadelphia. This is shown by the attempt to increase the charge for clerk hire from \$2.00 per day to \$2.00 for each sale of real estate. In Philadelphia as many as 1400 sheriff's sales of real estate take place in a month. The bill, therefore, would increase the sheriff's fees by nearly \$3,000.00 per month, or almost \$36,000.00 per year in this one item alone.

I will not countenance any effort to collect such exorbitant fees from the public. In these trying times especially, property owners ought to be protected against such gouging.

I object vigorously to the provision for the payment of compensation and expenses of special deputy sheriffs appointed at the request of private corporations. Any legislation which gives legal sanction to what has been proved in the past to be a private and oppressive police

force to guard the property of private corporations in time of strike is vicious. The appellate courts of this State have held that a sheriff is not legally required to furnish special deputies for the protection of private property, and that it is outside of his official duties to do so. I decline to approve any legislation which even indirectly sanctions the pernicious practice of using deputy sheriffs for strike-breaking purposes.

This bill is objectionable also because its title does not give notice that the sheriff is required to bring actions of mandamus against all other county officers to enforce payment of the compensation and expenses of his special deputies, a practice which in itself is indefensible.

There are several other provisions which have for their purpose the increase of fees, and which would, therefore, work a hardship upon litigants.

The foregoing objections to this bill and others were presented to the representative of the State Sheriffs' Association while there was still time to correct them. His demand that not a line should be changed now forces me to veto the bill.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 22

AN ACT

To amend section twenty-two of the act, approved the fourteenth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, seven hundred ten), entitled "An act allowing and regulating boxing, sparring, and wrestling matches and exhibitions; establishing a State Athletic Commission; making an appropriation therefor; and appropriating moneys received for monument and memorial purposes; and prescribing penalties," by providing for the return of the price of admissions when a principal match ends in a foul.

Section 1. Be it enacted, &c., That section twenty-two of the act, approved the fourteenth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, seven hundred ten), entitled "An act allowing and regulating boxing, sparring, and wrestling matches and exhibitions; establishing a State Athletic Commission; making an appropriation therefor; and appropriating moneys received for monument and memorial purposes; and prescribing penalties," is hereby amended to read as follows:

Section 22. Tickets to Indicate Purchase Price; Admissions Not to Exceed Seating Capacity; *Purse to be Held Up in Case of Foul*.—All tickets of admission to any such boxing, sparring, or wrestling match or exhibition shall bear clearly upon the face thereof the purchase price of same, and no such tickets shall be sold for more than such price as printed thereon. It shall be unlawful for any such corporation or person to admit to such contest a number of people greater than the seating capacity of the place where such contest is held.

When a principal boxing, sparring, or wrestling match or exhibition ends or terminates in a foul, or is declared by the referee to be an unsatisfactory bout or no contest, or if either participant is disqualified for any reason, the referee shall order the remuneration or purse belonging to the contestants, or either of them, to be held pending the outcome of another bout or match between the same contestants, to be put on as an extra bout or match at the next exhibition to be held under the

direction of or by the same club or promoters. In the event that another bout or match shall not be so held between the same contestants within two months after the said purse or remuneration has been held up, such remuneration or purse shall be paid into the State Treasury for the use of the Commonwealth.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 21, 1931.

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

I return herewith, without my approval, Senate bill No. 269, Printer's No. 343, entitled "An act to amend section twenty-two of the act, approved the fourteenth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, seven hundred ten), entitled 'An act allowing and regulating boxing, sparring, and wrestling matches and exhibitions; establishing a State Athletic Commission; making an appropriation therefor; and appropriating moneys received for monument and memorial purposes; and prescribing penalties,' by providing for the return of the price of admissions when a principal match ends in a foul."

This bill would permit the referee to order the remuneration or purse belonging to the contestants to be held pending the outcome of another boxing match between the same contestants where a match terminates in a foul or where the referee declares it unsatisfactory or disqualifies either participant for any reason. It would require in the event that another match is not held between the same contestants within two months subsequent to the original match, that the purse be paid into the State Treasury.

There are several objections to this bill.

First. It would work a hardship upon a contestant, who is doing his best, to make him box a second time without compensation.

Second. It would be a great advantage to the promoter to be permitted to stage another bout without any additional cost. He would benefit by having a bout end unsatisfactorily.

Third. The bill is unnecessary. The Athletic Commission now has ample authority to deal with the situations to which it applies. Only one bout of importance held in Pennsylvania in recent years has ended in a foul and the offender had his license revoked.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 23
AN ACT

Making an appropriation for the preservation and reconditioning of the flags, standards, and guidons of the Pennsylvania regiments that served in the various wars in which the United States has engaged.

Whereas, The State of Pennsylvania has many flags of the regiments and other units that served in the American Civil War and the Spanish-American War on display in the rotunda of the Capitol building, and the regimental flags of the Pennsylvania regiments that served in

the World War which are now in the State Arsenal ready to be displayed when a place is provided for the purpose; and

Whereas, The regimental flags of Pennsylvania regiments that served in the wars in which the United States has engaged are objects of peculiar historical interest and value, and are a splendid heritage inspiring all that now or will in the future behold them; and

Whereas, The said flags, standards, and guidons were well taken care of according to the best known methods at the time they were placed in the rotunda of the Capitol, but there has since that time been discovered or invented processes or methods that preserve and recondition the flags, standards, and guidons in their entirety and add to the life of such flags; now therefore

Section 1. Be it enacted, &c., That the sum of three thousand dollars (\$3,000.00), or so much thereof as may be necessary, is hereby specifically appropriated to the Department of Property and Supplies for the preservation and reconditioning of Pennsylvania regimental flags, standards, and guidons of the regiments that served in the Civil War, Spanish-American War, and the World War.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 21, 1931.

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

I return herewith, without my approval, House Bill No. 193, Printer's No. 394, entitled, "An act making an appropriation for the preservation and reconditioning of the flags, standards, and guidons of the Pennsylvania regiments that served in the various wars in which the United States has engaged."

This bill would appropriate \$3,000.00 for the preservation and reconditioning of the State regimental flags, standards, and guidons which are on display in the rotunda of the Capitol.

These flags, standards, and guidons are encased in bolting cloth wrappings within glass cases. I am reliably informed that there has been no deterioration in their condition since they were permanently placed in these cases. Moreover, there seems to be no agreement that preservative methods now being urged are actually effective.

In view of the fact that these relics are now being carefully preserved, there is no necessity for the expenditure which this bill would authorize.

For these reasons the bill is not approved.

GIFFORD PINCHOT

AN ACT

To amend section eight hundred and sixteen of the act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, nine hundred five), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibusses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts, and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," by requiring motor busses and motor omnibusses to be equipped with non-shatterable glass.

Section 1. Be it enacted, &c., That section eight hundred and sixteen of the act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, nine hundred five), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibusses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts, and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," is hereby amended to read as follows:

Section 816. Windshields must be Unobstructed and Equipped with Wipers; *Non-shatterable Glass on Motor Busses and Motor Omnibusses.*

—(a) It shall be unlawful for any person to operate any motor vehicle upon a highway with any sign, poster, or other non-transparent material upon the front windshield, side wings, side or rear windows of such motor vehicle, other than a certificate or other paper required by law, or so directed by the secretary to be displayed: Provided, however, That signal lamps of a type approved by the secretary shall not be considered a violation of this section.

(b) Every permanent windshield on a motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture, from the windshield, which device shall be so constructed as to be controlled or operated by the operator of the vehicle.

(c) *It shall be unlawful for any person to operate a motor bus or motor omnibus for the carriage of passengers for hire, acquired as a new bus from a manufacturer or dealer after this act takes effect, unless the same is equipped with a windshield and windows of glass of a type*

known as non-shatterable glass. It shall be unlawful, hereafter, for any person to replace any glass in any windshield or window of any motor bus or motor omnibus, operated in this Commonwealth for the carriage of passengers for hire, except with non-shatterable glass. Each day any motor bus or motor omnibus is operated contrary to the provisions of this clause shall constitute a separate offense. The term "non-shatterable glass" shall include any glass designed to minimize the likelihood of personal injury from its scattering when broken, which shall conform to such standards as may be fixed by the Department of Revenue.

Penalty.—Any person violating any of the provisions of this section shall, upon summary conviction before a magistrate, be sentenced to pay a fine of five (\$5) dollars and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than three (3) days.

Section 2. This act shall take effect on the first day of January, one thousand nine hundred and thirty-two.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 21, 1931.

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

I herewith return, without my approval, House Bill No. 257, Printer's No. 808, entitled, "An act to amend section eight hundred and sixteen of the act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, nine hundred five), entitled 'An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibusses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts, and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds,' by requiring motor busses and motor omnibusses to be equipped with non-shatterable glass."

This bill amends "The Vehicle Code" of 1929 by making it unlawful to operate a passenger motor-bus for hire, acquired after January 1, 1932, unless it be equipped with "non-shatterable" glass. Replacement of glass in existing vehicles must be made only with such "non-shatterable" glass after that date.

I am in favor of any reasonable requirement which will promote

safety in highway travel, but I do not believe the Commonwealth should champion any specific brand or type of material for use in vehicles which might achieve that end. In addition, the bill would place a duty on the Secretary of Revenue which he and the Bureau of Motor Vehicles are not equipped to perform. All vehicles involved in the bill are subject to the rules and regulations of the Public Service Commission, which might properly prescribe the use of equipment insuring safety to the patrons of those who hold its certificates of public convenience.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 25

AN ACT

To amend clause three, section thirty-seven of the 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," by requiring officers and directors of building and loan associations to be the owners of at least ten shares of the capital stock of such corporation.

Section 1. Be it enacted, &c., That clause three, section thirty-seven of the 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," is hereby amended to read as follows:

Clause 3. That the number, titles, functions and compensation of the officers of any such corporation, their terms of office, the times of their elections, as well as the qualifications of electors, and the ratio and manner of voting, and the periodical meetings of the said corporation, shall be determined by the by-laws when not provided by this act: *Provided, however, That no person shall act as an officer or director of such corporation unless he or she owns ten or more shares of the capital stock of such corporation, which shares must be at all times free of all liens, encumbrances, and collateral for any kind of obligation.*

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 21, 1931.

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

I return herewith, without my approval, House Bill No. 711, Printer's No. 840, entitled "An act to amend clause three, section thirty-seven of the 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,' by requiring officers and directors of building and loan associations to be the owners of at least ten shares of the capital stock of such corporation."

This bill amends the General Corporation Act of 1874 by requiring that officers and directors of building and loan associations shall own at least ten shares of the capital stock thereof, provided such shares shall be "at all times free of all liens, encumbrances and collateral for

any kind of obligation." The purpose of this bill is commendable. There is good reason for requiring a substantial interest in the association as a prerequisite to office therein. Unfortunately, it prevents many individual home owners and other worthy borrowers who are vitally interested in the affairs of their association from actively engaging in its management.

Unquestionably, there are associations managed by individuals having no substantial investment in them. Their stockholders have the power to correct this situation by changes in their by-laws. Each association can prescribe such qualifications as will best meet its needs and safeguard its affairs. An act of Assembly making obligatory for all associations requirements that would be a burden to many is not a proper way to solve the problem.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 26

AN ACT

To amend section fourteen of the act, approved the eighteenth day of July, one thousand nine hundred seventeen (Pamphlet Laws, one thousand forty-three), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits and rights from taxation and judicial process; and providing penalties," as amended, by fixing a minimum monthly compensation for certain retired teachers.

Section 1. Be it enacted, &c., That section fourteen of the act, approved the eighteenth day of July, one thousand nine hundred seventeen (Pamphlet Laws, one thousand forty-three), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits and rights from taxation and judicial process; and providing penalties," as last amended by the act, approved the fifteenth day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand seven hundred fifty-nine), entitled "An act to amend section fourteen of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, ten hundred forty-three), entitled 'An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payment therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits and rights from taxation and judicial process; and providing penalties,' as amended, by providing for the payment by the Senate of compensation

to certain former teachers who hold themselves in readiness to perform certain duties," is hereby further amended to read as follows:

Section 14. Retirement for superannuation shall be as follows:

1. Any contributor who is an employe sixty-two years of age or older may retire for superannuation by filing with the retirement board a written statement, duly attested, setting forth at what time, subsequent to the execution of said application, he or she desires to be retired. Said application shall retire said contributor at the time so specified, or, in the discretion of the retirement board, at the end of the school term in which the time so specified occurs.

2. Each and every contributor who has attained or shall attain the age of seventy years shall be retired by the retirement board, for superannuation, forthwith, or at the end of the school term in which said age of seventy years is attained.

Allowance on Superannuation Retirement.

