

be executed by a surety or sureties satisfactory to the Department of Justice. The cost of such [bond] bonds required to be executed by a surety or sureties shall be borne by the board as part of its operating expense.

Section 2. This act shall become effective on the first day of June, one thousand nine hundred thirty-seven.

APPROVED—The 25th day of June, A. D. 1937.

GEORGE H. EARLE

No. 406

AN ACT

To amend section five of the act, approved the nineteenth day of April, 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," as amended, fixing the time when judgment by default for want of an appearance may be taken in replevin proceedings.

Section 1. Be it enacted, &c., That section five of the act, approved the nineteenth day of April, 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," as amended by section one of the act, approved the nineteenth day of March, one thousand nine hundred and twenty-three (Pamphlet Laws, fourteen), is hereby further amended to read as follows:

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 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

When
effective.

Section 5,
act of April 19,
1901 (P. L. 88),
as amended by
act of March
19, 1923 (P. L.
14), further
amended.

Affidavit
of defense.

Judgment
for want
of affidavit.

Judgment
where
affidavit is
insufficient.

Judgment
for portion
of goods.

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] *forty-five days* 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
for default
of an
appearance.

Filing of
declaration.

APPROVED—The 25th day of June, A. D. 1937.

GEORGE H. EARLE

No. 407

AN ACT

To further amend subparagraph three of subsection (a) of section five hundred five of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the re-settlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth, and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by making further provision relative to interest upon State deposits.

Section 1. Be it enacted, &c., That subparagraph three of subsection (a) of section five hundred five of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due

Subparagraph
3, of subsection
(a), of section
505, act of
April 9, 1929
(P. L. 343), as
amended by
act of June 7,
1935 (P. L.
283), further
amended.