

twenty-fourth day of June, one thousand nine hundred and thirty-nine (Pamphlet Laws, seven hundred eighty-six), is hereby further amended to read as follows:

Section 1413. * * * *

Children reported as uneducable.

Any child who is reported by an approved mental clinic, or by a person who is certified as a public school psychologist or psychological examiner, as being uneducable in the public schools, may be reported by the board of school directors to the [Department of Welfare] *Superintendent of Public Instruction and when approved by him shall be certified to the Department of Welfare*, in accordance with regulations approved by the State Council of Education. After any such board shall have thus reported any child, it shall be relieved of the obligation of providing education for such child. The Department of Welfare shall thereupon arrange for the [education and training] *admission of such child at an appropriate institution for the training of mentally defective children, due consideration being given to the availability of space in such institution.*

APPROVED—The 13th day of April, A. D. 1943.

EDWARD MARTIN

No. 27

AN ACT

Authorizing political subdivisions to refund money erroneously or inadvertently paid by persons and corporations into the treasury thereof for municipal improvements, or upon municipal assessments, liens whereof have been subsequently declared illegal and invalid.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Political subdivisions authorized to refund money, received for municipal improvements and upon certain municipal assessments, to persons or corporations paying the same erroneously or inadvertently.

Section 1. Whenever any person or corporation of this Commonwealth has erroneously or inadvertently paid or caused to be paid into the treasury of a political subdivision, directly or* indirectly, any money for a municipal improvement for which a lien was threatened to be filed or was subsequently filed, under an assumption that such municipal assessment or lien was due and owing, when in fact such municipal assessment and/or lien or a part thereof was not due and owing to the political subdivision, or such municipal assessment or lien was not legal and valid at the time payment was made, or was subsequently declared illegal and invalid by a court of competent jurisdiction, then in such cases the corporate authorities of the political subdivision,

* "and" in original.

upon due proof of any such erroneous or inadvertent payments being made within a period of two years from the time of payment thereof, are hereby authorized to draw their warrant on the treasurer in favor of such person or corporation to make refund of such money to which the political subdivision has no valid claim out of the public funds.

APPROVED—The 13th day of April, A. D. 1943.

EDWARD MARTIN

No. 28

AN ACT

Authorizing individual co-fiduciaries, in certain cases, to consent to investments in common trust funds, and validating consents heretofore given.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. An individual acting as co-fiduciary with a trust company, or bank and trust company, is hereby authorized with respect to moneys held by said trust company, or bank and trust company, and said individual as co-fiduciaries, to consent to an investment thereof in a common trust fund maintained by said trust company, or bank and trust company, under the laws of the Commonwealth of Pennsylvania, to the same extent that said trust company, or bank and trust company, as a sole fiduciary would be authorized to invest such moneys in such common trust fund. Any consents heretofore given by individual co-fiduciaries are hereby validated. The term "fiduciary" as used herein shall mean a trustee of a trust created by will, deed, declaration of trust, court order, or other instrument, a guardian of a minor or incompetent, or a committee of the estate of a lunatic or habitual drunkard; and the term "co-fiduciary" as used herein shall mean a co-trustee of a trust created by will, deed, declaration of trust, court order, or other instrument, a co-guardian of a minor or incompetent, or a co-committee of the estate of a lunatic or habitual drunkard.

Individual co-fiduciaries authorized to consent to investment in common trust funds.

Prior consents validated.

Term "fiduciary" defined.

Term "co-fiduciary" defined.

Section 2. Nothing contained herein shall be construed to authorize any fiduciary to make or consent to any investment contrary to the directions in regard to investments contained in the will, deed or other instrument creating the trust, in his or her care, nor to limit or restrict the authority conferred by any such instrument upon any such fiduciary with respect to investments.

Language of instrument controlling.