

Section 1. The act of May 27, 1949 (P. L. 1903), known as "The Military Code of 1949," is amended by adding, after section 827, a new section to read:

Act of May 27,
1949, P. L. 1903,
amended by
adding a new
section 827.1.

Section 827.1. Promotions of Officers, Warrant Officers and Enlisted Men.—Every retired officer, warrant officer and enlisted man of the Army or Air National Guard or Reserve, shall, upon application to the Adjutant General after his or her retirement, be promoted to the next higher grade in the Pennsylvania National Guard above that presently held in a grade or rank federally recognized: Provided, That the applicant meets the following requirements:

(1) The applicant has served ten years in the Pennsylvania National Guard with active Federal service counting as double time.

(2) The applicant has served a total of twenty-five years in any of the Reserve components of the armed forces of the United States, to include the Army National Guard, Air National Guard, Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve and Coast Guard Reserve.

(3) Such twenty-five years' service as prescribed in clause (2) hereof shall be such as would be credited for retirement under Federal law covering retirement of National Guard and Reserve personnel.

APPROVED—The 21st day of October, A. D. 1959.

DAVID L. LAWRENCE

No. 461

AN ACT

Authorizing the Department of Property and Supplies, with the approval of the Governor, to sell and convey that certain lot or tract of ground, known as the Superintendent's Residence, at the Eastern Psychiatric Institute, Philadelphia, Pennsylvania.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: Real property.

Section 1. The Department of Property and Supplies, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to sell at public sale to the highest bidder the following described tract of land with improvements thereon, known as the Superintendent's Residence, at the Eastern Psychiatric Institute, Philadelphia, Pennsylvania, and lying on the southeast side of School House Lane and the northeast side of The Oak Road in the 38th

Department of
Property and
Supplies, with
approval of
Governor,
authorized to
sell certain land
in Philadelphia.

Ward of the City of Philadelphia, County of Philadelphia, Commonwealth of Pennsylvania, described as follows:

Description.

Beginning at a point, the intersection of the northeast side of The Oak Road (50 feet wide) and the southeast side of School House Lane (40 feet wide); thence along the said southeast side of School House Lane (40 feet wide) north 66 degrees no minutes 52 seconds east 226 feet $4\frac{1}{4}$ inches to a marble stone marking the dividing line between property of the Germantown Friends School and Henry W. Brown; thence along property belonging to the Germantown Friends School, formerly belonging to T. Wistar Brown, south 39 degrees 37 minutes 25 seconds east 69 feet no inches to a point; thence at right angles to the last mentioned property line along property belonging to Henry W. Brown of which this is a part south 50 degrees 22 minutes 35 seconds west 212 feet $4\frac{5}{8}$ inches to a point in the northeast side of The Oak Road (50 feet wide); thence along said northeast side of The Oak Road by a line curving to the right with a radius of 836 feet the distance of 40 feet $6\frac{3}{8}$ inches to the point of tangent in the said northeast side of The Oak Road; thence continuing along the said northeast side of The Oak Road north 41 degrees 39 minutes 8 seconds west 89 feet $7\frac{3}{8}$ inches to the first mentioned point and place of beginning, including in said tract a proposed or existing 15 feet driveway along the northeastern line of said lot and extending southeast to the Ivy Cottage lot about 20 feet southeast of the southeast line of the above described lot.

Recital of record of title.

Being the same premises acquired by the Commonwealth of Pennsylvania from Kathryn W. Stradley and also being the same premises conveyed to Leighton P. Stradley and Kathryn W. Stradley, husband and wife, by deed of Henry W. Brown, widower, dated May 15, 1922, and recorded in Philadelphia County Deed Book J. M. H. Volume 1253 at page 540, etc.

The said Leighton P. Stradley died April 18, 1956, testate, a resident of the City of Philadelphia, Pennsylvania, thereby vesting the title to the subject described premises in Kathryn W. Stradley as surviving spouse of a tenancy by the entirety.

Conditions.

The conveyance shall be made under and subject, nevertheless, to all easements, servitudes and rights of others, including but not confined to streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipe line companies, as well as under and subject, nevertheless, to any estate or tenancies vested in third persons, whether or not appearing of record, for any portion of the said land or improvements erected thereon.

Section 2. The deed of conveyance shall be approved by the Department of Justice and shall be executed by the Secretary of Property and Supplies in the name of the Commonwealth of Pennsylvania.

Approval and execution of deed.

Section 3. All moneys received from the sale of land herein authorized to be conveyed shall be deposited in the General Fund.

Disposition of proceeds.

Section 4. This act shall take effect immediately.

Act effective immediately

APPROVED—The 21st day of October, A. D. 1959.

DAVID L. LAWRENCE

No. 462

AN ACT

Amending the act of January 7, 1952 (P. L. 1841), entitled "An act fixing the fees or costs to be charged by aldermen, magistrates and justices of the peace, and imposing liability therefor upon the county in certain cases," reducing costs or fees payable by counties of the second class in cases before salaried magistrates.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Minor Judiciary Fee Bill.

Section 1. Section 3, act of January 7, 1952 (P. L. 1841), known as the "Minor Judiciary Fee Bill," amended July 28, 1953 (P. L. 664), is amended to read:

Section 3, act of January 7, 1952, P. L. 1841, amended July 28, 1953, P. L. 664, further amended.

Section 3. Payment of Summary Conviction Costs by County.—

(a) In every case of summary conviction in which the evidence is not sufficient to convict and the defendant is dismissed, the costs or fees thereof shall be paid by the county if the prosecutor is a police officer engaged as such in the employ of this Commonwealth or of any of its political subdivisions. In all other cases, the costs shall be paid by the prosecutor or by the defendant if so permitted by law.

(b) In every case of summary conviction in which the defendant is convicted and sentenced to jail in default of the payment of the fine and costs or fees imposed, the costs or fees of prosecution shall be paid by the county.

(c) In no case shall the county pay any such costs unless the transcript of the proceedings is delivered to the office of the county commissioners within thirty days after the hearing.