

Section 4. The provisions of this act shall not apply to counties of the first class.

Not applicable to first class counties.

APPROVED—The 14th day of July, A. D. 1961.

DAVID L. LAWRENCE

No. 306

AN ACT

Amending the act of April 25, 1850 (P. L. 569), entitled "An act relating to the bail of executrixes; to partition in the orphans' court and common pleas; to colored convicts in Philadelphia; to the limitation of actions against corporations; to actions enforcing the payment of ground rent; to trustees of married women; to appeals from awards of arbitrators by corporations; to hawkers and *pedlers in the counties of Butler and Union; to the payment of costs in actions by informers in certain cases; to taxing lands situate in different townships; and in relation to fees of county treasurers of Lycoming, Clinton and Schuylkill; to provide for recording the accounts of executors, administrators, guardians and auditors' reports; and to amend and alter existing laws relative to the administration of justice in this commonwealth," excluding prothonotaries in counties of the first class from the provisions relating to the recording of certain accounts.

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

Administration of justice.

Section 1. Section 19, act of April 25, 1850 (P. L. 569), entitled "An act relating to the bail of executrixes; to partition in the orphans' court and common pleas; to colored convicts in Philadelphia; to the limitation of actions against corporations; to actions enforcing the payment of ground rent; to trustees of married women; to appeals from awards of arbitrators by corporations; to hawkers and *pedlers in the counties of Butler and Union; to the payment of costs in actions by informers in certain cases; to taxing lands situate in different townships; and in relation to fees of county treasurers of Lycoming, Clinton and Schuylkill; to provide for recording the accounts of executors, administrators, guardians and auditors' reports; and to amend and alter existing laws relative to the administration of justice in this commonwealth," is amended to read:

Section 19, act of April 25, 1850, P. L. 569, amended.

Section 19. It shall also hereafter be the duty of the prothonotaries of the various courts of common pleas and district courts of this commonwealth, to record, in a book or books to be procured for that purpose, all accounts of assignees, trustees, sequestrators and committees, and all reports of auditors thereon, omitting the

Accounts of assignees, trustees, sequestrators and committees, and reports of auditors, recorded by prothonotaries.

* "peddlers" in original.

evidence upon which such reports are based; and also all reports of distributions or appropriations made by the various sheriffs of the commonwealth, and filed in their offices respectively; for which services the said prothonotaries shall be allowed one-half the fees now allowed by law for similar services. *The provisions of this section shall not apply to the prothonotary in counties of the first class.*

Fees.

Provisions not applicable to Philadelphia.

APPROVED—The 14th day of July, A. D. 1961.

DAVID L. LAWRENCE

No. 307

AN ACT

Amending the act of August 10, 1951 (P. L. 1163), entitled, as amended, "An act relating to the orphans' court; conferring exclusive jurisdiction on such courts over the administration and distribution of decedents' estates, trust estates, minors' estates, absentees' estates and incompetents' estates and the determination of title to real estate in certain cases; providing for the organization of orphans' courts, the procedure therein, the powers and duties of the judges thereof, and appeals therefrom," clarifying provisions relating to verdicts.

Orphans' Court Act of 1951.

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

Section 745, act of August 10, 1951, P. L. 1163, amended February 10, 1956, P. L. 1022, further amended.

Section 1. Section 745, act of August 10, 1951 (P. L. 1163), known as the "Orphans' Court Act of 1951," amended February 10, 1956 (P. L. 1022), is amended to read:

Section 745. Jury Trial.—

[(a) Will Contest. When a substantial dispute of fact shall arise concerning the validity of a writing alleged to be testamentary, any party in interest shall be entitled to a trial of this fact by a jury, but the verdict of the jury shall be conclusive only if the court is satisfied with the justness of it on the basis of all the evidence. If the court is not so satisfied, it may set aside the verdict, grant a new trial or enter such other judgment as satisfies its conscience.

(b) Title to Property. When a substantial dispute of fact shall arise concerning the decedent's title to property, real or personal, any party in interest shall be entitled to a trial of such issue by a jury. The verdict of the jury shall have the same effect as the verdict of a jury in a case at law in a court of common pleas.

(b.1) Determination of Incompetency. Any person against whom proceedings have been instituted to establish his incompetency shall be entitled to a trial of such