

No. 49

## AN ACT

Relating to baseball and football on Sunday; prohibiting baseball and football on Sunday during certain hours, and also during certain other hours unless the electors of a municipality are in favor of the same and, in certain cases, a license has first been secured from the municipal authorities; providing for referendums to ascertain the will of the electors, and for the enactment and repeal of licensing ordinances and resolutions in accordance therewith; providing penalties; and repealing inconsistent laws.

Sunday  
sports.

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, and township of this Commonwealth.

Section 2. Penalty for Unlawful Baseball and Football on Sunday.—It shall be unlawful for any person, copartnership, association or corporation to conduct, stage or engage in any baseball or football game, regardless whether a charge or admission thereto is made or whether labor or business is necessary to conduct, manage, stage or operate the same, on the first day of the week, commonly called Sunday, before the hour of two o'clock post meridian or after the hour of six o'clock post meridian.

It shall be unlawful for any person, copartnership, association or corporation to conduct, stage or engage in any baseball or football game, regardless whether a charge or an admission thereto or incidental thereto is made or whether labor or business is necessary to conduct, manage, stage or operate the same, on the first day of the week, commonly called Sunday, between the hours of two o'clock post meridian and six o'clock post meridian, unless the voters in the municipality have first voted in favor of baseball and football on Sunday as herein-after provided, and unless the person, copartnership, association or corporation, proposing to conduct or stage any such baseball or football game to which an admission charge is made or is incidental, shall first have secured from the proper municipal authority of the municipality a license authorizing him, her, or it to conduct or stage such baseball or football game between said hours on Sunday.

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 not exceeding ten dollars (\$10), 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 five days.

Section 3. Ordinances and Resolutions; License Fees.—If at the election in the year one thousand nine

hundred and thirty-three, as hereinafter provided, a majority of the electors in any municipality, voting at said election, vote in favor of baseball and football on Sunday between the hours of two o'clock post meridian and six o'clock post meridian, then each municipality, other than a township of the second class, shall, by ordinance, and each township of the second class shall, by resolution of the township supervisors, provide for the licensing of baseball and football games to which an admission fee is charged or is incidental on Sunday between the hours of two o'clock post meridian and six o'clock post meridian. If the vote of the electors in the municipality was not in favor of baseball and football, then no ordinance or resolution providing for the licensing of baseball and football games shall be enacted or adopted.

The license fees to be charged, under any such ordinance or resolution, for any baseball or football game to which an admission is charged or is incidental shall not exceed the following amounts: In cities of the first and second class, fifty dollars (\$50); in cities of the second class A and third class, twenty-five dollars (\$25); in boroughs, five dollars (\$5); and in townships, one dollar (\$1).

All license fees collected under the provisions of any such ordinance or resolution shall be paid into the treasury of the municipality.

Section 4. Referendum; Statement of Question on Ballots.—At the municipal election in the year one thousand nine hundred and thirty-three, there shall be submitted, in the manner provided by the election laws of the Commonwealth, a question to determine the will of the electors of each municipality in this Commonwealth with respect to baseball and football games on Sunday. Such question shall be in the following form—

Do you favor the conduct, staging and playing of baseball and football games, regardless of whether an admission charge is made or incidental thereto or whether labor or business is necessary to conduct, stage or operate the same, between the hours of two and six, post meridian, on Sunday?	Yes	
	No	

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 the county 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.

Section 5. 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. The return board shall compute the said returns by municipalities and certify the results of the vote cast on the question to the legislative body of each municipality within the county.

Such election shall be governed by the election laws of the Commonwealth, and all penalties provided by said laws shall apply to such elections.

Section 6. Future Referendums.—In any municipality the will of the electors with respect to baseball and football on Sunday may, after the year one thousand nine hundred and thirty-three, but not oftener than once in three years, be ascertained, and the question, as provided in this act, shall be submitted to the electors of any municipality upon demand, in writing, of petitioners equal to at least five per centum of the highest vote cast for any office in the municipality at the last preceding general or municipal election. Such petition shall be filed with the corporate authorities at least sixty days before the day of any general or municipal election at which the question is to be submitted, and, if the petition is sufficiently signed, 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-three.

If a majority of the electors, voting in any municipality which licenses baseball and football games to which an admission charge is made or is incidental, are not in favor of such licensing, then the ordinance or resolution licensing such baseball and football games shall be repealed; but if a majority of the electors in any such municipality which does not license baseball and football games are in favor of such licensing, then an ordinance or resolution shall be enacted or adopted licensing baseball and football games to which an admission charge is made or is incidental, as provided in this act.

Section 7. 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 baseball and football games on Sunday between the hours of two o'clock post meridian and six o'clock post meridian may be ascertained, and it shall be the duty of the legislative body of each municipality to enact, adopt or repeal any ordi-

nance or resolution in accordance with the will of the electors as ascertained at said elections. In case of a failure so to do, the duty herein imposed upon the legislative body of any municipality may be enforced by mandamus.

Section 8. Repeal.—Section one of the act, approved the twenty-second day of April, one thousand seven hundred and ninety-four (3 Sm. L. 177), 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 baseball and football games on Sunday.

Section 9. 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.

Section 10. Hunting and Fishing.—Nothing contained in this act shall relate to Sunday hunting and fishing or be construed as repealing any law relating thereto.

Section 11. Effective Date.—This act shall be effective immediately upon final enactment.

APPROVED—The 25th day of April, A. D. 1933.

GIFFORD PINCHOT

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No. 50

AN ACT

Relating to insurance companies, exchanges, associations, societies, orders and individuals under the supervision of the Insurance Department; authorizing the Insurance Commissioner, during the existing emergency, to suspend laws relating to certain payments by insurers, and to impose conditions upon the conduct of the business of insurance; and providing penalties.

WHEREAS, A public emergency exists affecting the health, comfort and safety of the people of the Commonwealth by reason of the problems connected with the reopening of such banking institutions as have been closed during the banking holidays beginning March fourth, one thousand nine hundred and thirty-three, and by reason of the inability of insurers to function in a normal manner due to the circumstances hampering the ordinary conduct of the business of insurance and of trade, commerce and industry. Preamble.

Section 1. Be it enacted, &c., That during the period of the emergency, as hereinafter defined, the Insurance Insurance Commissioner.