

Said commission] *the physician member of the civil service commission, or if there be none, then by a physician appointed by the civil service commission.* Said examiner shall certify that an applicant is free from any bodily or mental defects, deformity or diseases that might incapacitate him from the performance of the duties of the position desired before said applicant shall be permitted to take further examinations. No application will be received if the person applying is less than twenty-one years of age or more than thirty-five years of age at the date of his application: Provided, however, That in event any applicant has formerly served in the fire department or as a fire alarm operator or fire box inspector in the bureau of electricity of the city to which he makes application for a period of more than six months, and no charges of misconduct or other misfeasance were made against such applicant within a period of two years next preceding the date of his application, and is a resident of the city, then such person shall be eligible for reinstatement, in the discretion of the civil service commission, even though such applicant shall be over the age of thirty-five years. Such applicant, providing his former term of service so justifies, may be reappointed to the fire department or as a fire alarm operator or fire box inspector in the bureau of electricity without examination, other than a physical examination. If such person is reinstated, he shall be the lowest in rank in the department next above the probationers of the department.

Provido.

APPROVED—The 31st day of March, A. D. 1937.

GEORGE H. EARLE

No. 47

### AN ACT

To amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred seventy-eight), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh, and eighth classes; and revising, amending and consolidating the laws relating thereto," as amended, extending the retirement system of counties of the second class to additional employes; declaring certain persons ineligible to receive retirement allowances; and generally clarifying the provisions of the law governing such retirement systems.

Section 1. Be it enacted, &c., That section three hundred and eleven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred seventy-eight), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh, and eighth

Section 311, act of May 2, 1929 (P. L. 1278), as amended by act of April 4, 1935 (P. L. 12), further amended.

classes; and revising, amending and consolidating the laws relating thereto," as amended by the act, approved the fourth day of April, one thousand nine hundred and thirty-five (Pamphlet Laws, twelve), is hereby further amended to read as follows:

Section 311. "County Employe" Defined.—A county employe, for the purpose of this subdivision of this act, is any person employed by the county or by county poor district *or by any county workhouse and inebriate asylum or by the county retirement system* at a wage or salary payable at stated intervals; that is to say, semi-monthly, monthly, quarterly, or annually. The term may, at the option of the Retirement Board, include any person elected by the vote of the people. In all cases of doubt the Retirement Board shall determine who is an employe within the meaning of this act.

Section 312 of said act as amended by act of May 22, 1933 (P. L. 840), further amended.

Section 2. Section three hundred and twelve of said act, as amended by the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, eight hundred forty), is hereby further amended to read as follows:

Section 312. Retirement System and Fund to Be Established.—Each county of the second class shall provide a county employes' retirement system for such county for employes [of the county and the county poor district] *as hereinbefore defined*, and shall establish and regulate a retirement fund in connection therewith.

Section 315 of said act as amended by act of May 22, 1933 (P. L. 840), further amended.

Section 3. Section three hundred and fifteen of said act, as amended by said amending act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, eight hundred forty) is hereby further amended to read as follows:

Section 315. Register of Employes; Regulations of Board.—The board shall keep a register of *county* employes, containing the names, ages, residence, nature of employment, time of entering [the] employ, [of the county or of the county poor district] and such other information as the board deems necessary in the performance of its duties. The board may adopt, amend, revise and abolish, in its discretion, such regulations, not inconsistent with law, as it deems necessary.

Section 316 of said act as amended by act of May 22, 1933 (P. L. 840), further amended.

Section 4. Section three hundred and sixteen of said act, as amended by said amending act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, eight hundred forty), is hereby further amended to read as follows:

Section 316. List of Employes.—The head of each department or office [of the county or of the county poor district] shall file with the board a list of all *county* employes of such department or office *or agency*, with the amount of the salary or wage received by each, the

age of the employe, time of entering [the county or county poor district] employ, and such other information relative to such employes as is required by the board. From time to time, and whenever requested by the board, all dismissals, appointments, resignations, transfers, changes in salaries or in employment, and other information relative to employes, shall be furnished to the board by the head of each such department or office or agency.