3. On retirement for superannuation, a contributor who is an employe shall receive a retirement allowance which shall consist of:

(a) A teacher's annuity, which shall be the actuarial equivalent of his or her accumulated deductions; and

(b) A State annuity of one one-hundred-sixtieth (1/160) of his or her final salary for each year of service prior to the age of sixty-two years; and

(c) In addition thereto, if a present employe, a further State annuity of one-hundred-sixtieth (1/160) of his or her final salary for each year of prior service, as certified to said present employe in the certificate issued to him or her by the retirement board under the provisions of section ten of this act.

4. Any person sixty-two years of age or older who was a class-room teacher in the public schools of Pennsylvania for at least twenty years, and who separated from school service for any reason prior to the first day of July, one thousand nine hundred and nineteen; or any person who was a class-room teacher in the public schools of Pennsylvania for at least fifteen years, and who separated from school service because of physical or mental disability prior to the first day of July, one thousand nine hundred and nineteen, and who still is unable to teach because of such disability, shall receive a State compensation equal to one-eightieth of his or her final salary for each year of school service, *but not less than twenty-five dollars per month*, if such former teacher shall agree, in writing, and hold himself or herself ready under the direction of the board of school directors, to advise and counsel with school officials, to visit and counsel with new teachers, to act as substitute teacher when able, to examine and report on public school work, to visit pupils' homes in the interests of child welfare, to attend educational conferences and addresses, and to be concerned with other educational work as may be deemed necessary and helpful to community-school interests. The General Assembly shall, from time to time, appropriate moneys sufficient to make payments under this subsection: Provided, That any teacher who is entitled to receive State compensation hereunder, and who is receiving a retirement allowance under the provisions of a local teachers' retirement system, shall receive from the Commonwealth only the difference between the compensation to which such teacher would otherwise be entitled under

the provisions of this subsection and the annual amount received by such teacher from such local teachers' retirement system.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 21, 1931.

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

I return herewith, without my approval, House bill No. 799, Printer's No. 579, entitled "An act to amend section fourteen of the act, approved the eighteenth day of July, one thousand nine hundred seventeen (Pamphlet Laws, one thousand forty-three), entitled 'An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits and rights from taxation and judicial process; and providing penalties; as amended, by fixing a minimum monthly compensation for certain retired teachers."

This bill would fix twenty-five dollars per month as the minimum monthly compensation for teachers over sixty-two years of age who retired because of disability prior to July 1, 1919. This provision would discriminate against those contributing members of the State School Employes Retirement Association who have heretofore been retired and who are receiving less than twenty-five dollars per month. There can be no justification for paying a larger allowance to teachers who have contributed no part of the cost of their retirement allowance than to those who have made such contributions.

In addition, this bill would increase the amount of the State appropriation required for the next biennium for retirement purposes by \$135,648.00. No provision has been made for this amount in the budget.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 27

AN ACT

Defining the kind of title titles of the second class shall acquire pursuant to the exercise of the power of eminent domain.

Section 1. Be it enacted, &c., That hereafter whenever any city of the second class shall condemn property for public purposes pursuant to any power conferred by any existing or future law, the title so condemned pursuant to the power of eminent domain shall be a fee simple title.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 21, 1931.

To the Honorable the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House bill No. 857, Printer's No. 210, entitled "An act defining the kind of title cities of the second class shall acquire pursuant to the exercise of the power of eminent domain."

The bill provides "that hereafter whenever any city of the second class shall condemn property for public purposes pursuant to any power conferred by any existing or future law the title so condemned pursuant to the power of eminent domain shall be a fee simple title."

This bill is defectively drawn. Evidently, it was the intention of the draftsman to provide that the title acquired pursuant to the power of eminent domain shall be a fee simple title, but the bill provides that the title condemned shall be a fee simple title. This provision would be dangerous. It would restrict the present powers of cities of the second class to acquire property necessary for public purposes.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 28

AN ACT

To amend clause C of section seven of the act, approved the twelfth day of July, one thousand nine hundred nineteen (Pamphlet Laws, nine hundred thirty-three), entitled "An act to regulate the practice of architecture in the Commonwealth of Pennsylvania by providing for the examination and registration of architects by a State Board of Examiners; defining the power and duties of said board of examiners; and providing penalties for the violation of this act," extending the time within which persons practicing as architects, or employees of architects, prior to the passage of the act may apply for certificate and registration without examination.

Section 1. Be it enacted, &c., That clause C of section seven of the act, approved the twelfth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, nine hundred and thirty-three), entitled "An act to regulate the practice of architecture in the Commonwealth of Pennsylvania by providing for the examination and registration of architects by a State Board of Examiners; defining the power and duties of said board of examiners; and providing penalties for the violation of this act," is hereby amended to read as follows:

C. The board of examiners may grant a certificate of qualification to and register without examination any one who has been engaged in the practice of architecture in this State for at least one year prior to the date of approval of this act as a member of a reputable firm of architects or under his or her own name, or to any one who has been engaged in the practice of architecture as an employe for at least five years prior to the date of approval of this act: Provided, That applicants under this subdivision shall present satisfactory proof of competency and qualifications and evidence as to character: And provided, That the application for such certificate shall be made within [two] *thirteen* years after the date of approval of this act.

Any architect who has lawfully practiced architecture for a period of more than ten years without the State shall be required to take only

a practical examination, which shall be of the nature to be determined by the board of examiners.

Any architect who is a citizen of a foreign country, and who seeks to practice within this State, and who has lawfully practiced architecture for a period of more than ten years, shall be required to take a practical examination as determined by the board of examiners, or, if in practice for a period of less than ten years, shall obtain a certificate and registration by satisfactorily passing academic and technical examinations or by presentation of certificates or diplomas from recognized schools, showing achievement by applicant satisfactory to the board of examiners.

Every person applying for examination or certificate of qualification and registration under this act shall pay a fee of twenty-five dollars to the secretary of the board of examiners.

Said examinations shall be conducted by the full board, or by one or more members of the same duly delegated by said board, or otherwise, as may be determined by the said board.

If such applicant shall successfully pass such examinations, or shall bring himself or herself within the provisions of subdivision "C" above, the said board shall issue to such applicant, under the seal of the State, a certificate of qualification to practice architecture in the State of Pennsylvania, which said certificate shall be signed by the president and secretary of the board, and shall be in such form as may be prescribed by said board, but the same shall contain the name of the successful applicant, his or her place of business, and the words, "Admitted to practice Architecture in the State of Pennsylvania, the day of, 19....."

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 21, 1931.

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

I return herewith, without my approval, House bill No. 1244, Printer's No. 583, entitled, "An act to amend clause C of section seven of the act, approved the twelfth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, nine hundred and thirty-three), entitled 'An act to regulate the practice of architecture in the Commonwealth of Pennsylvania by providing for the examination and registration of architects by a State Board of Examiners; defining the power and duties of said board of examiners; and providing penalties for the violation of this act,' extending the time within which persons practicing as architects or employes of architects prior to the passage of the act may apply for certificate and registration without examination."

This bill would amend the Architectural Practice Act by extending the time from two to thirteen years within which persons may be registered without examination because they were practicing as architects or employes of architects prior to the passage of the act.

When the act regulating the practice of architecture became effective in 1919, opportunity was afforded to all architects practicing at that

time for registration without examination within a period of two years. It is quite unnecessary to open the doors twelve years subsequent to the passage of the act. There is no reason for registering any person at this time who is not qualified to take the regular examination provided by the act.

For these reasons, the bill is not approved.

GIFFORD PINCHOT

No. 29

AN ACT

Establishing a Legislative Finance Bureau; defining its powers and duties, and providing for the election and removal of a director by the General Assembly; authorizing the employment of assistants; imposing certain duties and responsibilities upon the departments, boards and commissions of the State government, and upon agencies receiving State appropriations.

Section 1. Be it enacted, &c., That there is hereby established a Legislative Finance Bureau as a part of the Legislative branch of government.

Section 2. That as soon as may be after the passage of this act, the Senate and House of Representatives in joint session shall elect a Director of the Legislative Finance Bureau, who shall hold office for four years and until a successor shall be elected and qualified, and who shall perform the duties herein set forth and such other duties as the General Assembly by law or resolution prescribe.

Section 3. The Director of the Legislative Finance Bureau shall be qualified by experience, knowledge and ability to collect, classify, analyze correcting and interpret facts as to public finance and accounts, including all revenues and expenditures. He shall give bond to the Commonwealth in the sum of ten thousand dollars (\$10,000) for the faithful performance of his duties, and shall receive a salary of seven thousand five hundred dollars (\$7,500) per annum.

Section 4. The Director of the Legislative Finance Bureau may be removed at any time by concurrent resolution of the Senate and House of Representatives, after notice and hearing, when, in the judgment of the General Assembly, he has become permanently incapacitated or has been inefficient or guilty of neglect of duty or of malfeasance in office or of any felony and for no other cause and in no other manner except by impeachment.

Section 5. If any vacancy shall occur in the office of the Director of the Legislative Finance Bureau when the General Assembly is not in session, the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall fill the vacancy by making an appointment; the appointee to hold office until a successor is elected for a full term of four years by the General Assembly next convening. Should the President Pro Tempore of the Senate and the Speaker of the House of Representatives fail to agree on an appointment to fill the vacancy within thirty days after its occurrence, each of them shall forthwith nominate one person for the vacancy. The persons so nominated shall draw lots whereupon the nominee determined thereby shall assume the office of Director of the Legislative Finance Bureau until a successor is elected by the General Assembly as hereinbefore provided.

Section 6. The Legislative Finance Bureau shall be allotted suffi-

cient office space in an appropriate location in the Capitol at Harrisburg. The Department of Property and Supplies shall, on requisition, furnish to the bureau such supplies and printing as may be required. The director of the said bureau shall appoint such assistants as he may deem necessary and fix their compensation, payable from appropriations made for such purposes.

Section 7. The Director of the Legislative Finance Bureau shall investigate at the seat of government, or elsewhere, all matters relating to the receipt, disbursement and application of public funds, and shall make to the General Assembly, at the beginning of each regular session, a report in writing of the work of his office, containing recommendations concerning legislation he may deem necessary and concerning such other matters relating to the receipts, disbursement and application of public funds as he may think advisable. In such regular report or in special reports at any time when the General Assembly is in session, he shall make recommendations looking to greater economy or efficiency in public expenditures. He shall keep well versed in the financial affairs of the State government and collect such data and information and keep the same available as he deems of value for the information of the General Assembly when in session.

Section 8. The Director of the Legislative Finance Bureau shall make such investigations and reports as shall be ordered by either House of the General Assembly or by any committee of either House having jurisdiction over revenue, appropriations or expenditures. He shall also, at the request of any such committee, direct assistants from his office to furnish the committee such aid and information as it may request.

Section 9. The records and information in the possession of the Legislative Finance Bureau shall at all times be confidential, and no officer or employe of said bureau shall permit any of its records to be inspected by, or divulge any information to, any person, except (a) members or committees of the General Assembly during a session of the General Assembly, or (b) persons or groups of persons who will be members of the General Assembly during any time between a session of the General Assembly and the date of the general election immediately preceding such session of the General Assembly.

Nothing contained in this section shall prohibit the inspection of the records of said bureau by the Auditor General, or his agents, for the purpose of any audit as provided by law.

Section 10. It is hereby declared that the duties and powers of the Director of the Legislative Finance Bureau are separate and distinct from the duties imposed upon, and the powers granted to, the Auditor General, the State Treasurer, the Budget Secretary or any other officer of the Commonwealth.

Section 11. All departments, boards and commissions of the government of this Commonwealth, and each State-owned institution and agency receiving State appropriations, shall, on request of the director, furnish to the Legislative Finance Bureau pertinent information regarding their activities, financial transactions, and methods of business. The director of the Legislative Finance Bureau shall, for the purpose of securing such information, have access to and the right to examine any property, books, documents, papers or records of any department, board or commission, institution or agency.

Section 12. The information collected by the Legislative Finance Bureau shall be preserved permanently as a part of the records of the Legislature, and shall at all times be at the disposal of the General Assembly.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 28, 1931.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 983, Printer's No. 864, entitled "An act establishing a Legislative Finance Bureau; defining its powers and duties, and providing for the election and removal of a director by the General Assembly; authorizing the employment of assistants; imposing certain duties and responsibilities upon the departments, boards and commissions of the State government, and upon agencies receiving State appropriations."

This bill would establish a Legislative Finance Bureau in charge of a director to be elected by the General Assembly for a term of four (4) years at a salary of seven thousand five hundred dollars (\$7,500) per annum.

