

(Pamphlet Laws, eight hundred thirty-two), and the seventeenth day of January, one thousand nine hundred and thirty-four (Pamphlet Laws, two hundred thirty-one—one thousand nine hundred thirty-three—one thousand nine hundred thirty-four), are hereby repealed.

All other acts or parts of acts inconsistent herewith are hereby repealed.

Section 25. The permits heretofore granted by the Secretary of Health under the terms of the act of one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand two hundred twenty-nine), and the amendments thereto, shall remain in full force and effect as permits under this act until such time as they, respectively, by their terms expire, or until the secretary shall revoke or suspend the same in accordance with his powers hereunder.

Section 26. This act shall become effective immediately upon approval by the Governor. When effective.

APPROVED—The 2d day of July, A. D. 1935.

GEORGE H. EARLE

No. 211

AN ACT

Relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection incidental thereto on Sunday during certain hours, and also during other hours, unless the electors of a municipality approve thereof; regulating the employment of persons in conducting such exhibitions on Sunday; providing for referendums to ascertain the will of the electors; and providing penalties; and repealing inconsistent laws.

Section 1. Be it enacted, &c., That—Municipality Defined.—The word “municipality,” as used in this act, shall be construed to mean and include any city, borough, town, or township of this Commonwealth. Sunday motion pictures.
Definitions.

Motion Picture Exhibitions Defined.—The words “motion picture exhibitions,” as used in this act, shall be construed to mean any motion picture exhibitions or showings and sound motion picture exhibitions or showings, together with any orchestral or other instrumental musical or mechanical accompaniment, prelude, playing, or selection in connection therewith or incidental thereto.

Two O'clock Postmeridian Defined.—The words “two o'clock postmeridian,” as used in this act, shall be construed to mean “two” o'clock postmeridian east-

ern standard time, except during the period commencing the last Sunday in April and ending the last Saturday in September inclusive, when such words shall be construed to mean two o'clock postmeridian eastern daylight saving time provided that eastern daylight saving time is the customary time in common use in such municipality during such period.

Penalty for
unlawful exhibi-
tions on
Sunday.

Section 2. Penalty for Unlawful Motion Picture Exhibitions on Sunday.—It shall be unlawful for any person, copartnership, association or corporation to conduct, stage, manage, operate or engage in any motion picture exhibition, regardless of whether a charge of admission is made or whether labor or business is necessary to conduct, stage, manage or operate the same, on the first day of the week, commonly called Sunday, before the hour of "two" o'clock postmeridian.

It shall be unlawful for any person, copartnership, association or corporation to conduct, stage, manage, operate or engage in any motion picture exhibitions, regardless of whether a charge of admission thereto or incidental thereto is made or whether labor or business is necessary to conduct, stage, manage or operate the same, on the first day of the week, commonly called Sunday, after the hour of two o'clock postmeridian, unless the voters of the municipality have first voted in favor of motion picture exhibitions and sound motion picture exhibitions on Sunday as hereinafter provided, and in no case shall a person be employed as a projectionist or operator of motion pictures on Sunday or in or about motion picture exhibitions, unless he or she shall have had twenty-four consecutive hours of rest during the preceding six week days.

Any person, copartnership, association or corporation violating any of the provisions of this section shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of fifty dollars (\$50.00), and in default of the payment of such fine and costs of prosecution, such person or any member or agent of any copartnership or association, or any officer or agent of any corporation, responsible for such violation, shall be imprisoned for a period of not more than ten (10) days.

Local
referendum.

Section 3. Referendum; Statement of Question on Ballots.—At the municipal election in the year one thousand nine hundred and thirty-five (1935), there shall be submitted, in the manner provided by the election laws of the Commonwealth, upon petition to the county commissioners by the city or borough council or by the township commissioners or supervisors, or upon petition to county commissioners by electors equal to at least five per centum (5%) of the highest vote cast for any candidate in the municipality at the last preceding general election, a question to determine the will of the

electors of each municipality in this Commonwealth, so petitioning, with respect to motion picture exhibitions. Such question shall be in the following form :

Do you favor the conducting, staging, operating and exhibiting of motion pictures, regardless of whether an admission charge is made or incidental thereto or whether labor or business is necessary to conduct, stage, operate or exhibit the same after two o'clock post-meridian, on Sunday?	YES	
	NO	

Form of submission of the question.

The said question shall be printed on separate official ballots, in bound form, by the county commissioners of each county, and sufficient number of ballots shall be furnished to the election officers in each election district of each municipality so that one ballot may be supplied to each voter at such election. In districts where voting machines are used, such question shall appear on the face of the machine where the machine is properly equipped for such purposes.

Ballots.

Voting machines.

