

## No. 307

## AN ACT

To validate sheriffs' deeds acknowledged previous to the return day of the writ by virtue of which the real estate was sold, or acknowledged defectively.

Section 1. Be it enacted, &c., That no sheriff's deed of real estate situate in any county of this Commonwealth, made and recorded prior to the passage of this act, shall be invalid by reason of its having been acknowledged previous to the return day of the writ by virtue of which such real estate was sold, nor shall any such deed be invalid because of a defective acknowledgment: Provided, That the provisions of this act shall not apply in any instance where the validity of any sheriff's deed has been made the subject of litigation in any court of the Commonwealth prior to the effective date of this act, nor to any litigation in any court of this Commonwealth instituted prior to the effective date of this act and still pending and undetermined.

Sheriffs' deeds.

Validation when acknowledged prior to return day, or defectively.

Proviso.

Section 2. This act shall become effective immediately upon final enactment.

When effective.

APPROVED—The 2d day of June, A. D. 1933.

GIFFORD PINCHOT

---

 No. 308

## AN ACT

Relating to Sunday music; permitting musicians to receive compensation for services rendered on Sunday; authorizing pay concerts to be given and broadcast on Sunday under certain circumstances, and allowing school and certain public buildings and parks to be used therefor; conferring powers and imposing duties on the Department of Public Instruction; and imposing penalties.

Section 1. Be it enacted, &c., That from and after the passage of this act, it shall be lawful for any musician within this Commonwealth to receive compensation for singing or playing on Sunday in connection with the rendering of any public concert authorized as hereinafter provided, but the compensation paid to any such musician shall not exceed an amount computed at the rate of compensation received by such musician for similar musical services rendered during week-days.

Sunday concerts.

Musicians permitted to receive compensation.

Section 2. If, and when, authorized by the Department of Public Instruction of this Commonwealth, public concerts may be rendered and broadcast anywhere within this Commonwealth on Sunday after twelve o'clock noon; and it shall be lawful for the person or persons rendering any such concert to charge an admission fee thereto at a rate which it is estimated will cover the expenses of ren-

Public concerts authorized by Department of Public Instruction.

Admission fee.

- dering such concert, including light, heat and compensation to ushers, janitors and musicians: Provided, That the cost of light and heat and compensation to ushers, janitors and musicians shall not exceed an amount computed at the rate charged for light and heat and compensation to ushers, janitors and musicians for week-days: And provided further, That should the amount collected for admission fees to any such concert exceed the actual expenses for light, heat and compensation to ushers, janitors and musicians, the excess shall be paid to the Department of Public Instruction of this Commonwealth to be employed by it for such public music purposes as it may deem proper.
- Proviso.**
- Proviso.**
- Authorization.** Section 3. The Department of Public Instruction may authorize concerts, or series of concerts, to be rendered and broadcast as herein provided; such concerts, or series of concerts, to maintain music of a high order, although not necessarily what is known as sacred music. Whenever the said department shall have authorized any such concert, or series of concerts, to be rendered and broadcast, it shall issue a permit, setting forth its authorization thereof, which permit shall also state the date or dates, hour or hours when, and place or places where, such concert, or series of concerts, shall be held. The Department of Public Instruction shall make a charge of five dollars for every permit issued under the provisions of this section.
- Permit.**
- Fee.**
- Use of schools or public buildings.** Section 4. It shall be lawful to use any public school building, or any building owned by the Commonwealth or by any county, city, borough, incorporated town or township, or any public park, for rendering any concert authorized under the provisions of this act by the Department of Public Instruction, if the board of school directors, board of trustees, councils or other agency having control of such building or park shall give permission to make such use thereof.
- Permitted to keep account of moneys.** Section 5. Any person or persons to whom the Department of Public Instruction shall have issued a permit under the provisions of this act shall keep an accurate account of all moneys received and expended in connection with the rendering and broadcasting of the concert, or series of concerts, authorized in such permit, and the Department of Public Instruction, by its duly authorized agent, shall have the right at any time to inspect and audit such account. In order to enable such audit to be made, the person or persons having charge of such account shall render a complete, verified statement of receipts and expenditures within thirty days after each concert to the Department of Public Instruction.
- Inspection and audit.**
- Statement of receipts.**
- Concerts not to provide entertainment other than music.** Section 6. It shall be unlawful at any concert rendered under the provisions of this act to provide any form of entertainment except music, and any person who shall provide or furnish, or assist in providing or fur-

nishing, any other form of entertainment at any such concert shall be guilty of a misdemeanor, and, upon conviction thereof in the proper court, shall be punished by a fine of not less than one hundred dollars or more than one thousand dollars, or imprisonment for not less than thirty days or more than one year, or both, in the discretion of the court. Misdemeanor.

Section 7. Any person having charge of any concert, or series of concerts, rendered under the provisions of this act, who shall fail to pay to the Department of Public Instruction, as hereinbefore required, any moneys received as admission fees in excess of the actual cost of light, heat and compensation to ushers, janitors and musicians for such concert, or series of concerts, or who shall fail to keep an account of moneys received and expended, or fail or refuse to permit the duly authorized agent of the Department of Public Instruction to inspect and audit the same, shall be guilty of a misdemeanor. Violations.

Upon conviction thereof in the proper court, any person who shall improperly retain moneys shall be punished by a fine in double the amount of the moneys so retained, or by imprisonment for not more than one year, or both, in the discretion of the court; and any person who shall have failed or refused to keep an account of moneys received and expended, or to permit the duly authorized agent of the Department of Public Instruction to inspect such account, shall be punished, for a first offense, by a fine of not less than one hundred dollars or more than one thousand dollars, or by imprisonment for not less than thirty days or more than one year, or both, in the discretion of the court, and, for a second or subsequent offense, by a fine of not less than one hundred dollars or more than one thousand dollars, and by imprisonment for not less than thirty days or more than one year. Penalties.

APPROVED—The 2d day of June, A. D. 1933.

This bill does not in any way contribute to the breaking down of Sunday observance. If it did I would not sign it. It permits concerts after noon on Sundays only, if, and when, permits therefor have been issued by the Department of Public Instruction, which must approve the programs in advance.

The Department of Public Instruction is not required to grant a license for a Sunday concert in any community which is opposed to Sunday music. Therefore, the department in administering the act can give full weight to local opinion.

The inclusion of anything except music in a program is made a criminal offense punishable by fine or imprisonment, or both.

This bill does not tend to commercialize the Sabbath because nobody can make a profit out of it. It specifically provides that any receipts beyond bare expenses shall be paid into the Department of Public Instruction to be used by it for a public purpose.

Thirty-four ministers of various denominations have urged me to approve the bill, while only two have asked that it be vetoed.

GIFFORD PINCHOT