

cease to care for and support his wife and family, then, and in any such case, the board shall have power, by a two-thirds vote, to revoke the pension, or to suspend the payment thereof, or to direct payment of the pension to the family of such beneficiary.

Section 14. Any beneficiary of the fund who may obtain employment in the service of the United States Government, or the State of Pennsylvania, or the county wherein said city is situate, or of the city itself, shall forfeit his pension from the fund during the time of such employment.

Forfeiture of pension.

Section 15. The provisions of this act so far as they are the same as those of existing laws are intended as a continuation of such laws and not as new enactments.

Intention of act as to existing laws.

Section 16. This act shall take effect on the first day of January, one thousand nine hundred and thirty-four.

Effective date.

APPROVED—The 25th day of May, A. D. 1933.

GIFFORD PINCHOT

No. 243

AN ACT

To amend clause (d) as amended of section fifty-nine of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws, four hundred forty-seven), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; re-funding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases, and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by providing for the action by the natural guardian, or the person by whom the minor is maintained, for the minor, upon leave of

court and without formal appointment, in matters relating to real estate in which the share of the minor does not exceed two hundred dollars.

Fiduciaries.

Clause (d),
section 59, act of
June 7, 1917
(P. L. 447),
as amended by
act of March 19,
1925 (P. L. 53),
further amended.

Section 1. Be it enacted, &c., That clause (d) of section fifty-nine of the act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, four hundred forty-seven), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases, and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended by the act approved the nineteenth day of March, one thousand nine hundred and twenty-five (Pamphlet Laws, fifty-three), is hereby further amended to read as follows:

Guardian of
estate of minor.

Estate of minor
\$200 or less.

(d) The orphans' court shall not appoint the father or the mother of a minor as guardian of the estate of said minor: Provided, That nothing herein contained shall be construed to extend to the case of a testamentary guardian: And provided further, That where the estate of the minor shall be of the value of two hundred dollars or less, the court may, in its discretion, authorize payment or delivery thereof to the natural guardian of the minor, or the person by whom the minor is maintained, or to the minor, without the appointment of a guardian

by the court or the entry of security: *And provided further, That when the estate of the minor shall consist of an interest in real property to the value of not more than two hundred dollars, the orphans' court may authorize the natural guardian of the minor, or the person by whom the minor is maintained, to convey or mortgage such real property, for and in behalf of said minor, without the appointment of a guardian by the court or the entry of security.*

Conveyance or mortgage of real property.

Section 2. This act shall become effective immediately upon its approval by the Governor.

When effective.

APPROVED—The 25th day of May, A. D. 1933.

GIFFORD PINCHOT

No. 244

AN ACT

Authorizing plaintiffs in actions on written instruments to join as defendants persons severally, jointly or severally, or jointly and severally liable thereon, and regulating the effect thereof and the procedure in such actions.

Section 1. Be it enacted, &c., That any person having a right of action on a written instrument of any kind whatsoever, except one creating a purely joint obligation, may, at his option, join as defendants in a single action thereon all or any one or more persons alleged to be severally, jointly or severally, or jointly and severally liable to him upon such instrument, regardless of the capacities in which such defendants are respectively liable thereon, and whether or not all or any of them be makers, drawers, acceptors, indorsers, assignors, sureties, guarantors, or accomodation parties. Each such defendant shall have the same rights as if sued severally.

Civil procedure.

Joinder of defendants in actions on written instruments.

Section 2. The plaintiff shall not discontinue or enter a nolle prosequi as to any such defendant unless he does so as to all, nor shall any voluntary or involuntary nonsuit be entered, except as to all such defendants, until all the evidence in the case shall have been presented. The plaintiff shall not, during the pendency of any such action, bring any other action or suit within this Commonwealth upon the same instrument against any such defendant who has been served with process in such action, but may bring other actions or suits against other persons liable thereon.

Discontinuance or nonsuit.

Other actions.

Section 3. Any defendant so joined, who claims to be entitled to contribution or indemnity from, or any other relief over, in whole or in part, against any other defendant, may, within thirty (30) days from the service upon him of the statement of claim, or any amendment thereof, file, as of course, a petition, complying with the requirements for statements of claim in assumpsit, set-

Petition for relief by one defendant against another.