It would be the duty of the director to "investigate at the seat of government or elsewhere all matters relating to the receipt, disbursement, and application of public funds" and to make to the Legislature at the beginning of each regular session a report in writing "containing recommendations concerning legislation he may deem necessary and concerning such other matters relating to the receipt, disbursement, and application of public funds as he may think advisable." It would also be his duty to "keep well versed in the financial affairs of the State government and collect such data and information and keep the same available as he deems of value for the information of the General Assembly when in session." He would also be required to "make such investigations and reports as shall be ordered by either House of the General Assembly or by any committee * * * having jurisdiction over revenue, appropriations, or expenditures."

To enable these duties to be performed, the bill provides that "All departments, boards, and commissions of the government of this Commonwealth and each State-owned institution and agency receiving State appropriations shall on request of the director furnish to the Legislative Finance Bureau pertinent information regarding their activities, financial transactions, and methods of business." To procure this information, the director would have "access to and the right to examine any property, books, documents, papers, or records of any department, board, or commission, institution, or agency."

The information thus collected would be confidential except that it might be divulged to members or committees of the General Assembly during a session or to persons or groups of persons elected to membership in the Legislature during the interval between the last preceding general election and the meeting of the regular session.

I am in hearty sympathy with any effort on the part of the Legislature fully to inform itself regarding the fiscal affairs of the State, but I cannot consent to let an officer who is responsible to no superior while performing his duties, substitute his judgment for that of the

Governor and his cabinet in administering the affairs of the State by the use of money appropriated to them for the purpose by the General Assembly.

Except for twenty-five (25) members of the Senate, the personnel of the next regular session of the General Assembly cannot be known until after the general election to be held in the fall of 1932. Therefore, the body to whom the Director of the Legislative Finance Bureau would report and the only body to whom he could possibly be responsible would be unascertained and unascertainable during the larger part of the interval between legislative sessions. The director would, therefore, be a free lance with no one to curb his activities in the event that he undertook to interfere with or embarrass the officers and employes of the executive branch of the government in the performance of their work. Such a situation would, in my opinion, be intolerable.

The Constitution renders it the duty of the Governor to provide the General Assembly with such information and to make such recommendations as he may judge expedient. It has been held that it is for the executive to determine what information in the possession of his department he believes it advisable to furnish to a co-ordinate department of the government. The creation of the proposed bureau as outlined in this bill would substitute for the judgment of the Governor the judgment of the director of the bureau. This, I am advised, cannot constitutionally be done.

The Constitution also provides that the Governor may require information in writing from the officers of the Executive Department upon any subject relating to the duties of their respective offices. It does not confer this right upon any other department. I believe that the framers of our Constitution and the people who adopted it wisely limited the right to compel the disclosure of information by executive officers.

In addition, the Legislature has already created an agency which is available for collecting any information which members of the Legislature may require and which the Executive Department is properly able to furnish, namely, the Legislative Reference Bureau. If members of the General Assembly prefer to receive information from their own agent rather than directly from officers of the executive branch of the government, they can make their requests to the Legislative Reference Bureau.

Finally, there has not, to the best of my knowledge, been any disposition during recent years on the part of the Governor or those serving under him to refuse to members of the Legislature full information upon any question relating to the finances of the State government. The Budget Office, directly under the Governor, and the office of the Auditor General are in a position to furnish to any interested member of the Senate or House as much information as could be obtained through a Legislative Finance Bureau. The data which could be assembled in such a bureau would be a mere duplication of data already existing in two offices of the government. This would be an unnecessary and useless waste.

In stating my reasons for disapproving this bill, I have assumed that it was prepared and passed in good faith and without any desire on the part of the General Assembly to provide an agency which would interfere with the orderly conduct of the various departments serv-

ing the Governor. It is obvious that if the Legislative Finance Bureau was conceived as an agency to do more than gather information, its existence would be an unthinkable interference by one branch of the government with the activities of another.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 30

AN ACT

Requiring the Auditor General to make reports to the General Assembly with respect to his audits and the financial affairs of the State Government.

Section 1. Be it enacted, &c., That the Auditor General shall, at each session of the General Assembly, make report in summary form of the result of his audits of the accounts and affairs of the several departments, boards, commissions, and agencies of the State Government, and, in said report, shall set forth in detail all matters, affairs, and transactions which he deems necessary should be called to the attention of the General Assembly and his recommendations with respect to the same. In such report or in any special report, the Auditor General shall make such recommendations looking to greater economy and efficiency in public expenditures and the management of the financial affairs of the State Government as he deems advisable.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 28, 1931.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1926, Printer's No. 882, entitled "An act requiring the Auditor General to make reports to the General Assembly with respect to his audits and the financial affairs of the State Government."

This bill is objectionable for the same reasons which have led me this day to file in the office of the Secretary of the Commonwealth, without my approval, House bill No. 983.

This bill would render it the duty of the Auditor General at each session of the General Assembly to make report in summary form of the result of his audits of the accounts and affairs of the several departments, boards, commissions and agencies of the State government. His report would set forth all matters, affairs, and transactions which he, independently of the Governor, might deem necessary to be called to the attention of the General Assembly and his recommendations regarding them. It would also be his duty to make recommendations to the Legislature looking to greater economy and efficiency in public expenditures and the management of the financial affairs of the State government.

While the Auditor General is elected by the people, he is, nevertheless, an executive officer; and the Governor, under Article IV, Section 2, of the Constitution is the "supreme executive power."

It is for the Governor and the Auditor General to determine what facts, if any, disclosed by audits of the affairs of the executive agencies

of the government shall be reported to the General Assembly. It should be presumed that they will conscientiously perform their duty.

To attempt to render the Auditor General the agent of the Legislature to report to it his recommendations for economy and efficiency in the management of the financial affairs of the State would place the Auditor General in a dual situation. As an executive officer, the Auditor General should make any such recommendations to the Governor, and it is needless to say that any Governor will welcome such suggestions.

This bill is not in accord with the scheme of government set up by the Constitution, is unnecessary, and will serve no useful purpose.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 31

AN ACT

For the relief of persons in charge of parades, funeral processions, and corteges from liability for injuries, death, and loss suffered by guests or persons participating in such parades, funeral processions, and corteges, except in certain cases.

Section 1. Be it enacted, &c., That no owner or operator of a vehicle in a parade or funeral procession or cortege, and no guest passenger in a parade or funeral procession or cortege, shall have a cause of action against any person or persons directing or in charge of any such parade, funeral procession or cortege for injury or loss, nor shall any right of action survive in case of death from any such accident, unless such accident shall have been caused by the gross negligence of such person or persons in charge of or directing the parade, funeral procession or cortege, and unless such gross negligence contributed to the injury, death or loss for which action is brought.

Section 2. This act shall not relieve a public carrier or the owner or operator of a hired or rented vehicle of responsibility for any injuries sustained by a passenger being transported by such public carrier or hired or rented vehicle.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 10, 1931.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 780, Printer's No. 372, entitled, "An act for the relief of persons in charge of parades, funeral processions, and corteges from liability for injuries, death, and loss suffered by guests or persons participating in such parades, funeral processions, and corteges, except in certain cases."

This bill would relieve any person in charge of parades, funeral processions and corteges from liability for injuries, death or property damage resulting from any accident unless the accident was caused by gross negligence which contributed to the injury, death or damage.

There is no good reason why a person in charge of a parade, funeral procession or cortege should be relieved from the ordinary tort liability existing in other cases.

For these reasons the bill is not approved.

GIFFORD PINCHOT

AN ACT

To amend paragraph nineteen as amended of section one thousand two hundred and ten of the 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," increasing the amount to be paid by the Commonwealth to school districts of the second and third class in certain cases.

Section 1. Be it enacted, &c., That paragraph nineteen of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred and 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 was last amended by the act, approved the seventh day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand six hundred and twenty-two), entitled "An act to amend clause nineteen of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred and 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,' as amended," and the act, approved the seventh day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand six hundred and twenty-seven), entitled "An act to amend clause nineteen of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred and 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,' as amended," is hereby further amended to read as follows:

Nineteen. Of the salaries herein provided for teachers, supervisors, principals and all other members of the teaching and supervisory staff in the public schools of the Commonwealth, except part time and night school teachers, the Commonwealth shall pay for the biennium year beginning June first, one thousand nine hundred and twenty-three, and each biennium year thereafter, to such school districts as comply with the laws governing the public schools of the Commonwealth, for the payment of the salaries of each of said persons employed therein, as shown by the certificate herein required to be filed with the Superintendent of Public Instruction in the November immediately pre-

ceding any such biennium year, as follows: In school districts of the first class, for each member of the teaching and supervisory staff, twenty-five per centum (25%) of the annual minimum salary prescribed herein for elementary teachers in such districts; in school districts of the second and third class, for each member of the teaching and supervisory staff, thirty-five per centum (35%) of the annual minimum salary prescribed herein for elementary teachers in such districts, *but, where such districts are organized upon a quarterly basis, the schools whereof being operated and kept open throughout the entire twelve months of the school year, the Commonwealth shall pay for each member of the teaching and supervisory staff so employed in such districts, forty-six and two-thirds per centum (46 2/3%) of the annual minimum salary prescribed herein for elementary teachers in such districts*; in school districts of the fourth class, for each member of the teaching and supervisory staff, fifty per centum (50%) of the annual minimum salary prescribed herein for teachers in such districts: Provided, That the amount paid by the Commonwealth to a school district of the first, second, and third class, which has a true valuation per teacher of assessable property of fifty thousand dollars (\$50,000) or less, shall be seventy-five per centum (75%) of the annual minimum salary prescribed herein for teachers in such districts; and that the amount paid to a school district of the first, second, and third class, which has a true valuation per teacher of assessable property of more than fifty thousand dollars (\$50,000) and not more than one hundred thousand dollars (\$100,000) shall be sixty per centum (60%) of the annual minimum salary prescribed herein for teachers in such districts: Provided, That the amount paid by the Commonwealth to a school district of the fourth class, which has a true valuation per teacher of assessable property of fifty thousand dollars (\$50,000) or less, shall be seventy-five per centum (75%) of the annual minimum salary prescribed herein for teachers in such districts; and that the amount paid to a school district of the fourth class, which has a true valuation per teacher of assessable property of more than fifty thousand dollars (\$50,000) and not more than one hundred thousand dollars (\$100,000), shall be sixty per centum (60%) of the annual minimum salary prescribed herein for teachers in such districts: Provided, That where any member of the teaching or supervisory staff receives less salary than the minimum salary prescribed by the foregoing salary schedule for the class of district in which he is teaching, there shall be paid to the district a corresponding per centum of the salary paid to such person: Provided further, That in districts of the first, second, third, and fourth classes the minimum salary of teachers, supervisors, and principals employed in the extension schools and classes of the Commonwealth established for the education of adults and legally employed minors and not designated as continuation or other vocational schools or classes shall be one dollar (\$1.00) per hour; the minimum annual increment in salary in such extension schools and classes shall be twenty-five cents (\$.25) per hour; the minimum number of such annual increments shall be two (2): And provided further, That for each member of the teaching and supervisory staff employed by any school district in extension schools and classes approved by the Department of Public Instruction, established for the education of adults and legally employed minors

and not designated as continuation or other vocational schools or classes, the Commonwealth shall pay to the several districts the same per centum of the minimum salary herein required to be paid to teachers in such extension schools and classes as is paid to such districts of the minimum salary of the full time teachers: And provided further, That for each full time teacher of a special class, and for each full time supervisor or principal of special schools or classes organized by any school district and approved under legislation providing for the special education of physically or mentally handicapped pupils, there shall be paid to the district, in addition to other payments herein provided, sums as follows: To districts of the first class, twenty-five per centum (25%), and to other districts, thirty per centum (30%) of the minimum salary, respectively, prescribed herein for elementary teachers in such respective districts; and for each part time teacher, supervisor, or principal employed in approved special education, a fraction of such amounts proportional to the time for which such person is employed: And provided further, That the total amount paid to any school district on account of any such teacher, supervisor, or principal employed in special education shall not exceed eighty per centum (80%) of the salary actually paid to such person: Provided further, That the Superintendent of Public Instruction shall annually apportion to each fourth class district the sum of two hundred dollars (\$200) for each school permanently closed or discontinued in such district since nineteen hundred and eleven or which may hereafter be permanently closed or discontinued, or which was heretofore permanently closed or discontinued under the provisions of the act of April twenty-fifth, one thousand nine hundred and one (Pamphlet Laws, one hundred and five), entitled "An act to provide for the centralization of township schools, and to provide high schools for townships;" and all payments heretofore made by the Commonwealth, and all requisitions and warrants heretofore drawn for payments for schools permanently closed or discontinued under the provisions of said act are hereby ratified, validated, and declared legal: And provided further, That in addition to the payments herein provided on account of members of the teaching and supervisory staff employed in any school district, and on account of schools permanently closed or discontinued in any district, each district shall receive its proportionate share of the minimum salaries required to be paid to such additional members of the teaching and supervisory staff as may have been employed subsequent to the certificate to the Superintendent of Public Instruction in the November previous to the biennium year, and its apportionment as herein provided for additional schools permanently closed or discontinued subsequent to such certificate. Payments required by this proviso shall be made after certificate to the Superintendent of Public Instruction in the November of the biennium year in connection with and in addition to the first quarterly payment of the following biennium, as hereinafter provided.

The true valuation per teacher for each district shall be determined by the State Council of Education, on data and material submitted by the officers of such district in the annual report to the Superintendent of Public Instruction, if such data and material shall, after investigation by the State Council of Education, be found correct; otherwise, upon such data and material as modified, corrected and ap-

proved by said Council of Education. The true valuation per teacher shall be found by dividing the true valuation of the district by the number of full time teachers, which number shall include all teachers, principals, supervisors and superintendents employed in the vocational and non-vocational schools of the district for the year covered by such report; which number in districts of the fourth class shall also include one teacher for each teacher who at the time of the closing of any school in such district subsequent to June first, one thousand nine hundred and twenty-three, not since reopened, was employed in such school. The true valuation of the taxable property of each school district shall be obtained by dividing the amount of the assessed valuation certified in the annual report of the district for the school year ending June thirtieth, one thousand nine hundred and twenty-two, and every second year thereafter, as corrected and approved by the State Council of Education after investigation, by the average rate of assessment certified in such annual reports for the three years immediately preceding the date on which such true valuation is determined as corrected and approved by the State Council of Education after investigation. The true valuation of each school district for the two fiscal years beginning on June first, one thousand nine hundred and twenty-five, and ending May thirty-first, one thousand nine hundred and twenty-seven, and for each biennium thereafter, shall be determined during the month of October, one thousand nine hundred and twenty-four, and in the month of October of every second year hereafter. The State Council of Education is hereby given full power and authority to make such investigations, to take such action, and to institute such proceedings, as may be necessary to determine any of the questions that may be raised in the determination and adjustment of the aforesaid true valuations, and the decisions which such council reaches in such questions shall be final and conclusive.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 10, 1931.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 395, Printer's No. 103, entitled "An act to amend paragraph nineteen as amended of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred and 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,' increasing the amount to be paid by the Commonwealth to school districts of the second and third class in certain cases."

This bill amends the School Code to permit an increase in the amount to be paid by the Commonwealth to school districts of the second and third classes.

The provisions of this bill were incorporated in Senate bill No. 650, which has already been approved.

For this reason the bill is not approved.

GIFFORD PINCHOT

No. 33

AN ACT

Permitting courts of this Commonwealth which granted support or alimony to wives in divorce proceedings under the provisions of clause three, section one of the act, approved the eighth day of May, one thousand eight hundred and fifty-four (Pamphlet Laws, six hundred forty-four), entitled "A further supplement to the act, entitled 'An act concerning divorces,'" as amended, to revoke, annul or amend such order after investigation.

Whereas, Clause three, section one of the act, approved the eighth day of May, one thousand eight hundred and fifty-four (Pamphlet Laws, six hundred and forty-four), entitled "A further supplement to the act, entitled 'An act concerning divorces,'" as amended by the act, approved the twenty-fifth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, three hundred and eight), entitled "An act amending section three of an act, entitled 'An act concerning divorces,'" approved the eighth day of May, one thousand eight hundred and fifty-four, enlarging the same so as to include indignities to the person of the husband," permitted the court granting a divorce on application of the husband because of cruel and barbarous treatment by the wife of said husband, or indignities to his person as rendered his condition intolerable or life burdensome, to allow such support or alimony to the wife as her husband's circumstances admitted of or as the court deemed just and proper; and

Whereas, The Legislature of this Commonwealth by the act, approved the fourth day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, one hundred and twenty-four), entitled "An act to further amend clause three, section one of an act, approved the eighth day of May, one thousand eight hundred and fifty-four (Pamphlet Laws, six hundred and forty-four), entitled 'A further supplement to the act, entitled 'An act concerning divorces,'" as amended, by taking away the right of support or alimony in certain cases," amended said clause by taking away such right to impose such order for support or alimony; and

Whereas, The Legislative intent was clear that the right to such support or alimony should no longer exist under the laws of this Commonwealth; therefore

Section 1. Be it enacted, &c., That whenever in this Commonwealth such order exists for the payment of support or alimony after divorce, under the provisions of said clause, the court originally making such order may, upon petition of the libellant in said action of divorce and after such notice and investigation as the court may prescribe, revoke, annul or amend such order as said court may deem just and proper, having in consideration the legislative intent hereinbefore referred to.

Commonwealth of Pennsylvania,
 Governor's Office,
 Harrisburg, June 12, 1931.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 418, Printer's No. 125, entitled, "An act permitting courts of this Commonwealth which granted support or alimony to wives in divorce proceedings under the provisions of clause three, section one of the act, approved the eighth day of May, one thousand eight hundred and fifty-four (Pamphlet Laws, six hundred and forty-four), entitled 'A further supplement to the act, entitled "An act concerning divorces,"' as amended, to revoke, annul or amend such order after investigation."

This bill in a number of preambles recites the history of previous legislation eliminating the provisions for the payment of permanent alimony where divorces are granted on application of the husband. It makes the statement that when the Act of April 4, 1925, P. L. 124 was enacted "the legislative intent was clear that the right to such support or alimony should no longer exist under the laws of this Commonwealth."

After these recitals the bill authorizes courts to modify existing orders for the payment of alimony or to revoke or annul them as the court "may deem just and proper having in consideration the legislative intent hereinbefore referred to."

If the Legislature in 1925 had intended to attempt the cancellation of all outstanding alimony orders, appropriate language was available to express that intention. Such language was not used and it is not within the province of the General Assembly of 1931 to attempt retroactively to read into the Act of 1925 something which is not there.

For the Legislature to authorize courts to modify existing alimony orders, if such authority be needed, is one thing; but to indicate that this authority shall be exercised on the basis of a retroactive declaration of legislative intent is quite another thing. The former might be entirely unobjectionable, while the latter cannot possibly be justified.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 34

AN ACT

Providing a penalty for the unauthorized printing, publishing, sale, distribution, or circulation of copyrighted musical compositions.

Section 1. Be it enacted, &c., That any person who prints, publishes, sells, distributes, or circulates, or causes to be printed, published, sold, distributed, or circulated, for profit, any circular, pamphlet, card, handbill, advertisement, printed paper, book, newspaper, or other document, containing the words or musical score of any musical composition which, or any part of which, is protected by copyright under the laws of the United States, without first having obtained the consent of the owner or proprietor of such copyrighted musical composition, is guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding one hundred dollars (\$100) for each offense, or sentenced to imprison-

ment for not more than sixty (60) days, or both fine and imprisonment, in the discretion of the court.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 12, 1931.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 657, Printer's No. 222, entitled "An act providing a penalty for the unauthorized printing, publishing, sale, distribution, or circulation of copyrighted musical compositions."

This bill would render it a misdemeanor for anyone to print, publish, sell, distribute or circulate, or cause the printing, publication, sale or distribution, of the words or musical score of any copyrighted musical publication, unless the owner of the copyright has given his consent. The penalty is a fine or imprisonment, or both.

This would render it a criminal offense for a newsboy to sell papers containing unauthorized quotations from a copyrighted song. Such a measure is much too harsh.

In addition, copyright legislation is distinctively within the scope of the Federal government, and does not properly come within the field of State law.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 35

AN ACT

Relating to the issuance of search warrants; imposing duties on aldermen, justices of the peace, and magistrates in relation thereto; and prescribing the form thereof.

Whereas, It is the purpose of this General Assembly to create uniformity in the issuance of search warrants by making the practice in this Commonwealth conform with that followed by the Federal authorities; and

Whereas, This can be done by the enactment of laws substantially the same as sections six hundred thirteen, six hundred fourteen, six hundred fifteen, and six hundred sixteen of Chapter eighteen of Title eighteen of the Code of Laws of the United States; therefore

Section 1. Be it enacted, &c., That no search warrant can be issued but upon probable cause supported by affidavit naming or describing the person and particularly describing the property and the place to be searched.

Section 2. Any alderman, justice of the peace, or magistrate must, before issuing a search warrant, examine, on oath, the complaint and any witness he may produce, and require their affidavits or take their depositions in writing and cause them to be subscribed by the parties making them. The affidavit or depositions must set forth the facts tending to establish the grounds of the application or probable cause for believing that they exist.

Section 3. If the alderman, justice of the peace, or magistrate is thereupon satisfied of the existence of the grounds of the application, or that there is probable cause to believe their existence, he must issue a search warrant, signed by him with his name of office, to an officer

duly authorized to serve warrants in enforcing any law of the Commonwealth, stating the particular grounds or probable cause for its issue and the names of the persons whose affidavits have been taken in support thereof, and commanding him forthwith to search the person or place named for the property specified and to bring it before the alderman, justice of the peace, or magistrate.

Section 4. All acts and parts of acts inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 12, 1931.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 429, Printer's No. 610, entitled "An act relating to the issuance of search warrants; imposing duties on aldermen, justices of the peace, and magistrates in relation thereto; and prescribing the form thereof."

This bill would require aldermen, justices of the peace, and magistrates to conduct a hearing to establish probable cause before issuing a search warrant to search the person or place named for the property named.

This legislation is unnecessary. Article I, section 8, of our Constitution provides that—

"The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrants to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant."

The Supreme Court of Pennsylvania, interpreting this section, has declared that a search warrant must describe, as nearly as may be, the place to be searched and the person or things to be seized. If either of such descriptions is lacking, the warrant should not be issued; nor, if issued, should it be served.

It is probable that this bill is aimed at the repeal of section 8 of the Prohibition Enforcement Act of March 27th, 1923, P. L. 34, which pertains to the issuance of search warrants and has withstood the test of judicial attack and should not be disturbed.

The rights and property of the people are adequately protected under the existing law.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 36

AN ACT

Relating to the service of search warrants; defining the rights of officers therein, and the time thereof.

Whereas, It is the purpose of the General Assembly to create uniformity in the practice followed in the service of search warrants by making such practice in this Commonwealth conform with that followed by the Federal authorities; and

Whereas, This can be done by the enactment of laws substantially

the same as sections six hundred seventeen, six hundred eighteen, six hundred nineteen, six hundred twenty, six hundred twenty-one, and six hundred twenty-two of Chapter eighteen of Title eighteen of the Code of Laws of the United States; therefore

Section 1. Be it enacted, &c., That a search warrant may in all cases be served by any of the officers mentioned in its direction but by no other person except in aid of the officer on his requiring it, he being present and acting in its execution.

Section 2. Any officer charged with the service of a search warrant may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute the warrant if, after notice of his authority and purpose, he is refused admittance, and he may break open any outer or inner door or window of a house for the purpose of liberating a person who, having entered to aid him in the execution of the warrant, is detained therein or when necessary for his own liberation.

Section 3. The alderman, justice of the peace, or magistrate, issuing the search warrant, must insert a direction in the warrant that it be served in the daytime unless the affidavits are positive that the property is on the person or in the place to be searched, in which case he may insert a direction that it be served at any time of the day or night.

Section 4. Every search warrant must be executed and returned to the alderman, justice of the peace, or magistrate who issued it within ten days after its date; after the expiration of this time, the warrant unless executed is void.

Section 5. Any officer taking property under the warrant must give a copy of the warrant, together with a receipt for the property taken (specifying it in detail), to the person from whom it was taken by him or in whose possession it was found, or, in the absence of any person, he must leave it in the place where he found the property.

Section 6. All act or parts of acts inconsistent with the provisions of this act are hereby repealed.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 12, 1931.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 435, Printer's No. 611, entitled "An act relating to the service of search warrants; defining the rights of officers therein, and the time thereof."

This is a companion bill to House Bill No. 429.

For the same reasons which moved me to withhold my approval from House Bill No. 429, Printer's No. 610, I am unable to approve this bill.

For this reason the bill is not approved.

GIFFORD PINCHOT

AN ACT

To repeal the act, approved the ninth day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand six hundred eighty-four), entitled "An act authorizing and empowering the county treasurers of the several counties of this Commonwealth to sell at public sale all seated lands upon which taxes assessed on such seated lands, by authority of any county, borough, town, township, school district and poor district, are delinquent and remain unpaid, and fixing penalties for such delinquency; authorizing county commissioners to purchase such lands under certain circumstances."

