

teenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 1145), is hereby further amended to read as follows:

Section 240. Unnaturalized Foreign-born Not to Fish.—It shall be unlawful for any unnaturalized foreign-born resident to go fishing for or capture or kill in this Commonwealth any fish of any description: Provided, however, That the Commissioner, with the approval of the Board, may issue not more than [fifty] *one hundred* special fishing permits or complimentary licenses, in each year, to unnaturalized foreign-born persons or distinguished non-residents. Each and every person violating any provision of this section shall upon conviction thereof, in the manner provided in chapter fourteen of this act, be sentenced to pay a penalty of twenty dollars for each offense.

Act effective immediately.

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

APPROVED—The 20th day of July, A. D. 1953.

JOHN S. FINE

No. 145

AN ACT

Providing for and regulating the annexation of parts of a second class township to boroughs, cities and townships.

Second class townships.

Annexation of territory in such townships to a borough, city or township.

Petition.

Fee.

Filing of petition.

Certification of filing.

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

Section 1. Whenever the annexation of territory in a second class township to a borough, city or township is desired, a majority of the freeholders in the proposed annexed territory shall petition the borough, city or township requesting the annexation. The determination of the required number of petitioners shall be made as of the date the petition is presented to the borough or city *or township. The petition shall be accompanied by a fee of one hundred fifty dollars (\$150) and shall be approved or disapproved by ordinance of said borough, city or township. The said sum shall be applied to the purpose expressed in section 8 hereof and shall be returned to the petitioners if found unnecessary for the purpose.

A copy of the petition, without the signatures, shall be filed with the supervisors of the township concerned prior to its presentation to the city, borough or township, and a certification of such filing shall be signed by at least one signer of the petition and be attached to the petition when presented to the city, borough or township.

* "or township" omitted in original.

A majority in interest of owners of undivided interests in any piece of property shall be deemed and treated as one person for the purpose of ascertaining the number of petitioners.

Owners of undivided interests in property.

Section 2. The petition, after its approval by council, commissioners or supervisors, shall be certified to the court of quarter sessions by the secretary of the borough or township or clerk of the city. If, within thirty days thereafter, no person aggrieved by the ordinance complains to the court, asking for the appointment of a board of commissioners as a fact finding body, the court shall determine the question, and, if it is satisfied as to the legality of the proceeding and the propriety of the annexation as serving public interests, shall affirm the annexation.

Approval of petition.

Certification to court of quarter sessions.

Determination of question of annexation by court.

Section 3. If, within thirty days after the ordinance has been certified to the court, any person aggrieved by the ordinance shall complain to the court, asking for the appointment of a board of commissioners as a fact finding body, the court, if satisfied with the legality of the proceeding and the propriety of the annexation as serving public interests, shall appoint a board of three commissioners to make a study of the facts in the matter. No person shall be appointed as a member of the board who is a resident or taxpayer of the borough or city or of the township affected by the proposed annexation, or who has a substantial interest in the proceeding, financial or otherwise.

Appointment by court of a board of commissioners as a fact finding body.

Persons disqualified from serving on board.

Section 4. Within sixty days after its appointment, the board shall inquire into and make findings of fact as to (1) the relative advantages and disadvantages to the borough, city or township, and the township affected by the annexation, (2) the assessed valuation of the township, the assessed valuation of the territory to be annexed, and how the annexation would affect the remainder of the territory, (3) the township indebtedness, (4) the value of all public improvements, including, but not limited to, roads, buildings and sewers in the territory to be annexed and the indebtedness chargeable thereto, (5) the future plan of the entire area, and (6) any other matters directed by the court.

Duties of board.

Section 5. The court shall consider the findings of the board, together with any facts that may be submitted to it, and shall make an order either dismissing the proceedings or affirming the annexation.

Duties of court.

Section 6. The annexation, if affirmed by the court, shall become effective as of the date of approval by the court, if that date is two months or more prior to the date of the next election or primary. If the date of approval by the court is less than two months prior to the date of the next election or primary, then the an-

Effective date of annexation.

nexation shall take effect immediately after the election or primary.

Adjustment of indebtedness by court after affirmation of annexation.

Section 7. If the court shall affirm the annexation, it shall adjust the indebtedness as provided by law. Taxes levied prior to the effective date of the annexation shall be paid to the township where levied and the collection and enforcement shall be as though the land had not been annexed.

Compensation of members of board.

Section 8. The members of the commission shall be compensated to the extent of fifty dollars (\$50) each, which shall be deposited in said court by the borough, city or township.

Inconsistent acts repealed.

Section 9. All acts and parts of acts are hereby repealed in so far as they are inconsistent with the provisions of this act.

APPROVED—The 20th day of July, A. D. 1953.

JOHN S. FINE

No. 146

AN ACT

To further amend section 1 of the act, approved the eleventh day of May, one thousand nine hundred eleven (Pamphlet Laws 279), entitled "An act relating to the time and manner of taking exceptions in any case, civil or criminal, in any court of record in this Commonwealth; to the effect thereof; to transcribing the evidence taken upon the trial of any case; to the correction and perfection of such transcript for the purposes of review; and providing that exceptions need not be taken where the decision of the court appears in the proceedings of a case," by making it unnecessary to take an exception to the ruling of a trial judge on the admission or exclusion of testimony.

Courts of record.

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

Section 1, act of May 11, 1911, P. L. 279, as amended by act of June 5, 1913, P. L. 421, further amended.

Section 1. Section 1 of the act, approved the eleventh day of May, one thousand nine hundred eleven (Pamphlet Laws 279), entitled "An act relating to the time and manner of taking exceptions in any case, civil or criminal, in any court of record in this Commonwealth; to the effect thereof; to transcribing the evidence taken upon the trial of any case; to the correction and perfection of such transcript for the purposes of review; and providing that exceptions need not be taken where the decision of the court appears in the proceedings of a case," as amended by the act, approved the fifth day of June, one thousand nine hundred thirteen (Pamphlet Laws 421), is hereby further amended to read as follows: