

area, under its control and not necessary or essential for the operation and maintenance of such water works, for the purpose of establishing and maintaining a harbor for yachts and for the erection of proper and suitable buildings in connection therewith: Provided, That the occupation of the grounds and water areas so leased shall not interfere with the operation of such water works or in any manner affect the sanitary conditions of any public water supply.

Any such lease, before the same is executed, shall be submitted to and be approved by the Department of Health.

Proviso.

Approved by Department of Health.

APPROVED—The 22d day of April, A. D. 1927.

JOHN S. FISHER

No. 211

AN ACT

To amend sections seventeen, twenty, and twenty-two of an act, approved the twentieth day of May, Anno Domini one thousand nine hundred twenty-one (Pamphlet Laws, nine hundred sixteen), entitled "An act defining fraternal benefit societies and their status; authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies and for their supervision, regulation, and examination by the Insurance Commissioner, and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports, and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violations of the act; exempting such societies from taxation, and certain other societies from its provisions; and requiring beneficial associations other than fraternal benefit societies to report to, and be supervised by, the Insurance Commissioner; and repealing existing laws," by providing for the practice and procedure to be followed by the Insurance Commissioner in refusing to license any foreign society, and in revoking the license of such society; and providing for jurisdiction, practice and procedure upon appeals from the action of the Insurance Commissioner in such cases.

Section 1. Be it enacted, &c., That section seventeen of the act, approved the twentieth day of May, one thousand nine hundred twenty-one (Pamphlet Laws, nine hundred sixteen), entitled "An act defining fraternal benefit societies and their status; authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies, and for their supervision, regulation, and examination by the Insurance Commissioner and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual, and other reports, and appointing the Insurance Commissioner

Fraternal benefit societies.

Section 17 of act of May 20, 1921 (P. L. 916), amended.

as attorney for service of process; providing penalties for any violations of the act; exempting such societies from taxation, and certain other societies from its provisions; and requiring beneficial associations other than fraternal benefit societies to report to, and be supervised by, the Insurance Commissioner; and repealing existing laws," is hereby amended to read as follows:

Licensing of foreign societies.

Section 17. No foreign society shall transact any business in this Commonwealth without a license from the Insurance Commissioner. Any such society may be licensed upon filing with the commissioner: (a) A duly certified copy of its charter or articles of association; (b) a copy of its constitution and laws, certified by its secretary or corresponding officer; (c) a power of attorney to the Insurance Commissioner as hereinafter provided; (d) a statement of its business, under oath of its president and secretary or corresponding officers, in the form required by the commissioner, and duly verified by an examination made by the supervising insurance official of its home state or other state satisfactory to the Insurance Commissioner of this Commonwealth; (e) a certificate from the proper official in its home state, province, or country that the society is legally organized; (f) a copy of its certificate of membership, which must show that benefits are provided for by periodical or other payments by persons holding similar certificates, and furnishing the commissioner with such other information as he may deem necessary to a proper exhibit of its business and plan of working.

Upon compliance with these requirements, such foreign society shall be licensed to do business in this Commonwealth until the first day of the succeeding April, and such license shall, upon compliance with the provisions of this act, be renewed annually as hereinafter provided.

Every foreign society desiring admission to this Commonwealth shall have the qualifications required of domestic societies organized under this act, and have its benefit fund obligations valued upon a valuation by one of the standards authorized in section twenty-three of this act, and have its assets invested as required by the laws of the state, territory, district, country, or province wherein it was organized. [When the Insurance Commissioner refuses to license any society or revokes its authority to do business in this State he shall reduce his ruling or decision to writing and file the same in his office and shall furnish a copy thereof together with a statement of his reason to the officers of the society upon request and the action of the Insurance Commissioner shall be reviewable by proper proceedings in any court of competent

jurisdiction within the Commonwealth. Nothing contained in this or the preceding section shall however be taken or construed as preventing any such society from continuing in good faith all contracts made in this Commonwealth during the time such society was legally authorized to transact business herein.]

Section 2. That section twenty of said act be and the same is hereby amended to read as follows:

Section 20 amended.

Section 20. When the Insurance Commissioner on investigation is satisfied that any foreign society transacting business under this act has exceeded its power, or has failed to comply with any provisions of this act, or is conducting business fraudulently, and after hearing, upon notice as provided in section twenty-two hereof, [he shall notify the society of his findings in writing, the grounds of his dissatisfaction, and after reasonable notice, require the society on a date fixed to show cause why its license should not be revoked.

Revocation of licenses of foreign societies.

If on the date named in said notice] such objections have not been removed to the satisfaction of the said Insurance Commissioner, [or the society does not present good and sufficient reasons why its authority to transact business in this Commonwealth should not at that time be revoked] he may revoke the authority of the society to continue business in this Commonwealth.

Section 3. That section twenty-two of said act be and the same is hereby amended to read as follows:

Section 22 amended.

Section 22. [All decisions and findings of the commissioner made under this act shall be reduced to writing, and filed in his office; and he shall furnish a copy thereof, together with a statement of his reasons, to the officers of the society; and such action of the commissioner shall be reviewable by proper proceedings in any court of competent jurisdiction by appeal or other proceeding for review; and such appeal or other proceeding for review shall be a supersedeas, and in every case the said decision, order, or ruling of the Insurance Commissioner shall be suspended and abide the final determination of the appeal or other proceeding for review.] *Before the Insurance Commissioner shall refuse to license any foreign society, or shall revoke its authority to do business in this State, he shall furnish to such society a concise statement of his reasons for such proposed refusal or revocation, and give notice of a time and place of hearing, at which such society may show cause why a license should be granted to it, or why the license granted to it should not be revoked, as the case may be.*

Notice and hearing before refusal or revocation of license.

Upon request made to the Insurance Commissioner by such society, he shall issue subpoenas to summon such witnesses as the society may desire to summon; and, upon the filing of a petition by such society, duly verified by oath, showing that the testimony of certain persons named therein is competent and relevant to

Subpoenas.

Commissioner to take testimony.	<p><i>the issues to be heard by the Commissioner, and that such persons are outside the State of Pennsylvania, he shall appoint a suitable person, duly qualified by law to administer oaths, as a commissioner to take the testimony of such persons at such place or places specified in the petition as the testimony of such witnesses may be obtained. Such testimony shall be taken upon oral examination and cross-examination, or upon written interrogatories and cross-interrogatories, as the Insurance Commissioner may determine, and, when so taken, shall be reduced to writing, and certified to the Insurance Commissioner by the commissioner so appointed, and shall be made a part of the record of such hearing before the Insurance Commissioner. The cost of issuing said subpoenas shall be paid to the commissioner by the society.</i></p>
Cost of subpoenas.	
Notice by registered mail.	<p><i>Any notice of hearing required by this act shall be sufficient if sent by registered mail, addressed to the society or to its president at its principal office in its home state, territory, province, or country. A full and complete record shall be kept of all proceedings had before the Insurance Commissioner at any hearing, and all testimony taken at such hearings shall be reported stenographically, and the completeness and accuracy of the record shall be certified by the Insurance Commissioner.</i></p>
Records of hearing.	
Decisions, etc., to be reduced to writing and copy served on society.	<p><i>All decisions, rulings, and findings of the Insurance Commissioner, made under this act, together with a statement of his reasons therefor, shall be reduced to writing and filed in his office, and he shall serve a copy thereof upon the society, by registered mail addressed to the society or its president at its principal office in its home state, territory, province, or country; and the action of the Insurance Commissioner shall be reviewable upon appeal to the court of common pleas of Dauphin County in the following manner:</i></p>
Appeal.	
Procedure on appeal.	<p><i>Any society aggrieved by any decision, ruling, or finding of the Insurance Commissioner, may file, within thirty days thereafter, in the court of common pleas of Dauphin County, a petition against the commissioner officially as defendant, alleging therein in brief detail the action and decision complained of, and praying for a reversal thereof. Thereupon a summons shall issue, returnable in ten days, and shall be served, with a copy of the petition, upon the Insurance Commissioner. On or before the return day, the commissioner shall file an answer in which he shall allege by way of defense the grounds of his decision. He shall also, on or before the return day of such summons, certify to the court of common pleas of Dauphin County the record of the proceedings to which</i></p>
Petition.	
Summons.	
Answer.	
Record to be certified.	