Section 1. Be it enacted, &c., That the act, approved the ninth day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand six hundred eighty-four), entitled "An act authorizing and empowering the county treasurers of the several counties of this Commonwealth to sell at public sale all seated lands upon which taxes assessed on such seated lands, by authority of any county, borough, town, township, school district and poor district, are delinquent and remain unpaid, and fixing penalties for such delinquency; authorizing county commissioners to purchase such lands under certain circumstances," is hereby repealed.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 12, 1931.

I file herewith in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 46, Printer's No. 1044, entitled "An act to repeal the act, approved the ninth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand six hundred eighty-four), entitled 'An act authorizing and empowering the county treasurers of the several counties of this Commonwealth to sell at public sale all seated lands upon which taxes assessed on such seated lands, by authority of any county, borough, town, township, school district and poor district, are delinquent and remain unpaid, and fixing penalties for such delinquency; authorizing county commissioners to purchase such lands under certain circumstances.'"

The act of May 9, 1929, P. L. 1684, which this bill would repeal, has already been repealed by an act passed at the present session of the Legislature (Senate Bill No. 413), which was approved May 29, 1931. Therefore, there is no necessity for the approval of the present bill.

For this reason the bill is not approved.

GIFFORD PINCHOT

AN ACT

To provide for two additional law judges of the court of common pleas of the thirty-second judicial district.

Section 1. Be it enacted, &c., That in addition to the judges provided for by existing law, two additional law judges are hereby authorized and provided for the court of common pleas of the thirty-second judicial district, who shall possess the same qualifications which are required by the Constitution and laws for the president judge of said district, who shall hold his office for a like term and by the same tenure, and shall have the same power, authority and jurisdiction, and shall

be subject to the same duties, restrictions and penalties, and shall receive the same compensation provided for by law for judges of the courts of said district.

Section 2. At the next municipal election after the passage of the act, the qualified electors of the said thirty-second judicial district shall elect, in the same manner prescribed by law for the election of president judge, two competent persons, learned in the law, to serve as said additional law judges in said districts from the first Monday of January, Anno Domini one thousand nine hundred and thirty-two, for a term of ten years. Vacancies in the offices hereby created, whether caused by death, resignation, expiration of term, or otherwise, shall be filled in the same manner as is provided by law in case of a similar vacancy in the office of president judge.

Section 3. This act shall take effect on the first day of July, one thousand nine hundred and thirty-one.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 12, 1931.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1520, Printer's No. 625, entitled "An act to provide for two additional law judges of the court of common pleas of the thirty-second judicial district."

This bill would provide two additional law judges for Delaware County.

Delaware County now has three law judges in its court of common pleas, and an orphans' court judge.

I understand that the Bar in Delaware County is practically unanimous in believing that the business of the county justifies a larger number of judges than at present authorized. However, according to the 1930 Census, Delaware County now has more common pleas judges, in proportion to its population, than the counties of Philadelphia, Lancaster, Allegheny, Westmoreland, Blair, Mercer and Lackawanna, and the total number of law judges is greater in proportion to population than in Westmoreland, Luzerne, Somerset, York, Blair, Armstrong, Mercer, Beaver, Indiana, Lackawanna, Clearfield and Butler Counties.

If the business of Delaware County does warrant additional judicial service, it is inconceivable that it would be necessary to create two additional judgeships at once.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 39

A JOINT RESOLUTION

Creating a commission to act with a similar commission of the State of New Jersey with respect to the construction of a tunnel beneath the Delaware River; and making an appropriation.

Section 1. Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Auditor General, the State Treasurer, the Secretary of High-

ways, the mayor of the city of Philadelphia, the mayor of the city of Chester, the President pro tempore of the Senate, and the Speaker of the House of Representatives are hereby constituted a commission to act jointly and in agreement with the Delaware River Bridge and Tunnel Commission, known as the New Jersey Commission Number Two, as a joint commission, and to proceed by full and complete borings, surveys, engineering studies, investigations, hearings, and all other matters, incidental and pertaining thereto, to determine the proper location, type of construction, and cost of construction, operation and maintenance of a tunnel underneath the Delaware River, at a point between Marcus Hook and the present bridge across the Delaware River, between the cities of Philadelphia and Camden.

Said commission shall fully report its findings to the Legislative Session of one thousand nine hundred and thirty-three.

Section 2. The sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, is hereby specifically appropriated to said commission for the purpose of carrying into effect the provisions of this act, and for the expenses of said commission.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 12, 1931.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 639, Printer's No. 285, entitled "A joint resolution creating a commission to act with a similar commission of the State of New Jersey with respect to the construction of a tunnel beneath the Delaware River; and making an appropriation."

This bill proposes the creation of a commission, consisting of representatives of New Jersey and Pennsylvania, to make a study of the feasibility of constructing a tunnel under the Delaware River to connect Pennsylvania and New Jersey, between Marcus Hook and Philadelphia on the Pennsylvania side, and a corresponding point on the New Jersey side.

I have approved Senate Bill No. 918, making provision for the creation of the Delaware River Joint Commission, which will have full authority and ample funds to make all necessary studies dealing with future methods of communication between New Jersey and Pennsylvania, across or under the Delaware River below Philadelphia. Therefore the commission proposed by the present bill is unnecessary.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 40

A JOINT RESOLUTION

Creating a commission to codify and revise the laws relating to corporations; and making an appropriation.

Section 1. Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That a commission, to be known as the Commission to Codify and Revise the Corporation Laws, is hereby created, to be composed of the Attorney General, or a deputy by him appointed; the Chief of the Bu-

reau of Corporations of the Department of State; the Director of the Legislative Reference Bureau, or someone from the staff of said bureau to be appointed by the director; the Pennsylvania members of the National Conference of Commissioners on uniform State laws; the chairman of the Senate and House standing committees on corporations; one member of the Senate, to be appointed by the President of the Senate, one member of the House of Representatives, to be appointed by the Speaker of the House; and four attorneys of recognized standing in the field of corporation law, to be appointed by the Governor,—whose duty it shall be to make a study of the corporation laws of the Commonwealth and of the Uniform Business Corporation Act submitted for adoption in all states by the National Conference of Commissioners on uniform State laws and endorsed by the American Bar Association, to codify and revise the corporation laws of the Commonwealth in such code or codes as it deems advisable, and to make report thereon to the General Assembly of the year one thousand nine hundred and thirty-three.

Section 2. The commission shall organize at the call of the Governor by the selection of a chairman and secretary. The commission may employ such legal, clerical and stenographic assistance as may be deemed necessary, and to fix the compensation therefor. The members of the commission shall serve without compensation but shall be reimbursed for all expenses necessarily incurred in the discharge of their duties. The commission shall have power to hold such hearings as may be deemed necessary and to afford to unofficial committees interested in the subject an opportunity to cooperate in the work of the commission.

Section 3. The sum of fifteen thousand dollars (\$15,000), or so much thereof as may be necessary, is hereby specifically appropriated to the commission for the payment of the expenses of members thereof, for compensation and expenses of the secretary, experts, clerks and stenographers employed by the commission, for postage, supplies, incidental expenses, and for the printing of the report of the commission.

Section 4. The Legislative Reference Bureau shall furnish to said commission such assistance as the commission may require.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 12, 1931.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1123, Printer's No. 1156, entitled "A joint resolution creating a commission to codify and revise the laws relating to corporations; and making an appropriation."

This bill proposes the creation of a legislative commission to codify and revise the corporation laws. It would consist of the Attorney General or a deputy selected by him, the Chief of the Bureau of Corporations of the Department of State, the Director of the Legislative Reference Bureau, the Pennsylvania Commissioners on uniform State laws, the Chairmen of the Senate and House standing committees on corporations, a member of the Senate to be appointed by the President of the Senate, a member of the House of Representatives to be appointed by the Speaker, and four attorneys to be appointed by the Governor.

The commission would thus consist of fourteen persons.

In my judgment, a commission of this size would be unwieldy and it is very doubtful whether it could function efficiently and well.

The General Assembly also made an appropriation to the Department of Justice, in the General Appropriation Bill, for the purpose of enabling that department to prepare a revision of the corporation laws for submission to the next session. I regard this as a much more desirable method of having a revision of the corporation laws prepared. I understand that the Attorney General intends to do this work in cooperation with the Department of State, the Legislative Reference Bureau, and a selected committee of lawyers experienced in corporation law.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 41

AN ACT

To amend subheading (a) two of section five hundred and five, Article five of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," changing the provisions in relation to the security to be given for the deposit of State moneys.

Section 1. Be it enacted, &c., That subheading (a) two of section five hundred and five, Article five of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such sub-divisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Common-

wealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," is hereby amended to read as follows:

2. Shall, upon the receipt of notice of its selection as a depository of State moneys, furnish a bond to secure payment of deposits and interests to the Commonwealth of Pennsylvania, with a proper warrant of attorney to confess judgment in favor of the Commonwealth, secured by a surety company or individual sureties to be approved by the board, in the amount of the deposit to be made. If a corporate bond be given, no one surety company shall be approved in an aggregate amount in excess of five times its capital, surplus, and reserve, and, whenever individual sureties are presented for approval, they shall qualify in an aggregate over and above their individual liabilities to three times the amount of the deposit. No one person may qualify for more than one-fourth of the total amount of the bond required: Provided, That, in lieu of the surety bonds of surety companies or of individuals as aforesaid, the deposit of State moneys may be secured by the deposit with the State Treasurer of United States bonds, or municipal or county bonds issued by the various municipalities and counties of the Commonwealth of Pennsylvania, to be approved by the board, in an amount measured by their actual market value equal to the amount of deposit so secured and twenty per centum in addition thereto; or by municipal or county bonds issued under the authority of other states of the United States of America, to be approved by the board, in an amount measured by their actual market value equal to the amount of deposits so secured and twenty per centum in addition thereto. Said bonds shall be accompanied by proper assignment, or power of attorney to transfer the same, and said trust deposit of securities shall be maintained, on request, at the amount aforesaid, in case of any depreciation in the value thereof.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 12, 1931.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 927, Printer's No. 1174, entitled "An act to amend subheading (a) two of section five hundred and five, Article five of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, three hundred forty-three), entitled 'An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and

officer of the State government, every political subdivision of the State and certain officers of such subdivisions, every person, association, and corporation required to pay, assess or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth,' changing the provisions in relation to the security to be given for the deposit of State moneys.'

This bill proposes to amend a part of section 505 of The Fiscal Code, by permitting the Board of Finance and Revenue to accept as security for State moneys deposited in State depositories, not only bonds of the United States, Pennsylvania, and her municipalities and counties, but also municipal or county bonds issued under authority of any other State of the United States.

Section 505 of The Fiscal Code has been amended by House Bill No. 1602, which I have approved.

I am firmly of the opinion that an important code, such as The Fiscal Code, should not be amended at any one session of the Legislature by a multitude of bills. All amendments should be embodied in a single bill so that those working with the code may understand exactly what changes have been made. In addition, it is always confusing to have the same section of a law amended by more than one act at the same session of the General Assembly.

Even were these objections to be waived, I am not satisfied that it would be wise to authorize the Board of Finance and Revenue to accept, as security for State deposits, bonds issued by municipalities or counties outside of Pennsylvania. Our State deposits should be secured in such a way as to incur the very least possible risk; and it is utterly impossible for the Board to have a sufficiently comprehensive knowledge of the value of municipal or county bonds issued outside of our own State, to warrant their acceptance.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 42

AN ACT

To amend section four hundred and nine of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," regulating appointments to the Pennsylvania State Board of Censors.

Section 1. Be it enacted, &c., That section four hundred and nine of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, com-

missions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," is hereby amended to read as follows:

Section 409. Pennsylvania State Board of Censors.—The Pennsylvania State Board of Censors shall consist of three residents and citizens of Pennsylvania, [two males and one female,] *at least one of whom shall be a female and at least one of whom shall be a male*, well qualified by education and experience to act as censors of motion-picture films and stereopticon views or slides. One member of the board shall be designated as chairman, one member as vice-chairman, and the other member as secretary thereof.

The chairman of the board shall receive a salary of four thousand eight hundred dollars per annum, and the vice-chairman and secretary shall each receive a salary of four thousand five hundred dollars per annum.

Two members of the board shall constitute a quorum.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 12, 1931.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 844, Printer's No. 1201, entitled "An act to amend section four hundred and nine of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain depart-

ments, boards, and commissions shall be determined,' regulating appointments to the Pennsylvania State Board of Censors."

This bill proposes to amend section 409 of The Administrative Code of 1929, by providing that the Pennsylvania State Board of Censors, which must now consist of two men and one woman, shall hereafter consist of three persons, of whom at least one shall be a man, and one a woman.

This same section of The Administrative Code is amended in House bill No. 1790, which I have approved, by striking out entirely any reference to the sex of the members of the board. I believe that this latter amendment is preferable to the one proposed by House bill No. 844.

