

## AN ACT

To protect trade-mark owners, distributors, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name.

Contracts for sale of goods bearing a trade-mark.

Section 1. Be it enacted, &c., That no contract relating to the sale or resale of a commodity which bears, or the label or content of which bears, the trade-mark, brand or the name of the producer or owner of such commodity, and which is in fair and open competition with commodities of the same general class produced by others, shall be deemed in violation of any law of the State of Pennsylvania by reason of any of the following provisions which may be contained in such contract:

Provisions permitted to be inserted in the contract.

(a) That the buyer will not resell such commodity, except at the price stipulated by the vendor.

(b) That the vendee or producer require in delivery to whom he may resell such commodity to agree that he will not in turn resell except at the price stipulated by such vendor or such vendee.

Exceptions.

Such provisions in any contract shall be deemed to contain or imply conditions that such commodities may be resold without reference to such agreement in the following cases:

(a) In closing out the owners stock for the purpose of discontinuing delivering any such commodity.

(b) When the goods are damaged or deteriorated in quality, and notice is given the public thereof.

(c) By any officer acting under orders of any court or in the execution of any writ or distress.

Unfair competition defined.

Section 2. Wilfully and knowingly advertising, offering for sale, or selling any commodity at less than the price stipulated in any contract entered into pursuant to the provisions of section one of this act, whether the person so advertising, offering for sale, or selling is, or is not, a party to such contract, is unfair competition and is actionable at the suit of any person damaged thereby.

Parties excepted from provisions of the act.

Section 3. This act shall not apply to any contract or agreement between wholesalers or between producers or between retailers as to sale or resale prices.

Section 4. The following terms as used in this act are defined as follows:

"Producer," defined.

"Producer" means grower, baker, maker, manufacturer, or publisher.

"Commodity," defined.

"Commodity" means any subject of commerce.

Constitutional provision.

Section 5. If any provision of this act is declared unconstitutional, it is the intent of the Legislature that the remaining portions thereof shall not be affected, but

that such remaining portions shall remain in full force and effect.

Section 6. This act shall become effective immediately upon its final enactment. When effective.

APPROVED—The 5th day of June, A. D. 1935.

GEORGE H. EARLE

No. 116

AN ACT

Giving consent of the Commonwealth to the dissolution of corporations holding public funds in trust for public school purposes, and to the payment over of such funds to school districts for general school purposes.

Section 1. Be it enacted, &c., That whenever public funds are held in trust for public school purposes by any corporation which is, or may become, subject to the provisions of the act, approved the first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, two hundred eighty-nine), known as the "Non-profit Corporation Law," and in the opinion of such corporation and of the board of school directors of the school district entitled to the benefits of such fund, and in the opinion of the Superintendent of Public Instruction, such funds should be paid over into the general fund of such school district and used for general school purposes, and in order to carry out such purposes, the corporate trustee applies in the manner provided in article ten of said "Nonprofit Corporation Law" to the court of common pleas for the dissolution of the corporation, the consent of the Commonwealth of Pennsylvania is hereby given to the transfer of any such funds to the general fund of such school district and to their use for general school purposes.

School funds held in trust.

Consent of the State given to dissolution of corporations holding school funds in trust, upon compliance with certain conditions.

Section 2. All acts and parts of acts, general, local, and special, inconsistent herewith are hereby repealed.

Repealing section.

Section 3. The provisions of this act shall become effective immediately upon its final enactment.

When effective.

APPROVED—The 5th day of June, A. D. 1935.

GEORGE H. EARLE

No. 117

AN ACT

To amend the title and section eight of the act, approved the twenty-seventh day of May, one thousand eight hundred and ninety-three (Pamphlet Laws, one hundred seventy-one), entitled "An act providing for the erection of the Pennsylvania Soldiers Orphans' Industrial School; the purchase of land and