the petition refers. Such record shall include the testimony taken thereon, the findings of fact and conclusions, if any, made by the commissioner based upon such testimony, a copy of all notices and statements of reasons issued and served by the commissioner in the proceedings, and a copy of the decision, ruling, or finding of the commissioner, with his statement of reasons, which the petition calls upon the court to reverse. The cost of preparing and certifying such record shall be paid to the commissioner by the petitioner and taxed as part of the costs in the case, to be paid as directed by the court upon the final determination of the case.

Cost of record.

Upon the filing of the commissioner's answer, the case before the court of common pleas of Dauphin County shall be at issue without further pleadings, and, upon application of either party, made thereafter, the case shall be advanced and heard without further delay. Mere technical irregularities in the procedure of the commissioner shall be disregarded.

Issue and hearing.

Such appeal shall not be supersedeas, nor stay further proceedings by the Insurance Commissioner, unless otherwise ordered by the court of common pleas of Dauphin County upon such terms and conditions as said court shall determine, and then only in the case of an appeal from a decision, ruling, or finding of the commissioner revoking the authority of any such society to do business.

Effect of appeal.

The case shall be heard upon the record certified to the court by the commissioner. Additional testimony shall not be taken by the court, but the court may, in proper cases, remit the record to the commissioner for the taking of further testimony.

Case to be heard upon the record.

From the decision of the court of common pleas of Dauphin County, an appeal may be taken to the Supreme Court of Pennsylvania, as in other cases.

Appeal to Supreme Court.

In the case of any appeal, or other proceeding for review, heretofore taken, from the decision of the Insurance Commissioner refusing to license any such society, or revoking its authority to do business, and now pending and undetermined in any court of this Commonwealth, the court may make an appropriate order remanding the decision, ruling, or finding appealed from the Insurance Commissioner, with directions to proceed in conformity with the provisions of this act, and the making of such order shall restore the status of the appellant society as it was before the making of the decision, ruling, or finding appealed from.

Proceedings for review heretofore taken.

Nothing contained in this section, or in sections sixteen or twenty of this act, shall, however, be taken or construed as preventing any such society from continuing in good faith all contracts made in this Com-

Continuance of existing contracts.

monwealth during the time such society was legally authorized to transact business herein.

APPROVED—The 22d day of April, A. D. 1927.

JOHN S. FISHER

No. 212

AN ACT

To fix the salaries to be paid to coroners in counties of the third class.

Counties of
third class.

Salary of coroner.

Repeal.

Section 1. Be it enacted, &c., That in each county of the third class, the annual salary of the coroner shall be three thousand dollars, payable from the county treasury in the manner fixed by law.

Section 2. All acts and parts of acts inconsistent herewith are hereby repealed.

APPROVED—The 22d day of April, A. D. 1927.

JOHN S. FISHER

No. 213

AN ACT

To amend section one of the act, approved the twenty-sixth day of April, one thousand eight hundred and eighty-three (Pamphlet Laws, fifteen), entitled "An act relative to the eligibility of candidates for the office of district attorney."

District attorney.

Act of April 26,
1883 (P. L. 15),
amended.

Qualifications.

Repeal.

Section 1. Be it enacted, &c., That section one of the act, approved the twenty-sixth day of April, one thousand eight hundred and eighty-three (Pamphlet Laws, fifteen), entitled "An act relative to the eligibility of candidates for the office of district attorney," is hereby amended to read as follows:

Section 1. Be it enacted, &c., That no person shall be eligible to the office of district attorney, of any county within this Commonwealth, unless he shall have been [admitted] *qualified for admission* to practice, as an attorney in the [courts of some county within] *Supreme or Superior Court* of this Commonwealth, for, at least, [two years] *one year and six months* preceding his election. [Provided That this act shall not take effect until the first day of March, Anno Domini one thousand eight hundred and eighty-four.]

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

APPROVED—The 22d day of April, A. D. 1927.

JOHN S. FISHER