In any event, it would be impossible to have section 409 of The Administrative Code amended in two irreconcilable ways, at the same session of the Legislature.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 43

AN ACT

To amend section two thousand four hundred ten of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing, or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," by authorizing the Department of Property and Supplies to require certain equipment qualifications of bidders for printing contracts.

Section 1. Be it enacted, &c., That section two thousand four hundred and ten of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, one hundred and seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing, or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," is hereby amended to read as follows:

Section 2410. Method of Awarding Contracts for Public Printing and Binding.—All contracts for public printing and binding shall be for terms of not less than one or more than four years.

The department shall have the right to divide such printing and binding into as many classes, and enter into as many contracts therefor, as it shall deem proper and advisable in carrying out the provisions of this act, and to make classifications and prepare specifications, schedules, and contracts; *and to specify in contracts for printing the owned or leased machinery and equipment necessary to qualify any bidder for such contract or contracts. The department may also provide in such contracts for printing that it may, at any time when deemed necessary in order to properly carry out and perform the terms of the contract, require the contractor to procure additional machinery or equipment.*

Not less than two months prior to the termination of any contract now existing, or the termination or expiration of any contract hereafter entered into, the department shall advertise for proposals for public printing and binding, which advertisements shall be published for at least three days, the first and last publications to be at least ten days apart, in one or more newspapers of general circulation published in Philadelphia, Pittsburgh, Harrisburg, and five other places within the Commonwealth. *Such advertisement shall specify the necessary qualifications of any bidder as to equipment and machinery owned or leased.*

All proposals shall be submitted upon blanks furnished by the department, on or before the time fixed for opening proposals, and each proposal shall be in duplicate; one of which shall be marked "Duplicate Proposal." Each proposal shall be accompanied by a certified or bank check to the order of the State Treasurer in such an amount as shall be determined by the department and designated in the advertisement.

The Secretary of Property and Supplies shall open all proposals received, publicly, and shall proceed publicly to award the contract or contracts for which bids were asked, to the lowest responsible *and qualified* bidder or bidders below the maximum price or prices fixed in the schedule or schedules prepared by the department, and, if any such bidder refuses or neglects to accept a contract awarded to him, within ten days, then such contract may be awarded to the next lowest, *responsible and qualified* bidder, and so on until such contract shall be awarded and accepted: Provided, however, That the department shall have the right to reject any or all bids, and, when all bids shall be so refused, the department shall advertise again for proposals, giving at least ten (10) days' notice thereof by advertisement, and said proposals shall be opened, awarded, and approved in like manner as hereinbefore provided: And provided further, That all contracts awarded shall be severally void, unless first approved by the Governor, the Auditor General, and the State Treasurer.

The certified or bank checks of all unsuccessful bidders, to whom no contracts were awarded, shall be returned to the makers thereof, but any bidder, to whom a contract has been awarded, and who has neglected or failed to enter into the contract or contracts awarded to him in the manner and upon the terms herein provided, shall be liable to the Commonwealth for the difference between the amount of his bid

and the bid of the person or persons to whom said contract shall afterwards be awarded, and, in addition thereto, all costs and expenses necessarily incurred by reason of his neglect or failure, and, as liquidated damages therefor, there shall be retained by the Commonwealth, out of the amount of said certified or bank check, the amount required to reimburse the Commonwealth for such loss.

No contract shall be entered into with any contractor until after such contractor *shall have satisfied the department that he is the owner or leasee of sufficient machinery and equipment to properly and promptly perform and execute the terms of the proposed contract, and has furnished a sufficient bond to the Commonwealth, in such form and amount as may be prescribed by the department, conditioned for the faithful performance of the terms of the contract, and shall have, as surety, a surety company authorized to act as surety in this Commonwealth, said bond and the terms thereof to be approved by the Attorney General.*

No public printing and binding shall be performed for any department, board, commission, or other agency of the State Government, or any officer thereof, unless authorized in writing by the department, and no printing or binding whatsoever shall be done by the contractor, at the expense of the Commonwealth, except upon such written order or authorization, and the contractor shall not proceed with any work until he shall have received from the department a written order and full instructions therefor.

The rates of compensation for the public printing and binding, for all objects of charge against the Commonwealth by the contractor, shall be according to the schedules set out in the specifications furnished by the department and incorporated in the contract; and no printing and binding, or other work or material whatsoever, shall be done or furnished by the contractor that is not set forth in the schedules or specifications incorporated in the contract, unless authorized in writing by the department and the price therefor designated by it; and, if the contractor shall proceed with any such printing and binding without such authorization in writing, the department shall have the right to condemn such unauthorized work, whereupon the contractor shall not be entitled to receive any compensation whatsoever therefor; or the department, if it shall accept such unauthorized printing and binding, shall fix a reasonable price therefor, which said price shall in no case exceed the lowest rate or rates at which the same can be obtained elsewhere by said department, and said contractor shall be bound by the rate or rates so fixed by said department and shall in no case recover any additional sum or amount.

There shall be provided by the department, and incorporated in every contract made hereunder, provision for delivery of all printing, binding, and other work done by the contractor, the time when delivery must be made, and reasonable penalties for delay in such delivery.

The department may award contracts for emergency public printing and binding, from time to time, as the necessity arises, by securing competitive bids without advertising therefor, but every such contract shall be void unless approved by the Governor, the Auditor General, and the State Treasurer.

Commonwealth of Pennsylvania,
 Governor's Office,
 Harrisburg, June 12, 1931.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 540, Printer's No. 191, entitled "An act to amend section two thousand four hundred and ten of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, one hundred and seventy-seven), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined,' by authorizing the Department of Property and Supplies to require certain equipment qualifications of bidders for printing contracts."

This bill proposes an amendment to section 2410 of The Administrative Code of 1929, which was included in House bill No. 1790, which I have approved.

Accordingly, the present bill is unnecessary.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 44

AN ACT

To amend section one thousand four hundred and seven of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," by authorizing the Armory Board to purchase armories heretofore erected for use of the National Guard, and to acquire by gift, devise or bequest lands for armory purposes.

Section 1. Be it enacted, &c., That section one thousand four hundred and seven of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, one hundred and seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Com-

monwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," is hereby amended to read as follows:

Section 1407. The Armory Board of the State of Pennsylvania.—The Armory Board of the State of Pennsylvania shall, subject to any inconsistent provisions in this act contained, continue to exercise the powers and perform the duties by law vested in the said board. It shall provide, equip, maintain, manage, and regulate armories, within the limits of this Commonwealth, for the use of the National Guard of Pennsylvania, as may now or hereafter be provided by law; *and may, out of funds appropriated to the department therefor, purchase or acquire by gift and take title to, in the name of the Commonwealth, any armory or armories heretofore erected within the Commonwealth by any person or persons for the use of the National Guard; and shall have power to acquire by gift, devise or bequest lands for armory purposes.*

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 12, 1931.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 832, Printer's No. 126, entitled "An act to amend section one thousand four hundred and seven of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, one hundred and seventy-seven), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes

of certain departments, boards, and commissions shall be determined,' by authorizing the Armory Board to purchase armories heretofore erected for use of the National Guard, and to acquire by gift, devise or bequest lands for armory purposes."

This bill proposes an amendment to section 1407 of The Administrative Code of 1929. The amendment is included in House bill No. 1790, which I have approved. Accordingly, the present bill is unnecessary.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 45

AN ACT

To further amend the act, approved the twenty-second day of March, one thousand eight hundred and sixty-two (Pamphlet Laws, one hundred sixty-four), entitled "An act to provide for the destruction, and to prevent the spread of Canada Thistles," by changing penalties provided therein.

Section 1. Be it enacted, &c., That section one of the act, approved the twenty-second day of March, one thousand eight hundred and sixty-two (Pamphlet Laws, one hundred and sixty-four), entitled "An act to provide for the destruction, and to prevent the spread of Canada thistles," as last amended by section one of the act, approved the twenty-third day of April, one thousand nine hundred and twenty-three (Pamphlet Laws, eighty-three), entitled "An act to amend sections one, two as amended, and three of an act, approved the twenty-fourth day of April, one thousand eight hundred and eighty-five (Pamphlet Laws, nine), entitled 'An act to amend an act, entitled "An act to provide for the destruction, and to prevent the spread of Canada thistles," approved the twenty-second day of March, Anno Domini one thousand eight hundred and sixty-two,' extending the provisions of said act to *Cichorium intybus*, the weed commonly known as chickory or succory or blue daisy," is hereby further amended to read as follows:

Section 1. That from and after the passage of this act, it shall be the duty of every person or persons, and of every corporation holding land or lands in any county or counties of this Commonwealth, either by lease or otherwise, on which any Canada thistles, or weeds commonly known as Canada thistles, or *Cichorium intybus*, the weed commonly known as chickory or succory or blue daisy, may be growing, to cut the same so as to prevent such weeds from going to seed, and the seed of the same from ripening, and every person or persons, or corporation, as aforesaid, who shall or may have land as aforesaid, and who shall neglect or refuse to comply with the provisions of this act, shall [forfeit and pay a fine of fifteen dollars to the treasurer of the school district in which such land may be situated, to be recovered the same as debts of like amount are now recoverable.] *be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding one hundred, (\$100) dollars, and/or undergo imprisonment for a term of not more than thirty days.*

Section 2. That section two of said act as last amended by section two of the said act, approved the twenty-third day of April, one

thousand nine hundred and twenty-three (Pamphlet Laws, eighty-three), is hereby further amended to read as follows:

Section 2. That if any person or persons, or corporation, so holding lands as aforesaid, on which any Canada thistles or the weeds commonly known as such or Cichorium intybus, the weed commonly known as chickory or succory or blue daisy, shall be growing and likely to ripen seed thereon, shall neglect or refuse to cut and destroy the same so as to prevent the seed thereof from ripening, it shall and may be lawful for any person or persons, who may consider themselves aggrieved or about to be injured by such neglect or refusal, to inform by written notice any constable or supervisor of the township or district in which the said weeds may be growing, whose duty it shall then be to give five days' notice in writing to such person or persons, or corporation, to cut and destroy such weeds, and, on their neglect or refusal to cut and destroy the same at the end of five days, it shall be the duty of the officer giving such notice to enter upon such premises, with such other person or persons as he may employ, and cut down and destroy such weeds, and the said officer or other persons so employed shall be entitled to recover from such person or persons, or corporation, owning or holding land as aforesaid, compensation for necessary man labor, horse labor, and machinery, at the same rate as paid by the township or district for similar work on the roads, and the officer serving such notice shall likewise be entitled to a fee of fifty cents, together with six cents mileage for each mile circular necessarily traveled, to be recovered as debts of like amount before any justice or court in said counties. *And it shall be the further duty of such officer to cause an information to be made against any such person, or the proper officers of any such corporation, upon whose lands such weeds are cut down and destroyed by such officer, charging such person or officers of any such corporation with a violation of the provisions of the preceding section.*

Section 3. That section three of said act, as added by section three of the act, approved the twenty-fourth day of April, one thousand eight hundred and eighty-five (Pamphlet Laws, nine), entitled "An act to amend an act, entitled 'An act to provide for the destruction, and to prevent the spread of Canada thistles,' approved the twenty-second day of March, Anno Domini one thousand eight hundred and sixty-two," and as last amended by section three of the said act, approved the twenty-third day of April, one thousand nine hundred and twenty-three (Pamphlet Laws, eighty-three), is hereby further amended to read as follows:

Section 3. It shall be the duty of the supervisor or supervisors of the public roads or highways in every township or district as aforesaid, to cut and destroy in the same manner all such weeds on or along such roads, and in case of unseated or mountain lands, whenever it shall come to the knowledge of either the supervisor or constable of the existence of any such weeds thereon, it shall be his duty to notify the owner or owners, or agents of said lands in writing, giving ten days' notice, to cut and destroy the same as aforesaid, and upon failure to comply at the end of ten days, such officer or any person or persons employed by him, shall proceed in the manner hereinbefore provided, with like fees and compensation, and if any such constable or supervisor shall neglect or refuse to perform his duties as pre-

scribed by this act, he shall, [be liable to a fine of ten dollars, the same to be sued for and recovered as aforesaid, by the party or parties aggrieved or about to be injured by such neglect or refusal.] *upon summary conviction before a magistrate, alderman, or justice of the peace, be sentenced to pay a fine of ten (\$10) dollars and the costs of prosecution, and, in default of the payment of said fine and costs, to undergo imprisonment for not more than ten (10) days.*

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 12, 1931.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1653, Printer's No. 709, entitled "An act to further amend the act, approved the twenty-second day of March, one thousand eight hundred and sixty-two (Pamphlet Laws, one hundred and sixty-four), entitled 'An act to provide for the destruction, and to prevent the spread of Canada Thistles,' by changing penalties provided therein."

