

*the commissioner or commissioners at large from such township as provided in this act, with respect to townships having less than five wards.*

Section 2. This act shall become effective immediately upon final enactment. When effective.

APPROVED—The 2d day of July, A. D. 1937.

GEORGE H. EARLE

No. 587

AN ACT

To amend clause XLIX of section one thousand two hundred\* of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, five hundred nineteen), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," authorizing boroughs to expend moneys for the purchase and planting of trees.

Section 1. Be it enacted, &c., That clause XLIX of section one thousand two hundred and two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, five hundred nineteen), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," is hereby amended to read as follows:

Clause XLIX of section 1202, act of May 4, 1927 (P. L. 519), amended.

XLIX. *Purchase and Planting of Trees; Appropriations to Forest Protection Associations.*—To purchase and plant shade trees along the highway and sidewalks of the borough at the expense of the borough, and to appropriate moneys to any forest protection association, cooperating in forest work with the State Department of [Forestry] *Forests and Waters*, or to be expended in direct cooperation with said Department of [Forestry] *Forests and Waters* in forest work.

APPROVED—The 2d day of July, A. D. 1937.

GEORGE H. EARLE

No. 588

AN ACT

Providing a method of annexation of townships of the first class, and parts thereof, to cities and boroughs, and regulating the proceedings pertaining thereto.

Section 1. Be it enacted, &c., That whenever electors, equal to at least ten per centum of the highest vote cast for any office in any township of the first class contiguous to a city or borough at the last preceding

Annexation of townships of the first class.

\* "two" omitted.

Petition of electors for annexation and referendum thereon.

Referendum at primary occurring at least 60 days thereafter.

general election, or whenever ten per centum of the qualified electors, residing within any part of a township of the first class contiguous to a city or borough, shall petition the council of such city or borough for the annexation of the township of the first class, or part thereof, to the contiguous city or borough, and for a referendum on the question of such annexation, the council shall cause a question to be submitted at the primary election occurring at least sixty days thereafter, by certifying a resolution, duly adopted, to the county commissioners of the county or counties in which any part of the city or borough or the township of the first class is located, for submission of such question on the ballot or on voting machines at such election, both in such township and in the city or borough to which annexation is desired, in the manner provided by the election laws of this Commonwealth.

Such question shall be in the following form:

Do you favor the annexation of the township of ..... (or the part of the township briefly described) to the city (or borough) of .....?	Yes	
	No	

Result of vote.

If a majority of the persons voting on such question in the entire township and a majority of the persons voting on such question in the city or borough shall vote "yes," then the township of the first class, or part thereof, as the case may be, shall, on the first Monday of January next following, be and become a part of the city or borough.

Petitions to be accompanied by plot of the territory to be annexed.

All petitions shall be accompanied by a plot or plots of the territory to be annexed, showing all streets and highways, municipal improvements, and public buildings; and all petitions for the annexation of a part of a township of the first class shall include a description of the part of the township sought to be annexed.

Numbering of new wards, etc.

Section 2. Until changed in the manner provided by law, the township of the first class, or part thereof, if not divided into wards, shall constitute a separate new ward of the enlarged city or of the enlarged borough if such borough is at the time divided into wards, and if the township or part of a township at the time of the annexation was divided into wards, then each ward of the township or part of a township shall constitute a separate new ward of the enlarged city or borough (if divided into wards) and shall be numbered by the council of the city or borough consecutively beginning, with the next highest number after the existing highest

numbered ward of the city or borough. Until changed in the manner provided by law, all election districts in the township of the first class or part thereof shall remain as constituted at the time of the annexation and shall become election districts of the enlarged city or borough. All election and other officers of such election districts in office at the time of the taking effect of the annexation shall continue in office until the expiration of their respective terms, unless sooner removed as provided by law.

Election districts  
and officers.

Section 3. In the case of the annexation of an entire township of the first class, all the indebtedness of the township as well as the indebtedness of the city or borough to which the same is annexed shall be paid by the city or borough as enlarged by such annexation, and all territory included within the limits of the same shall be liable for the payment of the floating and bonded indebtedness and the interest thereon of all the territory included within such enlarged city or borough. All taxes thereafter levied therefor shall be uniform throughout the territorial limits of the enlarged city or borough.

Indebtedness of  
annexed town-  
ship.

All of the public property owned by any such township shall become and remain the public property of the city or borough to which it is annexed.

Section 4. Where any part of any township of the first class is annexed to any city or borough, the township officers of that part of the township not annexed and the city or borough council shall make a just and proper adjustment and apportionment of all public property owned by the township at the time of annexation, both real and personal, including funds as well as of indebtedness if any to and between the township and the city or borough. In making such adjustment and apportionment of the property and indebtedness, the township and the city or borough shall be entitled, respectively, to share in a division of the property and indebtedness in the proportion that the assessed valuation of the land remaining in the township bears to the assessed valuation of the land annexed. The adjustment and apportionment, as made, shall be reduced to writing in proper form and duly executed and acknowledged by the proper officials, and filed in the office of the clerk of the court of quarter sessions in the county in which said city is located.

Adjustment and  
apportionment  
of property where  
only a part of  
a township is  
annexed.

