

the act, approved the fifth day of June, one thousand nine hundred forty-one (Pamphlet Laws, eighty-four).

Section 2. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 21st day of May, A. D. 1943.

EDWARD MARTIN

No. 220

AN ACT

To amend section seventeen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, three hundred sixty-three), entitled "An act relating to the organization, jurisdiction, and procedure of the orphans\* courts; the powers and duties of the judges thereof; and appeals therefrom," by prescribing procedure in cases affecting the interest of any lunatic, weak-minded person, presumed decedent or any person who may be unknown or unborn, or under disability, or out of the jurisdiction under such circumstances that actual notice cannot reasonably be given to such person.

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

Orphans' courts.

Section 1. Section seventeen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, three hundred sixty-three), entitled "An act relating to the organization, jurisdiction, and procedure of the orphans\* courts\*\*; the powers and duties of the judges thereof; and appeals therefrom," is hereby amended by adding thereto a new subsection, to read as follows:

Section 17, act of June 7, 1917, P. L. 363, amended by adding subsection (j).

(j) *In all cases in which proceedings may be had in any orphans' court affecting the interest of any lunatic, weak-minded person, presumed decedent or any person who may be unknown or unborn or under disability or out of the jurisdiction, under such circumstances that actual notice cannot reasonably be given to such person, the orphans\*\*\* court of the county in which such proceedings may be pending, or intended, shall have the power, either on its own motion or on petition of any person or fiduciary interested, to appoint a trustee ad litem, for such person. Notice of such proceedings served upon or accepted by such trustee ad litem, shall have the same force and effect as though personally served upon or accepted by the person for whom such trustee was appointed: Provided, however, That nothing herein contained shall be considered as*

When notice cannot be given certain persons, court may appoint a trustee ad litem.

\* "orphans" in original.

\*\* "court" in original.

\*\*\* "orphans" in original.

*affecting the rights of any persons in military service, as such persons are defined and such rights limited under the Soldiers and Sailors Civil Relief Act of 1940 (Act Oct. 17, 1940, C 888, 54 Stat. 1178), as the same is now or may hereafter be amended.*

Security;  
compensation.

*The court appointing such trustee ad litem shall have power to require security of such trustee for the faithful execution of his trust, and to award reasonable compensation for his services, and in all cases, whether security be given or not, such trustees shall be responsible to the proper fiduciary thereafter appointed under existing laws, or to such person under disability, should he thereafter become competent, or to his heirs and legal representatives.*

Act effective  
immediately.

Section 2. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 21st day of May, A. D. 1943.

EDWARD MARTIN

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No. 221

AN ACT

To repeal the act, approved the twenty-seventh day of June, one thousand nine hundred thirteen (Pamphlet Laws, six hundred fifty-two), entitled "An act providing for the location, construction, operation, and maintenance by the Commonwealth of Pennsylvania of a canal or waterway, from the junction of the Ohio and Beaver rivers, in Pennsylvania, to Lake Erie, at or near the mouth of Indian Creek, in the State of Ohio, with all appurtenances necessary or convenient for the purpose, and for the utilization of the water-power developed or created in the construction and operation thereof; providing for the payment of the cost of construction of said canal or waterway and appurtenances out of funds to be contributed by certain counties in the States of Pennsylvania, Ohio, and West Virginia, or any of them, and by the Commonwealth of Pennsylvania and other public authorities; providing for the creation of a canal board to have charge of said work; prescribing and defining the powers and duties of said board; and the conditions under which the said work shall be carried on; providing for the payment of damages sustained by reason of the appropriation of property and rights in the exercise of the right of eminent domain herein conferred; providing for the reimbursement, in the manner provided in this act, of said counties contributing to the payment of the cost of constructing said canal or waterway and appurtenances; imposing certain duties upon the Auditor General and State Treasurer; authorizing the said canal board to make certain rules and regulations for the use of said canal, and making violations thereof misdemeanors, and providing penalties therefor; and making an appropriation for carrying out certain provisions of this act,"