The act of 1862, as heretofore amended, requires owners of land on which Canada thistles or chickory are growing to cut these weeds to prevent dissemination of their seeds. Owners who fail to do so are subject to a civil penalty of fifteen dollars (\$15.00) in cases of seated lands, and ten dollars (\$10.00) in cases of unseated lands.

This bill would make failure to cut the thistle or chickory growing on seated lands a misdemeanor, carrying with it possibility of a fine of one hundred dollars (\$100.00) and imprisonment of thirty days. In the case of unseated lands, the offense is made the subject of summary conviction, and a fine of ten dollars (\$10.00).

The unusual harshness of this bill is obvious. The prolificacy of the Canada thistle, both by seed and spreading rootstocks, defies many a farmer. To make his inability to overcome it a crime punishable by imprisonment would be unjust.

For this reason the bill is not approved.

GIFFORD PINCHOT

No. 46

AN ACT

Authorizing the county commissioners of any county to erect and provide for the management of a building or buildings for general hospital purposes and/or for the care and treatment of communicable diseases, to acquire by purchase, gift, condemnation, or otherwise, a site therefor.

Section 1. Be it enacted, &c., That the county commissioners of any of the several counties of the Commonwealth may erect and equip a county building or buildings as a hospital for general purposes and/or for the care and treatment of communicable diseases, to be operated and conducted, without any expense to the county, by any advisory board or hospital association agreeing with the county commissioners of such county so to do.

Section 2. Whenever the county commissioners of any such county shall determine upon the construction of such hospital, they shall petition the court of common pleas of the county for the appointment of an advisory board, whereupon the said court shall immediately appoint an advisory board of twelve members—all of whom shall be electors of the county, and one of whom shall be a licensed physician.

The members of said board shall be appointed: Two for terms of five years, two for terms of four years, two for terms of three years, three for terms of two years, and three for terms of one year, or until their successors are appointed and have qualified. All appointments at the expiration of any term or terms shall be for terms of five years. Vacancies occurring on such board shall be filled by appointment by such court for the balance of the unexpired term.

Section 3. The county commissioners of such county may, after consultation with such advisory board, choose for the site of such county hospital or hospitals land owned and held by the county or by any hospital association and donated in fee to the county for such purposes. The county commissioners of any such county may, after consultation with such advisory board, acquire in the name of such county, by purchase, gift, devise, condemnation, or otherwise, such real estate, either vacant or occupied, as the respective county commissioners may deem necessary to furnish a suitable site for the hospital or hospitals herein provided for or for any enlargement or extension thereof, and may sell, convey, transfer or abandon the same, or any part thereof, as the said county commissioners may determine.

Section 4. Whenever the county commissioners cannot agree with the owner or owners of real estate, which may have been selected as aforesaid, after having decided upon the size and location of such real estate, the said county commissioners may enter upon and take possession of and occupy such land for the purposes herein provided. The title to such real estate shall be vested in the county in fee simple. The funds in the office of the treasurer of such county shall be security to the owner or owners of any real estate so taken for all damages sustained by the taking of such real estate.

Section 5. After entry by the county commissioners upon such lands, the said county commissioners or the owner or owners of such real estate, or any one in behalf of all, may petition the court of common pleas to appoint a board of three viewers from the county board of viewers. Said court, when appointing such viewers, shall fix a time when the viewers shall meet upon the premises and view the same, which time shall not be less than twenty days nor more than thirty days after such appointment. Notice of the view shall be given to all parties in interest as the court may direct.

Section 6. The viewers having been duly sworn or affirmed according to law shall view and examine the land so taken, and shall hear such parties as may desire to be heard. Hearings may be adjourned from time to time as the viewers may direct. After completion of the examination of the real estate and hearing of the parties interested, the viewers shall decide and make a true report to the court concerning the matters set forth in the petition. Immediately after the filing of such report, notice of such filing shall be given to all parties interested, in such manner as the court may direct, which notice shall state that unless exceptions be filed thereto within thirty days after the filing thereof the same will be confirmed absolutely.

Section 7. Within thirty days after the filing of any report exceptions thereto may be taken by any party or parties interested in such real estate. Immediately after the filing of such report the prothonotary shall mark the same "confirmed nisi." Where no exceptions are filed thereto said prothonotary shall enter a decree that the report

is confirmed absolutely, where exceptions are filed the court shall confirm, modify or change such report or refer the report back to the same or new viewers.

Section 8. Within thirty days after the filing of any report an appeal therefrom may be taken by any party or parties interested to the court of common pleas demanding a trial by jury.

Section 9. Within six months after the final confirmation of any report, or within six months after a verdict and final judgment on appeal for a trial by jury, an appeal to the Supreme or Superior Court may be taken by any party or parties interested in such real estate as in other cases.

Section 10. Any amount of money awarded as herein provided, if refused by the person or persons entitled thereto, shall be paid into court, and thereafter all such persons shall look to said fund for all damages accruing by reason of the taking of such real estate.

Section 11. All costs and witness fees in any condemnation proceedings shall be paid by the county: Provided, That in cases where an appeal is taken by any property owner from the award of the viewers and the appellant does not recover any greater amount than the viewers awarded, the appellant shall pay all costs of such appeal.

Section 12. The said county commissioners shall, after consultation with the advisory board, adopt plans and specifications for the erection of such hospital building or buildings as may be deemed necessary. Upon approval of such plans and specifications by the court of common pleas of the proper county and the Secretary of the Department of Welfare of the Commonwealth, the county commissioners are authorized to erect upon such site the building or buildings according to the plans and specifications so adopted and approved. If any lands purchased or condemned have erected thereon any buildings suitable for the purposes provided for by this act, the county commissioners are authorized to use such buildings and to make such repairs and alterations thereto as may be necessary.

Section 13. Such hospital shall be constructed by contract or contracts let by the county commissioners to the lowest responsible and best bidder—after due advertisement in at least three newspapers, one of which shall be published in the county, once a week for four consecutive weeks; and when so constructed the hospital shall be equipped by the county commissioners at the cost of the county.

Section 14. Upon the erection and completion of such buildings, the county commissioners may permit any hospital association or the advisory board to conduct, manage, operate and maintain a hospital for general purposes in such building or buildings, and/or for the care and treatment of communicable diseases, by such hospital association or such advisory board, and at the cost and expense of such hospital association or board, from revenues collected for services rendered by the hospital to patients therein, from private donations, and from appropriations made by the Commonwealth in the same manner as appropriations are made to State-aided hospitals. The county shall in no manner be liable for such operation or maintenance. But the site of such hospital and the building and buildings thereon shall at all times remain the property of the county, subject to the full control and jurisdiction of the county commissioners. The county commissioners may accept donations and gifts for the improvement and re-

pair of such buildings, but such improvements and repairs shall only be made by county commissioners in the same manner as at other county buildings.

Section 15. The advisory board shall meet monthly and at such other times as it may be deemed necessary. The board shall visit and inspect and keep in close touch with the management and operation of said hospital, and shall, from time to time, make such recommendations for changes or improvements in said management and operation as may be deemed advisable. It shall also make an annual report to the county commissioners concerning the management and operation of said hospital.

Section 16. The advisory board shall have power to recommend general rules and regulations for the use of such buildings for hospital purposes, but the same shall not be in force until adopted by the county commissioners.

Section 17. Every hospital established under the provisions of this act shall be used for the benefit of all inhabitants within the county in which the hospital is located, and all such persons shall be entitled to occupancy, nursing, care, treatment and maintenance according to the rules and regulations prescribed by the county commissioners. The hospital association or advisory board may charge and collect from persons admitted to the hospital, or persons legally responsible for their maintenance, reasonable compensation for the care, treatment and maintenance of such persons, but free treatment shall be given to all such persons who are, after reasonable investigation, found to be unable to pay.

Section 18. This act shall become effective immediately upon its passage, and approval by the Governor.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 12, 1931.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 117, Printer's No. 175, entitled, "An act authorizing the county commissioners of any county to erect and provide for the management of a building or buildings for general hospital purposes and/or for the care and treatment of communicable diseases, to acquire by purchase, gift, condemnation, or otherwise, a site therefor."

This bill would authorize the commissioners of any county to erect or otherwise establish hospitals to be operated by independent associations or by advisory boards appointed by the courts. Hospitals so established would be conducted without expense to the counties, and would derive their support from operating revenues, private donations and State appropriations.

Approval of the bill would lead to the erection, without the State's approval or consent, of charitable institutions which would at once and continually thereafter apply for appropriations from State funds. They would be dependent on the State for material portions of their operating costs, but the State would have no right to control or supervise their operation.

For these reasons the bill is not approved.

GIFFORD PINCHOT

AN ACT

To amend section one hundred eighty-eight of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred seventy-eight), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," by changing the method of fixing the salary of the solicitor to the sheriff in counties of the fourth class.

Section 1. Be it enacted, &c., That section one hundred and eighty-eight of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred and seventy-eight), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," is hereby amended to read as follows:

Section 188. Solicitor in Third and Fourth Class Counties.—In all counties of the third and fourth classes, the sheriff may appoint one person, learned in the law, as his solicitor. Said solicitor shall advise the sheriff upon all legal matters that may be submitted to him and shall conduct any litigation *in* connection with the sheriff's office when requested so to do by the sheriff. The solicitor shall hold office for the term for which the sheriff was elected. The salary of such solicitor, *in counties of the third class*, shall be fixed according to law and be paid by the county. *In counties of the fourth class, the salary of such solicitor shall be fixed by the salary board and be paid by the county.*

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 12, 1931.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 1066, Printer's No. 453, entitled, "An act to amend section one hundred and eighty-eight of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred and seventy-eight), entitled 'An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto,' by changing the method of fixing the salary of the solicitor to the sheriff in counties of the fourth class."

This bill would change the method of fixing the salary of solicitor to the sheriff in counties of the fourth class. The present law provides for a salary of five hundred dollars (\$500.00) for such solicitors. This bill would leave the amount of the salary to be fixed by the salary board. It reenacts the heretofore existing provision that the salaries of solicitors to sheriffs in counties of the third class shall be fixed according to law.

The omnibus bill, amending the County Code of May 2, 1929, P. L. 1278, passed at the present session of the Legislature and already approved (House Bill No. 408), provides that the salaries of such solicitors in counties of the third class shall be fixed by the salary boards. It carries into the code the provisions of the prior law fixing the salary of solicitors in counties of the fourth class at five hundred dollars (\$500.00).

Approval of the present bill, in order to accomplish the desired change as to solicitors in counties of the fourth class, would, by implication, repeal the provision of the omnibus amendment as to solicitors in counties of the third class. That would lead to confusion.

For this reason the bill is not approved.

GIFFORD PINCHOT

No. 48

AN ACT

To amend section one of the act, approved the seventeenth day of March, one thousand nine hundred and twenty-one (Pamphlet Laws, thirty-two), entitled "An act fixing the salaries of court criers and tipstaves in counties of the third class," by increasing the salaries of said court criers and tipstaves.

Section 1. Be it enacted, &c., That section one of the act, approved the seventeenth day of March, one thousand nine hundred and twenty-one (Pamphlet Laws, thirty-two), entitled "An act fixing the salaries of court criers and tipstaves in counties of the third class," is hereby amended to read as follows:

Section 1. Be it enacted, &c., That the [salaries] *salary* of the court criers of the several courts in counties of the third class is hereby fixed at *not in excess of* [sixteen hundred and fifty dollars per annum,] *twenty-four hundred dollars per annum each*, and the salaries of the tipstaves in said counties is fixed at *not in excess of* [fifteen hundred dollars per annum] *two thousand dollars per annum each*. Such salaries shall be fixed by the court, and shall be paid out of the county treasury in the usual manner.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 12, 1931.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 35, Printer's No. 770, entitled "An act to amend section one of the act, approved the seventeenth day of March, one thousand nine hundred and twenty-one (Pamphlet Laws, thirty-two), entitled 'An act fixing the salaries of court criers and tipstaves in counties of the third class,' by increasing the salaries of said court criers and tipstaves."

This bill would remove the present fixed salaries of court criers and tipstaves in counties of the third class and would substitute therefor flexible salaries to be fixed by the courts. The present law gives a court crier a salary of one thousand, six hundred and fifty dollars (\$1,650) a year. The bill would fix a maximum of two thousand four hundred dollars (\$2,400) a year. Tipstaves at present receive one thousand, five hundred dollars (\$1,500) a year. This bill would fix a maximum of two thousand dollars (\$2,000) a year.

Although the form of this bill is such that it would not necessitate an increase of salaries to tipstaves and court criers, and, in fact, might permit a reduction of their salaries, the practical effect of approval of the bill would be to increase their salaries. There is no reason for any such increase.

For this reason the bill is not approved.

GIFFORD PINCHOT

AN ACT

To amend sections seven hundred and sixteen and seven hundred and seventeen of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred seventy-eight), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," extending the powers of county commissioners with respect to the alteration and control of streams.

Section 1. Be it enacted, &c., That section seven hundred and sixteen of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred and seventy-eight), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," is hereby amended to read as follows:

Section 716. Widening, Straightening, Altering or Changing Course of Unnavigable Streams for Protection of County Bridges *and Highways*.—Whenever in the erection, construction, repair or maintenance of any county bridge *or highway*, it becomes necessary for the safety of said bridge *or highway*, *or advisable from an economic standpoint*, to widen, straighten, alter, *protect* or change the course of any unnavigable stream, it shall be lawful for the county to enter upon abutting or adjacent land, and to widen, straighten, alter, *protect* or change the course of such unnavigable stream [in such manner as will insure the safety of such county bridge,] *for such purposes*, and in connection with such entry to take, injure and destroy any necessary land or property, in the manner and subject to the restrictions and procedure provided in article seven of this act.

Section 2. That section seven hundred and seventeen of said act is hereby amended to read as follows:

Section 717. Dykes, Banks, Causeways and Sluiceways for Protection of Bridges and Highways.—The board of commissioners, for the purpose of protecting any county bridge or bridges, the abutments thereof and approaches thereto, and any public highway adjacent to the same, from the incursions of the tide, floods or waters of any creek, rivulet or other stream, and so as to prolong the life of said structures, may erect and maintain dykes, banks, causeways and sluiceways over, on and across any creek, rivulet or other stream not navigable, and which creek, rivulet or other stream is affected by the rise and fall of the tide, floods or waters of any creek, rivulet or other stream, and secure a right of way for proper ingress and egress thereto, [upon first securing consent of the owners of the land bordering on said creek, rivulet or other stream, and also securing consent of the owners of the riparian rights thereon from the source to the mouth of said creek, rivulet or other stream.] *and in connection with such activities to take, injure and destroy any necessary land or property, in the manner and subject to the restrictions and procedure provided in article seven of this act. Any such change in an existing stream channel, under the provisions of this or the preceding section, shall first be approved by the Department of Forests and Waters.*

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 12, 1931.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1196, Printer's No. 897, entitled "An act to amend sections seven hundred and sixteen and seven hundred and seventeen of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred and seventy-eight), entitled 'An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto,' extending the powers of county commissioners with respect to the alteration and control of streams."

The provisions of this bill have been incorporated in an omnibus amendment to the County Code passed at the present session of the Legislature, which has been approved. Therefore, there is no need for the approval of this bill.

For this reason the bill is not approved.

GIFFORD PINCHOT

No. 50

AN ACT

To amend section fifty-one of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred seventy-eight), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by providing for election of officers when officers elected fail to qualify or when no officer is elected.

Section 1. Be it enacted, &c., That section fifty-one of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred seventy-eight), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," is hereby amended to read as follows:

Section 51. Enumeration of Elected Officers.—In each county, there shall be the following officers elected by the qualified electors of the county: (a) three county commissioners; (b) three auditors, or, in all counties where the office of auditor has heretofore or shall hereafter be abolished, one controller; (c) one treasurer; (d) one county surveyor; (e) one coroner; (f) one recorder of deeds; (g) one prothonotary; (h) one clerk of the court of quarter sessions and of the court of oyer and terminer; (i) one clerk of the orphans' court; (j) one register of wills; (k) one sheriff; (l) one district attorney; and (m) two jury commissioners. All such officers shall remain as now constituted in each county.

All such officers shall be elected at the municipal election next preceding the expiration of the terms of the officers now in office, and quadrennially thereafter, and shall hold their offices for a term of four years from the first Monday of January next after their election and until their successors shall be duly qualified; *but in the event that any such officer so elected shall fail to qualify or if no successor shall be elected, then the officer then in office shall continue in office only until the first Monday of January following the next municipal election, at*

which time his successor shall be elected for a term of four years. This section does not create any office in any county where such office does not now exist.

Section 2. This act shall become effective immediately upon its passage, and approval by the Governor.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 12, 1931.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1593, Printer's No. 692, entitled "An act to amend section fifty-one of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred seventy-eight), entitled 'An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto,' by providing for election of officers when officers elected fail to qualify or when no officer is elected."

The provisions of this bill have been incorporated in an omnibus amendment to the County Code passed at the present session of the Legislature, which has been approved. Therefore, there is no need for the approval of this bill.

For this reason the bill is not approved.

GIFFORD PINCHOT

No. 51

AN ACT

Fixing the salary of the recorder of deeds in counties of the third class.

Section 1. Be it enacted, &c., That the salary of the recorder of deeds in counties of the third class shall be as follows: In counties having a population of two hundred and fifty thousand and more, but less than two hundred and ninety thousand inhabitants, six thousand dollars (\$6,000); and in counties having a population of two hundred and ninety thousand and more, but less than eight hundred thousand inhabitants, five thousand dollars (\$5,000).

Section 2. The act, approved the third day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, five hundred sixteen), entitled "An act fixing the salaries of the county controller, recorder of deeds, and clerk of courts in counties of the third class," be and the same is hereby repealed in so far as it relates to recorders of deeds.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 12, 1931.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1216, Printer's No. 367, entitled "An act fixing the salary of the recorder of deeds in counties of the third class."

This bill would fix the salary of recorders of deeds in counties having a population of 250,000 and more, but less than 290,000, at six thousand dollars (\$6,000.00) a year, and in counties having a population

of over 290,000, but less than 800,000, at five thousand dollars (\$5,000.00) a year.

The two classifications which the bill attempts to set up cover counties of the third class. Recorders of deeds in counties of the third class are now entitled to a salary of five thousand dollars (\$5,000.00) a year. I can see no reason why the salaries should be raised in any event at the present time; nor would there seem to be any reason why a larger salary should be paid in counties having less population than in those having a larger population.

The most serious objection to the bill, however, is that it attempts to establish classifications of counties in violation of section 34 of Article IV of the Constitution.

For these reasons the bill is not approved.

GIFFORD PINCHOT

No. 52

AN ACT

Fixing the compensation to be paid probation officers appointed by the several courts of quarter sessions of counties of the third and fourth classes under the provision of an act, approved the twenty-third day of April, one thousand nine hundred and three (Pamphlet Laws, two hundred seventy-four), 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," and the supplements and amendments thereto.

Section 1. Be it enacted, &c., That the probation officers appointed by the several courts of quarter sessions of this Commonwealth in counties of the third and fourth class under the provisions of an act, approved the twenty-third day of April, Anno Domini one thousand nine hundred three, 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," and the amendments and supplements thereto, shall each receive a compensation not to exceed two hundred (\$200) dollars per month, which compensation shall be fixed by the salary board of such counties.

Section 2. This act shall take effect immediately upon its passage, and approval by the Governor.

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

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 12, 1931.

I file herewith, in the office of the Secretary of the Commonwealth with my objections, House Bill No. 1138, Printer's No. 1203, entitled "An act fixing the compensation to be paid probation officers appointed by the several courts of quarter sessions of counties of the third and fourth classes under the provision of an act, approved the twenty-third day of April, one thousand nine hundred and three (Pamphlet Laws, two hundred seventy-four), entitled 'An act defining the powers of the several courts of quarter sessions of the peace within this Common-

wealth 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,' and the supplements and amendments thereto."

This bill would remove from the judges and place in the hands of the salary boards the fixing of the compensation of probation officers in juvenile cases. It provides that the compensation of such officers shall not exceed two hundred dollars (\$200.00) per month.

Another act of Assembly passed at the present session (Senate Bill No. 233), which covers the same subject matter, has been approved.

For this reason the bill is not approved.

GIFFORD PINCHOT

No. 53

AN ACT

To provide for the appointment of clerks and stenographers in the office of the district attorney in counties of the third class; and providing for their salaries, payable by the county.

Section 1. Be it enacted, &c., That in all counties of the third class, the district attorney shall have authority, with the consent of the salary board, to appoint a chief clerk and an assistant chief clerk or stenographer at such salaries as the salary board shall fix. All such salaries shall be paid out of the county treasury in the usual manner.

Section 2. The salary board in all counties of the third class shall have authority to provide for the appointment by the district attorney of additional clerks and stenographers in the office of the district attorney, when increased business or unusual conditions or circumstances necessitate the same, at annual salaries to be fixed by the salary board, payable out of the county treasury in the usual manner.

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

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 12, 1931.

I file herewith, in the office of the Secretary of the Commonwealth with my objections, Senate Bill No. 708, Printer's No. 559, entitled "An act to provide for the appointment of clerks and stenographers in the office of the district attorney in counties of the third class; and providing for their salaries, payable by the county."

The subject matter of this bill has been incorporated in an omnibus amendment to the County Code which was passed at the present session of the Legislature and which has been approved. Therefore, there is no need for the approval of this bill.

For this reason the bill is not approved.

GIFFORD PINCHOT

AN ACT

Requiring the county controller, except in counties of the first class, or county auditors to make a monthly audit of the accounts of probation and parole officers, and to report the result of said audits to the court which appointed said probation and parole officers; and fix the compensation of the controller in certain counties for auditing such accounts.

Section 1. Be it enacted, &c., That whenever any court, except in counties of the first class, shall, in pursuance of any statute now in force or hereafter to be enacted, have appointed parole officers or probation officers of any kind, who shall receive from any person or persons money paid in accordance with any order, sentence or judgment of any court, it shall be the duty of the county controller or, in counties where the office of controller has not been established, of the county auditors to make an audit monthly of all the accounts of said parole or probation officers, and to report the result of such audit to the court which shall have appointed said officers.

For auditing such accounts, the controllers of the various counties shall be entitled to additional compensation, as follows:

In counties of the third and fourth classes, \$750.00;

In counties of the fifth and sixth classes, \$500.00. Such additional compensation shall be paid by the county.

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

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 12, 1931.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 4, Printer's No. 547, entitled "An act requiring the county controller, except in counties of the first class, or county auditors to make a monthly audit of the accounts of probation and parole officers, and to report the result of said audits to the court which appointed said probation and parole officers; and fix the compensation of the controller in certain counties for auditing such accounts."

This bill would require county controllers and county auditors to audit the accounts of probation and parole officers monthly, and it would provide for the payment of extra compensation to the controllers for making such audits.

An amendment to the County Code of May 2, 1929, P. L. 1278, passed at the present session of the Legislature, and which has been approved, requires the audits covered by this bill, except that they are not required to be made monthly.

The provisions of the amendment to the code appear to be adequate to obtain necessary supervision over the accounts of these officers without requiring monthly audits; nor will the added duties imposed by that amendment be such as to necessitate any additional compensation to controllers. Therefore there is no need for the approval of this bill.

For this reason the bill is not approved.

GIFFORD PINCHOT

AN ACT

To amend section one of the act, approved the third day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, one hundred twenty-seven), entitled "An act fixing the fees of the recorder of deeds in counties of the third and fourth class," by fixing the fee of the recorder for taking acknowledgments.

Section 1. Be it enacted, &c., That section one of the act, approved the third day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, one hundred twenty-seven), entitled "An act fixing the fees of the recorder of deeds in counties of the third and fourth class," is hereby amended to read as follows:

Section 1. Be it enacted, &c., That the fees of the recorder of deeds in counties of the third and fourth classes shall be as follows:

For recording and exemplifying deeds, mortgages, and other writing, for every five words, one cent. The minimum rate for recording same shall be two dollars and fifty cents.

For indexing deeds, mortgages, and other writings, with more than four names, fifteen cents; extra for each additional name.

For abstracting first description or parcel of land, twenty cents; for each additional description or parcel, fifteen cents extra.

For entering satisfaction, fifty cents.

For taking acknowledgments for [each person] *first name, fifty cents; each additional name after the first, twenty-five cents.*

For certifying deeds, mortgages assignments, and satisfaction of record, to county commissioners, fifty cents.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 12, 1931.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1777, Printer's No. 1028, entitled "An act to amend section one of the act, approved the third day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, one hundred twenty-seven), entitled 'An act fixing the fees of the recorder of deeds in counties of the third and fourth class,' by fixing the fee of the recorder for taking acknowledgments."

This bill would increase the fees of recorders of deeds in counties of the third and fourth classes for taking acknowledgments. The present fees are twenty-five cents for each person. This bill would make the fee fifty cents for the first and twenty-five cents for each additional name on any document.

The act of 1929, which this bill would amend, largely increased the fees of recorders, although there was no increase in the charges for taking acknowledgments.

I see no reason why any fees should be further increased at the present time.

For this reason the bill is not approved.

GIFFORD PINCHOT