Section 5. In case the council of the city or borough and the township authorities cannot make such amicable apportionment and adjustment of their property and indebtedness in compliance with this act within six months after any such annexation, then the council or any officer of the township may present a petition to the court of quarter sessions of the county in which

In event of fail-  
ure to agree,  
the court of quar-  
ter sessions of  
county in which  
the city is lo-  
cated appoints  
commission.

the city or borough is located, whereupon the court shall appoint three disinterested commissioners, residents and taxpayers of the county not residing in the city or borough nor in the township, who, after hearing, notice of which shall be given to the city or borough and township interested as the court shall direct, shall make report to the court, making an apportionment and adjustment of all the property as well as indebtedness if any to and between the city or borough and the township, said report to state the amount if any that shall be due and payable from the city or borough to the township or from the township to the city or borough, as well as the amount of indebtedness, if any, that shall be assumed by the city or borough or by the township or both of them.

Commissioners report to court.

The commissioners give five days notice of filing report.

Exceptions filed within 30 days.

Award.

Section 6. The commissioners shall give the city or borough and the township at least five days notice of the filing of their report, and, unless exceptions are filed thereto by the city or borough or by the township within thirty days after filing thereof, the same shall be confirmed by the court absolutely; and any sum awarded by said report to the city or borough or to the township shall be a legal and valid claim in its favor against the city or borough or township charged therewith, and the amount of debt if any apportioned to any city or borough or township shall be a legal and valid claim against such city or borough or township charged therewith, and any property, real or personal, given and adjudged to the city or borough or the township, shall become and be the property of the city or borough or the township to whichever one the same is given and adjudged, and upon such report being confirmed, such claim or indebtedness charged against any city or borough or against any township may be collected in the same manner as a judgment is collected against any city or borough or township. Such commissioners shall be allowed five dollars per day for each day actually spent by them in the performance of their duties, together with their actual necessary expenses. All costs and expenses of such proceedings shall be apportioned by the court to and between the city or borough and the township, as it shall deem proper.

Disposition of exceptions by the court.

Appeal to Superior or Supreme Court.

In case exceptions are filed to the report of such commissioners, the court shall dispose of the same, taking testimony therein if deemed advisable, and the decision of the court thereon shall be final and binding on the several cities, boroughs, and townships, unless an appeal is taken, within thirty days, to the Superior or Supreme Court, as in other cases.

Section 7. In cases in which such cities, boroughs or townships of the first class are situated in two or more

counties, the court of quarter sessions of the county in which the city or borough is located shall have exclusive jurisdiction over the matter, but the same shall be heard by a judge not a resident of either of the judicial districts affected, who shall be called to preside specially in the matter, and in such case the court shall appoint the commissioners hereinbefore provided for from both or all of such counties.

Section 8. When an election is held on the question of annexation under the provisions of this act, and the township of the first class, proposed to be annexed or in which the territory proposed to be annexed is located, votes against such annexation, the question of such annexation shall not again be voted upon for a period of two years from the date of such election.

Section 9. All proceedings, for the annexation of a township of the first class, or a part thereof, to any city or borough under the provisions of any existing law, that are pending and not finally disposed of on the effective date of this act, shall, in the discretion of the courts before which they are pending or if not pending in any court, upon petition of any city, borough, or township affected to the court of quarter sessions of the county in which the township is located, be discontinued and vacated, and all proceedings for the annexation of any township of the first class, or part thereof, to any city or borough shall thereafter be had only under the provisions of this act.

Section 10. The following acts and parts of acts, and their amendments, are hereby repealed so far as they relate to the annexation of a township of the first class, or a part thereof to a city or a borough.

The act approved the twenty-eighth day of April, one thousand nine hundred and three (Pamphlet Laws, three hundred thirty-two), entitled "An act for the annexation of any city, borough, township or part of a township to a contiguous city and providing for the indebtedness of the same."

The act approved the thirty-first day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, four hundred seventy-three), entitled "An act authorizing the annexation to cities of the second class of portions of townships not exceeding one hundred acres in area and totally surrounded by said cities and providing for the division of the assets and liabilities of said townships."

Article four of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, five hundred nineteen), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs."

Where two counties affected, hearing by a neutral judge, who shall appoint the commissioners.

Where the annexation is voted down, no vote thereon for two years.

Disposition of proceedings now pending

Acts repealed.

Act of April 28, 1903 (P. L. 332), repealed.

The act of May 31, 1923 (P. L. 473), repealed.

Article 4, of act of May 4, 1927 (P. L. 519), repealed.

Article 5, of act  
of June 23, 1931  
(P. L. 932),  
repealed.

Article five of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, nine hundred thirty-two), entitled "An act relating to cities of the third class and amending, revising and consolidating the law relating thereto."

Other incon-  
sistent acts  
repealed.

All other acts and parts of acts inconsistent with or supplied by this act are hereby repealed.

Constitutional  
provision.

Section 11. The provisions of this act shall be severable, and if any of the provisions shall be held to be unconstitutional, such decision shall not affect the validity of any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein.

When effective.

Section 12. This act shall become effective immediately upon its final enactment.

APPROVED—The 2d day of July, A. D. 1937.

GEORGE H. EARLE

No. 589

### AN ACT

To amend section ten and section fifteen of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred seven), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," by providing further procedure for preserving such liens and enforcing payment of such claim; and validating certain municipal tax liens heretofore filed.

Section 10, act  
of May 16, 1923  
(P. L. 207), as  
amended by act  
of April 16, 1929  
(P. L. 526), fur-  
ther amended.

Section 1. Be it enacted, &c., That section ten of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred seven), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution