

No. 189

AN ACT

To amend section eight of the act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, four hundred eighty-three), entitled "An act relating to practice in the courts of common pleas in actions of assumpsit and trespass, except actions for libel and slander; prescribing the pleadings and procedure to be observed therein; and giving the courts power to enforce its provisions," as amended, permitting a party to an action to require proof by the opposite party of facts alleged in the pleadings of said party, which facts are unknown to him or the means of proof thereof are under the exclusive control of the party making the allegation.

Section 1. Be it enacted, &c., That section eight of the act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, four hundred eighty-three), entitled "An act relating to practice in the courts of common pleas in actions of assumpsit and trespass, except actions for libel and slander; prescribing the pleadings and procedure to be observed therein; and giving the courts power to enforce its provisions," as amended by section one of the act, approved the twenty-second day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, six hundred twenty-seven), entitled "An act to amend sections eight, fourteen, fifteen, sixteen, and seventeen of the act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, four hundred eighty-three), entitled 'An act relating to practice in the courts of common pleas in actions of assumpsit and trespass, except actions for libel and slander; prescribing the pleadings and procedure to be observed therein; and giving the courts power to enforce its provisions,'" is hereby further amended to read as follows:

Section 8. It shall not be sufficient for a defendant in his affidavit of defense to deny generally the allegations of the statement of claim, or for a plaintiff in his reply to deny generally the allegation of a set-off, counter-claim, or new matter; but each party shall answer specifically each allegation of fact of which he does not admit the truth, except as provided in sections seven and thirteen: *Provided, however, That if either the defendant or the plaintiff has no knowledge, and after reasonable investigation is unable to ascertain, whether or not the facts alleged by the opposite party are true, or if means of proof of the facts alleged are under the exclusive control of the party making the allegation, it shall be a sufficient answer to allege that either or both such conditions exist and to demand proof of such alleged facts by the opposite party, but in no event shall either party be required to allege or*

Practice.

Section 8, act of May 14, 1915 (P. L. 483), as amended by act of April 22, 1929 (P. L. 627), further amended.

Pleadings generally.

Allegations to be answered specifically.

Proviso.

Answer when facts alleged are unknown or proof is under control of opposite party.

prove that he has inquired of the opposite party as to, or investigated, alleged facts, the proof of which is under the exclusive control of the opposite party.

APPROVED—The 12th day of June, A. D. 1931.

GIFFORD PINCHOT

No. 190

AN ACT

To amend section thirty of the act, approved the sixteenth day of June, one thousand eight hundred and thirty-six (Pamphlet Laws, seven hundred sixty-one), entitled "An act relating to executions," providing that no writ of *capias ad satisfaciendum* shall issue on any judgment of less than one hundred dollars.

Executions.

Section 30, act of June 16, 1836 (P. L. 761), amended.

Section 1. Be it enacted, &c., That section thirty of the act, approved the sixteenth day of June, one thousand eight hundred and thirty-six (Pamphlet Laws, seven hundred sixty-one), entitled "An act relating to executions," is hereby amended to read as follows:

Capias ad satisfaciendum.

Amount due or recovered.

Section 30. And no citizen of this Commonwealth shall be arrested or imprisoned, by virtue of any such writ, for any sum of money less than [five dollars and thirty-four cents,] *one hundred dollars*, due or recovered, *in any action*. [for the breach of any contract made since the fourth day of July, one thousand eight hundred and thirty-three.]

APPROVED—The 12th day of June, A. D. 1931.

GIFFORD PINCHOT

No. 191

AN ACT

To amend section one of the act, approved the twelfth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, six hundred thirteen), entitled "An act regulating the recording of certain deeds, conveyances, and other instruments of writing, and fixing the effect thereof as to subsequent purchasers, mortgagees, and judgment creditors," by fixing the effect of recording as to judgment creditors.

Recording deeds.

Judgment creditors.

Section 1, act of May 12, 1925 (P. L. 613), amended.

Section 1. Be it enacted, &c., That section one of the act, approved the twelfth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, six hundred thirteen), entitled "An act regulating the recording of certain deeds, conveyances, and other instruments of