

Section 8. This act shall become effective immediately upon its final enactment. When effective.

APPROVED—The 26th day of May, A. D. 1937.

GEORGE H. EARLE

No. 235

AN ACT

To amend section eleven of the act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, four hundred eighty-three), entitled "An act relating to practice in the courts of common pleas in actions of assumpsit and trespass, except actions for libel and slander; prescribing the pleadings and procedure to be observed therein, and giving the courts power to enforce its provisions," providing that the defendant in a counter-claim may ask for an account in certain cases.

Section 1. Be it enacted, &c., That section eleven of the act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, four hundred eighty-three), entitled "An act relating to practice in the courts of common pleas in actions of assumpsit and trespass, except actions for libel and slander; prescribing the pleadings and procedure to be observed therein, and giving the courts power to enforce its provisions," is hereby amended to read as follows: Section 11, act of
May 14, 1915
(P. L. 483),
amended.

Section 11. If *either* the plaintiff *in his statement or the defendant in a counter-claim* avers that the defendant *or plaintiff* has received moneys as agent, trustee, or in any other capacity for which he is bound to account to the plaintiff *or defendant*, or if the plaintiff *or defendant* is unable to state the exact amount due him by the defendant *or plaintiff*, by reason of the defendant's *or plaintiff's* failure to account to him, the plaintiff *or defendant* may ask for an account.

APPROVED—The 26th day of May, A. D. 1937.

GEORGE H. EARLE

No. 236

AN ACT

To amend paragraphs one, three, and five of section one of the act, approved the twelfth day of June, one thousand eight hundred and ninety-three (Pamphlet Laws, four hundred fifty-seven), entitled "An act to provide for the erection, maintenance and regulation of public morgues in the several counties of this Commonwealth, for the care and disposal of bodies removed thereto, and providing for the payment of certain expenses of the same by the proper county or district, or by the

estate of the deceased person, and providing for the disposal of the personal effects of unclaimed dead," as amended, by transferring certain powers from the county commissioners to the coroner in counties of the first class.

Paragraphs 1, 3 and 5, act of June 12, 1893 (P. L. 457), as amended by act of April 18, 1899 (P. L. 52), further amended.

Section 1. Be it enacted, &c., That paragraphs one, three, and five of section one of the act, approved the twelfth day of June, one thousand eight hundred and ninety-three (Pamphlet Laws, four hundred fifty-seven), entitled "An act to provide for the erection, maintenance and regulation of public morgues in the several counties of this Commonwealth, for the care and disposal of bodies removed thereto, and providing for the payment of certain expenses of the same by the proper county or district, or by the estate of the deceased person, and providing for the disposal of the personal effects of unclaimed dead," as amended by the act, approved the eighteenth day of April, one thousand eight hundred and ninety-nine (Pamphlet Laws, fifty-two), are hereby amended to read as follows:

First. That county commissioners of each and every county in this Commonwealth, *except in counties of the first class where the coroner shall be, and he or they are hereby authorized, and empowered upon presentment of two successive grand juries of the county, to buy or rent real estate and erect and maintain a morgue thereon at the expense of such county for the reception and care of the bodies of all unclaimed deceased persons upon whom it may be necessary to hold a coroner's inquest, and such other bodies as the coroner of such county may by written order direct to be received therein. The location of such morgue to be approved by the county commissioners and a judge of the court of common pleas of such county and the coroner of such county. Whenever any county shall contain more than one city of the second class, the said county commissioners of such county may establish a morgue in each city of the second class embraced within the limits of such county, as aforesaid.*

Third. The coroner of each county in which a morgue or morgues may be established under this act, shall make general rules and regulations for its government and control; and shall appoint suitable persons, not exceeding three in number, for each morgue so established, to have charge of the same, and who shall be removable at the pleasure of the coroner; and the number of such persons, and the salary of such person, shall be fixed by the county commissioners (or salary board if such board exists), [and payable out of the general funds of the county] *except in counties of the first class, the coroner shall determine the number of persons needed and appoint them and fix their salaries.*

Fifth. *In counties of the first class the coroner, and in all other counties the county commissioners, where any*

such morgue shall have been established, shall purchase and maintain an ambulance [with one or more horses] for the removal of bodies to and from said morgue, and for the burial of unknown or unclaimed bodies, the cost of maintaining which shall be paid out of the funds of said county.

APPROVED—The 26th day of May, A. D. 1937.

GEORGE H. EARLE

No. 237

AN ACT

To provide for an additional law judge of the court of common pleas in the twenty-first judicial district.

Section 1. Be it enacted, &c., That in addition to the judges provided for in the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (Pamphlet Laws, one hundred sixty-seven), entitled "An act to designate the several judicial districts of the Commonwealth as required by the Constitution, and to provide for the election and commissioning of judges, learned in the law for the said districts," an additional law judge is hereby authorized and provided for the court of common pleas of the twenty-first judicial district, who shall possess the same qualifications which are required by the Constitution and laws for the president judge of said district, and who shall hold his office for a like term and by the same tenure, and shall have the same power, authority and jurisdiction, and shall be subject to the same duties, restrictions, and penalties, and shall receive the same compensation provided for by law for judges learned in the law of the courts of said judicial district.

Providing an additional law judge of the court of common pleas in the 21st judicial district.

Section 2. At the next municipal election after the passage of this act, the qualified electors of the said twenty-first judicial district shall elect, in the same manner prescribed by law for the election of a president judge, a competent person, learned in the law, to serve as said additional law judge of the court of common pleas of said twenty-first district from the first Monday in January, one thousand nine hundred and thirty-eight, for a term of ten years. Vacancies in the office hereby created, whether caused by death, resignation, expiration of term, or otherwise, shall be filled in the same manner as is required by law in case of a similar vacancy in the office of president judge.

Election of judge to fill newly created office.

Section 3. The Governor is hereby authorized to appoint one competent person, learned in the law, as such additional law judge of the court of common pleas of

Governor to appoint a judge to serve until the first Monday of January, 1938.