Section 4. Returns and Computation of Votes.—The votes cast on such question shall be counted by the election officers and returns thereof made by them, and by election officers where voting machines are used, to the prothonotary of the county, who shall lay the same before the return board for computation at the same time and in the same manner as other returns. Such election shall be governed by the election laws of the Commonwealth, and all penalties provided by said laws shall apply to such elections. The return board shall compute the said returns by municipalities, and certify the results of the vote cast on the question to the acting chief executive officer of each municipality affected.

Returns on the question shall be made to the prothonotary.

If at the election in the year one thousand nine hundred and thirty-five (1935), where any such election was held as herein provided, a majority of the electors in any municipality voting at said election vote in favor of motion picture exhibitions on Sunday after the hour of two o'clock postmeridian, then upon the certification of such election return to the acting chief executive officer of such municipality, as is provided in this section, it shall thereafter be lawful to conduct, stage, manage, operate or engage in motion picture exhibitions from and after the hour of two o'clock postmeridian, on Sunday.

Where the vote is in favor of Sunday motion pictures.

The right to conduct, stage, manage, operate or engage in such motion picture exhibitions shall be subject only to those rules and regulations which govern motion picture exhibitions on days of the week other than Sunday.

Where the vote is not in favor of Sunday motion pictures.

If the vote of the electors in the municipality was not in favor of motion picture exhibitions or if no such election was held, then it shall be unlawful to conduct, stage, manage, operate or engage in such motion picture exhibitions to which an admission charge is made or is incidental, after two o'clock postmeridian, on Sunday.

Question may be submitted once in five years.

Section 5. Further Referendums.—In any municipality the will of the electors with respect to the conducting, staging, and exhibiting of motion pictures and sound motion pictures on Sunday may, after the year one thousand nine hundred and thirty-five (1935), but not oftener than once in five years, be ascertained, and the question, as provided in section 3 of this act, shall be submitted to the electors of any municipality upon demand in writing of petitioners equal to at least five per centum (5%) of the highest vote cast for any candidate in the municipality at the last preceding general or municipal election. Such petition shall be filed with the corporate authorities at least sixty (60) days before the day of any general or municipal election at which the question is to be submitted, and, if the petition is signed by the requisite number of petitioners, it shall thereupon be certified to the county commissioners, who shall cause such question to be submitted in the same manner as is provided in this act for the election in the year one thousand nine hundred and thirty-five (1935).

If a majority of the voters, in any municipality in which motion picture exhibitions are permitted from and after two o'clock postmeridian on Sunday to which an admission charge is made or is incidental, are not in favor of the continuance of such exhibitions, then upon the certification of such election return to the acting chief executive officer of such municipality, as is provided in section four of this act, it shall thereafter be unlawful to conduct, stage, manage, operate or engage in such exhibitions after two o'clock postmeridian, on Sunday; but if a majority of the electors in any such municipality which has not heretofore permitted such motion picture exhibitions after two o'clock postmeridian, on Sunday, or which has not theretofore voted on such question are in favor of such exhibitions, then upon the certification of such fact to the acting chief executive officer of such municipality, as is provided in section 4 of this act, such exhibitions shall thereafter be lawful.

Section 6. Intent of Act.—It is the intent of this act to provide a method whereby the will of the electors of each municipality with respect to motion picture exhibitions, together with orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing or selection in connection with or incidental thereto after two o'clock postmeridian on Sunday may be ascertained.

Intent of the act is to ascertain the will of the people on the question of Sunday motion pictures.

Section 7. It shall be unlawful at any motion picture exhibition conducted or operated, under the provisions of this act, to provide for any form of entertainment, except the exhibition of motion pictures and sound motion pictures and any orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing or selection in connection with or incidental thereto, and any person or any member or agent of any copartnership or association, or any member or officer of any corporation who shall provide or furnish or assist in providing or furnishing any other form of entertainment in such motion picture exhibitions shall be guilty of a misdemeanor, and in the proper court shall be punished by a fine of one hundred dollars (\$100.00). Each Sunday's providing, furnishing, conducting, staging, managing, operating or engaging in furnishing any form of entertainment, forbidden under this act, shall constitute a separate offense hereunder.

Motion pictures are the only entertainment permitted under this act.

Section 8. Constitutionality.—The provisions of this act are severable, and if any of the provisions hereof are held to be unconstitutional, the decision shall not be construed to impair any other provision of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein.

Constitutional provision.

Section 9. Repeal.—Section one of the act, approved the twenty-second day of April, one thousand seven hundred and ninety-four (Three Smiths Laws, one hundred seventy-seven), entitled "An act for the prevention of vice and immorality and of unlawful gaming, and to restrain disorderly sports and dissipation," be, and the same is hereby, repealed in so far as it prohibits motion picture exhibitions and any orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing or selection in connection with or incidental thereto. All acts and parts of acts inconsistent herewith be, and the same are hereby, repealed.

Repeal.

Section 10. Effective Date.—This act shall be effective immediately upon final enactment.

When effective.

APPROVED—The 2d day of July, A. D. 1935.

GEORGE H. EARLE