

or highway, at the cost and expense of said borough or incorporated town, after giving five days' prior notice to the councils of any such borough or incorporated town of the intention to do said work of maintenance and repair: Provided further, That upon the neglect or refusal of any borough or incorporated town to pay such cost and expenses within sixty days after the completion of such maintenance or repairs, that State Highway Commissioner shall take such action as is necessary to collect the same from the said borough or incorporated town refusing to make the required payment: And provided further, That all improvement, reconstruction, and maintenance of any road, street, or highway in boroughs or incorporated towns shall be of the same character as that done in townships.

Proviso.

Proviso.

APPROVED—The 12th day of May, A. D. 1925.

GIFFORD PINCHOT.

No. 320.

AN ACT

Providing for the alteration of the boundaries of counties in certain cases for the adjustment of the indebtedness thereof; providing the effect thereof.

Counties.  
Alteration of boundaries.

Petition to quarter sessions.

Contents of petition.

Section 1. Be it enacted, &c., That where a part of the county, or a borough which constitutes a part of a county, is so located that it is to the best interest of such part of a county or borough so located and of the inhabitants thereof and of the inhabitants of the adjoining county or city that such part of a county or borough be annexed to an adjoining county, the court of quarter sessions of the county wherein such part or borough is then situate may on petition decree such alterations of the boundaries of the county as shall be for the best interest of the inhabitants aforesaid and of the inhabitants of the adjoining county or city. The term "part of county," as used in this act, shall not include an area greater than two hundred and fifty acres nor an area containing a population of over two thousand inhabitants.

Section 2. The petition shall not be considered unless it shall:

(1) Be signed by not less than two-thirds of the qualified electors of the part of the county or borough so located, and

(2) Be signed by not less than two-thirds in number and interest of the owners of real estate in such part of a county or borough; the valuation to be as

shown by the triennial assessment for county purposes last preceding the presentation of the petition. The owners of an undivided interest shall be regarded as one person;

(3) Be verified as to the genuineness of the signatures by a qualified elector of the county. Hearing and notice.

Section 3. When the petition is presented the court shall fix a day for hearing it and direct that notice of the presentation of the petition and of the day of hearing shall be given to the commissioners of the counties affected by the proposed change of boundaries. If one of the counties affected is coterminous with a city the notice shall also be given to the council of the city. The county or city or both may file answers to said petition and if any city to which said part of a county or a borough would be attached for municipal and school purposes answers that by ordinance it has taken action against the change of said boundary the proceedings shall be dismissed by the court. On the day fixed for hearing, or as soon thereafter as the business of the court will permit, the court shall hear all parties in interest and shall make such decree as to the court shall seem right and proper.

Section 4. When the court decrees an alteration of the boundaries of any such county it shall appoint an auditor, who shall conduct such hearings and make such investigations as the court may direct. Notice of such hearings and investigations shall be given by the auditor, as directed by the court. When the auditor shall complete the hearings and investigations he shall report to the court. Auditor.

Section 5. The report of the auditor shall include: Report of auditor.

(1) The total assessed valuation of the subjects of taxation in the county from which a part is to be taken;

(2) The total assessed valuation of the subjects of taxation in the part proposed to be taken from such county;

(3) The total amount of indebtedness of the county from which a part is to be taken;

(4) The value of all real property to be transferred from one county to another by reason of the alteration of boundaries;

(5) An adjustment of the indebtedness and of the property of the counties affected by the alteration of boundaries;

(6) A form of decree altering the boundaries as aforesaid and adjusting the indebtedness of the counties affected.

Section 6. The decree shall be confirmed nisi by the court. If exceptions are not filed thereto within ten days from the date of the decree, or if an appeal there- Proceedings on decree.

from is not taken within ten days, the decree shall be absolute. It shall thereupon be recorded in the office of the recorders of deeds of the counties affected by the change. Upon such recording the boundaries of the respective counties shall be fixed according to the decree. The decree absolute shall be enforced as decrees in equity are enforced.

Transfer to other  
county.

Section 7. Where county boundaries are changed, as hereinbefore provided, and a part of a county or a borough becomes part of another county, if the county to which said part of a county or borough is transferred constitutes a city the part or borough so transferred shall become a part of the city and be subject to the government of the city, and the local government theretofore existing shall cease, and the property and assets of such local government or of the school district thereof shall become the property and assets of the city and the city school district to which it is attached.

APPROVED—The 12th day of May, A. D. 1925.

GIFFORD PINCHOT.

No. 321.

### AN ACT

To amend clause (c) of section fifty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, four hundred and forty-seven), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents."

Fiduciaries.

Section 1. Be it enacted, &c., That clause (c) of section fifty-eight of the act, approved the seventh day