

License fees.

or they shall pay to the Secretary of Agriculture the sum of twenty-five dollars for each and every brand of such concentrated commercial feeding-stuffs to be sold or offered for sale within the Commonwealth, *except brands of (a) pure wheat bran, (b) pure wheat middlings, (c) pure wheat mixed feed, (d) pure rye bran, (e) pure rye middlings, (f) pure rye mixed feed, (g) pure buckwheat bran, (h) pure buckwheat middlings, (i) pure buckwheat feed, being by-products resulting from the milling of pure wheat, rye, and buckwheat in the manufacture of wheat, rye, and buckwheat-flour; and (j) pure corn meal made by grinding and bolting corn; and (k) pure corn and oats chop made by grinding together, or by grinding separately and mixing together, pure corn and oats; standards for which brands shall be fixed by the Secretary of Agriculture; in which cases he shall pay to the Secretary of Agriculture the sum of six dollars instead of twenty-five dollars for each and every such brand to be sold or offered for sale within the Commonwealth. All moneys so received shall be immediately paid by the Secretary of Agriculture to the State Treasury for the use of the Commonwealth.*

Disposition of fees.

APPROVED—The 19th day of March, A. D. 1923.

GIFFORD PINCHOT.

No. 11.

AN ACT

An act to amend sections five and ten of the act, approved the nineteenth day of April, Anno Domini one thousand nine hundred and one (Pamphlet Laws, eighty-eight), entitled "An act relating to replevin, and regulating the practice in cases where the writ of replevin is issued."

Replevin.

Section 5, act of April 19, 1901 (P. L. 88), amended.

Section 1. Be it enacted, &c., That section five of an act, entitled "An act relating to replevin, and regulating the practice in cases where the writ of replevin is issued," approved April nineteenth, one thousand nine hundred and one (Pamphlet Laws, eighty-eight), is amended to read as follows:—

Affidavit of defense.

Section 5. The defendant or party intervening shall, within fifteen days after the filing of such declaration, file an affidavit of defense thereto, setting up the facts denying plaintiff's title and showing his own title to said goods and chattels; and in event of his failure so to do, upon proof that a copy of said declaration was served upon him or his attorney, judgment may be entered for the plaintiff and against the defendant or party intervening, which judgment shall

Judgment for want of affidavit.

operate to forfeit any counter bond given by him. The court may enter judgment, with like effect, for want of a sufficient affidavit of defense, or for such goods and chattels as may be admitted to be the property of the plaintiff in the affidavit of defense, or may enter judgment, with like effect, for such goods and chattels as to which the court may adjudge the affidavit of defense insufficient. And in the event of judgment being rendered in favor of the plaintiff for a portion of such goods and chattels replevied, he may proceed to recover such goods and chattels by writ of retorno habendo, or the value thereof after assessment of damages on a writ of inquiry of damages issued, and the case shall be proceeded in for recovery of the balance. If the defendant has been duly summoned and does not appear at the return-day of the writ, the plaintiff, having filed his declaration, may file a common appearance for the defendant, and proceed in the cause as in other cases. *Where the writ has been returned nihil habet as to the defendant, it shall be lawful for the plaintiff, at and after the third term of the court after the execution of the writ, to take judgment against the defendant for default of appearance: Provided, That the plaintiff, fifteen days prior to the entry of said judgment, shall have filed his declaration.*

Judgment whereof affidavit is insufficient.

Judgment for portion of goods.

Failure of defendant to appear.

Judgment for default of appearance.

Filing of declaration.

Section 2. That section ten of said act is amended to read:—

Section 10 amended.

Section 10. No action shall be brought upon any bond given in accordance with the provisions of this act unless commenced [within five years] *within a year and a day* after the final determination of the suit in which the bond was given.

Action on bond.

APPROVED—The 19th day of March, A. D. 1923.

GIFFORD PINCHOT.