Section 5. Section three hundred and seventeen of said act, as amended by said amending act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, eight hundred forty), is hereby further amended to read as follows:

Section 317 of said act as amended by act of May 22, 1933 (P. L. 840), further amended.

Section 317. Appropriations to Retirement Fund.—The county commissioners and the directors of the poor district shall, prior to February fifteenth of each year, appropriate, out of county taxes and poor taxes of said county and county poor district, a certain sum of money which shall be equal to the amount paid in by employes of said county, [and] county poor district, *workhouse and inebriate asylum and board*. The county and county poor district shall pay into the fund the full amount of their appropriation on or before August fifteenth of each year. The portion of such sum to be paid by the county and the county poor district into such fund shall be such part thereof as the amount paid by the employes of such county, *including the workhouse and inebriate asylum and board employes*, or county poor district bears to the total amount paid into the retirement fund by the respective employes.

Section 6. Section three hundred and eighteen of said act, as amended by said amending act, approved the fourth day of April, one thousand nine hundred and thirty-five (Pamphlet Laws, twelve), is hereby further amended to read as follows:

Section 318 of said act as amended by act of April 4, 1935 (P. L. 12), further amended.

Section 318. Payment by Employes.—Each county employe shall, each month, pay into the retirement fund five per centum of the amount received by him or her as salary or wages [from the county or the county poor district] during the preceding calendar month. In no event, however, paying at a rate greater than ten dollars (\$10.00) a month. Such amount shall be collected by the county treasurer, and by him paid into the retirement fund. No employe shall be entitled to a retirement allowance who does not make the monthly payment herein required.

Section 7. Section three hundred and twenty of said act, as amended by said amending act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, eight hundred forty), is hereby further amended to read as follows:

Section 320 of said act as amended by act of May 22, 1933 (P. L. 840), further amended.

Section 320. Persons Entitled to Retirement Allowances.—Every [person now or hereafter in the employ of the county or the county poor district] *county employe* who has reached the age of sixty years or upwards, and who shall have been [in the employ of the county or the county poor district] *a county employe* during a period of not less than twenty years, shall, upon application to the board, be retired from service, and shall thereafter receive during life a retirement allowance as herein provided for. The time spent in the employ [of the county or the county poor district] *as a county employe* need not necessarily have been continuous: Provided, That when any employe has had twenty or more years of service, *not necessarily continuous*, and has reached the age of fifty years, and shall be or shall have been separated from the service by reason of no cause or act of his own, he shall thereafter receive during life a retirement allowance as herein provided for. [The time spent in the employ of the county or the county poor district need not necessarily have been continuous.]

Section 321 of said act as amended by act of April 4, 1935 (P. L. 12), further amended.

Section 8. Section three hundred and twenty-one of said act, as amended by said amending act, approved the fourth day of April, one thousand nine hundred and thirty-five (Pamphlet Laws, twelve), is hereby further amended to read as follows:

Section 321. Exception in Favor of Persons Totally and Permanently Disabled.—Any present *county employe* who has been in [the county or county poor district] employ for a period of not less than fifteen years shall be entitled to a retirement allowance if he or she becomes totally and permanently disabled, even though such employe has not reached the age of sixty years.

Any *county employe* entering [the] employment [of the county or the county poor district] after the effective date of this act who shall be employed for a period of not less than twenty years shall be entitled to a retirement allowance if he or she becomes totally and permanently disabled, even though such *county employe* has not reached the age of sixty years.

Proof of total and permanent disability shall be by the sworn statement of three practicing physicians of the county, designated by the board, to the effect that such employe is totally and permanently disabled from performing the duties of his or her position or office.

Section 323 of said act as amended by act of May 22, 1933 (P. L. 840), further amended.

Section 9. Section three hundred and twenty-three of said act, as amended by said amending act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, eight hundred forty), is hereby further amended to read as follows:

Section 323. Retirement Allowance After Leaving [County or County Poor District] Service.—If any *county* employe, after twenty years, [in the county or county poor district employ] is dismissed, or retires voluntarily, or is in any other manner deprived of his or her employment, before attaining the age of fifty or sixty years, as the case may be, such employe, if he continues to contribute to the retirement fund monthly a sum equal to the last monthly contribution paid while in [the county or county poor district] employ, shall, when he or she reaches the age of fifty or sixty years, as the case may be, be entitled to a retirement allowance.

Section 10. Section three hundred and twenty-four of said act, as amended by said amending act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, eight hundred forty), is hereby further amended to read as follows:

Section 324 of said act as amended by act of May 22, 1933 (P. L. 840), further amended.

Section 324. Refund of Contributions.—If any county [or county poor district] employe, contributing monthly to the retirement fund, shall, for any cause, cease to be [an] *a county* employe [of the county or county poor district] before he or *she* shall receive the benefits of the retirement allowances, the total amount of the contributions paid into the retirement fund by such employe shall, upon demand in writing, be repaid to him or her, or to his or her personal representatives, or to such person or persons as are legally entitled thereto, out of the fund.

Section 11. Section three hundred and twenty-five of said act, as amended by said amending act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, eight hundred forty), is hereby further amended to read as follows:

Section 325 of said act as amended by act of May 22, 1933 (P. L. 840), further amended.

Section 325. Reinstatement.—Should any county [or county poor district] employe, who has withdrawn his contribution paid into the retirement fund, desire to be reinstated, and again become a beneficiary, he or she may do so by the payment in full of the amount withdrawn, and by paying the assessments provided for in section three hundred and eighteen of this act.

Section 12. Section three hundred and twenty-six of said act, as amended by said amending act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, eight hundred forty), is hereby further amended to read as follows:

Section 326 of said act as amended by act of May 22, 1933 (P. L. 840), further amended.

Section 326. Retirement Allowance Not Subject to Attachment or Assignment; Suspension of Retirement Allowance; *Ineligibility*.—No retirement allowance herein provided for shall be subject to execution or to attachment. It shall be payable only to the beneficiary herein provided for, and shall not be subject to assignment or transfer. If any member of the retirement sys-

tem is receiving a retirement allowance and he or she shall or may hereafter be employed by the government of the United States, or the Commonwealth of Pennsylvania, or any political subdivision thereof, then the retirement board shall, and is hereby given the authority to, suspend the retirement allowance to such member of the retirement system during such employment. *Hereafter no person who, at the time of his employment as a county employe, is receiving or is eligible to receive retirement allowance from the Commonwealth of Pennsylvania, or any other political subdivision thereof, shall be eligible to receive a retirement allowance from the county retirement system.*

When effective.

Section 13. This act shall become effective immediately upon final enactment.

APPROVED—The 31st day of March, A. D. 1937.

GEORGE H. EARLE

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No. 48

AN ACT

To further amend section one of the act, approved the twenty-sixth day of April, one thousand eight hundred and fifty-five (Pamphlet Laws, three hundred nine), entitled "An act relating to damages for injuries producing death," by giving personal representatives the right to recover damages for hospital, nursing, medical, funeral expenses, and expenses of administration.

Section 1, act of April 26, 1855 (P. L. 309), as amended by act of June 7, 1911 (P. L. 678), further amended.

Section 1. Be it enacted, &c., That section one of the act, approved the twenty-sixth day of April, one thousand eight hundred and fifty-five (Pamphlet Laws, three hundred nine), entitled "An act relating to damages for injuries producing death," as amended by section one of the act, approved the seventh day of June, one thousand nine hundred and eleven (Pamphlet Laws, six hundred seventy-eight), is hereby further amended to read as follows:

Those entitled to recover damages for injuries producing death.

Section 1. Be it enacted, &c., That the persons entitled to recover damages for any injuries causing death shall be the husband, widow, children, or parents of the deceased, and no other relatives; and that such husband, widow, children, or parents of the deceased shall be entitled to recover, whether he, she, or they be citizens or residents of the Commonwealth of Pennsylvania, or citizens or residents of any other state or place subject to the jurisdiction of the United States, or of any foreign country, or subjects of any foreign potentate; and the sum recovered shall go to them in the proportion they would take his or her personal estate in case of intestacy, and that without liability to creditors under the laws of this Commonwealth. *If none of the above rela-*