

Act of August 9, 1955, P. L. 323, amended by adding a new section 403.1.

Section 1. The act of August nine, one thousand nine hundred fifty-five (Pamphlet Laws 323), known as "The County Code," is amended by adding, after section four hundred three, a new section to read:

*Section 403.1. Compensation When Salary Not Fixed by Law.—In counties where no annual salary is fixed by law for the county treasurer, he shall receive in full compensation for his services on behalf of the county a certain amount per centum on all moneys received and paid by him, which rate shall be settled, from to time, by the county commissioners with the approbation of the county auditors.*

APPROVED—The 7th day of May, A. D. 1956.

GEORGE M. LEADER

No. 511

AN ACT

Amending the act of June twenty-four, one thousand eight hundred ninety-five (Pamphlet Laws 212), entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice, and its relation to the Supreme Court and other courts; providing for the reports of its decisions, the compensation of the judges and other officers, and the practice and costs on appeals from its judgments," and its supplement of May five, one thousand eight hundred ninety-nine (Pamphlet Laws 248), changing the jurisdiction of the Superior Court.

Superior Court.

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

First paragraph and clause (c), section 7, act of June 24, 1895, P. L. 212, the first paragraph amended May 21, 1941, P. L. 47, and clause (c), partly repealed May 5, 1899, P. L. 248, and amended March 2, 1923, P. L. 3, further amended.

Section 1. The first paragraph and clause (c) of section seven, act of June twenty-four, one thousand eight hundred ninety-five (Pamphlet Laws 212), entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice, and its relation to the Supreme Court and other courts; providing for the reports of its decisions, the compensation of the judges and other officers and the practice and costs on appeals from its judgments," the first paragraph amended May twenty-one, one thousand nine hundred forty-one (Pamphlet Laws 47), clause (c) partly repealed May five, one thousand eight hundred ninety-nine (Pamphlet Laws 248), and clause (c) amended March two, one thousand nine hundred twenty-three (Pamphlet Laws 3), are amended to read:

Court shall have no original jurisdiction.

Section 7. The [said court] *Superior Court* shall have no original jurisdiction, except in actions of mandamus and prohibition to courts of inferior juris-

diction where such actions are ancillary to proceedings within its appellate jurisdiction, and except that it, or any judge thereof, shall have full power and authority when and as often as there may be occasion, to issue writs of habeas corpus under like conditions returnable to the said court, but it shall have exclusive and final appellate jurisdiction of all appeals in the following classes of cases:

Final appellate jurisdiction in following cases.

\* \* \* \* \*

(c) Any action, claim, distribution, or dispute of any kind in the common pleas, at law or in equity, whether originating therein or reaching that court by appeal or certiorari from some other court or tribunal, if the subject of the controversy be either money, chattels, real or personal, or the possession of or title to real property, and if also the amount or value thereof really in controversy be not greater than [twenty-five hundred] *five thousand* dollars, exclusive of costs, and if also the action be not brought, authorized, or defended by the Attorney General in his official capacity.

Proceedings in common pleas court or in equity or other actions.

If value of property or amount of money in controversy is not greater than \$5000.

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Section 2. Clause (d) of section seven of the act as amended March two, one thousand nine hundred twenty-three (Pamphlet Laws 3), is repealed.

Clause (d), section 7, act of June 24, 1895, P. L. 212, amended March 2, 1923, P. L. 3, repealed.

Section 3. The first two paragraphs of section four and all of section five of the supplement of May five, one thousand eight hundred ninety-nine (Pamphlet Laws 248), amended March two, one thousand nine hundred twenty-three (Pamphlet Laws 3), are amended to read:

First two paragraphs of section 4, and all of section 5, supplement of May 5, 1899, P. L. 248, amended March 2, 1923, P. L. 3, further amended.

Section 4. The amount or value really in controversy shall be determined as follows:

Certification by trial judge.

In actions of ejectment, either legal or equitable, and in all other actions or issues in the common pleas [or in the orphans' court] that involve the possession of or the title to real property, or chattels, real or personal, the judge hearing the case shall certify whether the value of the land or of the interest or of the property really in controversy is greater than [twenty-five hundred] *five thousand* dollars, and his certificate, unless the record shows it to be erroneous, shall be conclusive proof of such value for the purposes of this act.

Conclusive.

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Section 5. Where a joint action is brought by husband and wife for damages by reason of an injury suffered by the wife, or is brought by parent and child for damages by reason of an injury suffered by the child, and several judgments are entered, if either is greater than [twenty-five hundred] *five thousand* dollars, appeals from both judgments shall be taken to the Supreme Court and not to the Superior Court.

Joint actions. Husband and wife. Parent and child.

Appeals to Supreme Court.

Effective date.

Section \*4. This act shall take effect July one, one thousand nine hundred fifty-six.

APPROVED—The 8th day of May, A. D. 1956.

GEORGE M. LEADER

No. 512

AN ACT

Amending the act of May twenty, one thousand nine hundred forty-nine (Pamphlet Laws 1594), entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture, sale, offering for sale, exposing for sale, and possessing with intent to sell, of adulterated or deleterious ice cream, french ice cream, french custard, frozen custard, frozen ice confections, frozen sherbet confections, sherbet, ice and fruit ice, including coated ice cream and the coating thereof; fixing standards for ice cream, custard ice cream, french ice cream, french custard, including sherbet, frozen ice confections, frozen sherbet confections, frozen dairy confections, ice and fruit ice, and to prevent the sale of imitation ice cream and defining said imitation ice cream; providing for licensing; conferring powers and imposing duties upon the Department of Agriculture; prescribing penalties; and providing for the enforcement thereof," extending its provisions to ice milk and ice milk confections, and conferring additional powers and duties on the Department of Agriculture, and regulating sales of packaged ice milk.

Ice cream and other similar frozen products.

Sections 1 to 10, act of May 20, 1949, P. L. 1594, reenacted and amended.

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

Section 1. Sections one to ten, act of May twenty, one thousand nine hundred forty-nine (Pamphlet Laws 1594), entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture, sale, offering for sale, exposing for sale, and possessing with intent to sell, of adulterated or deleterious ice cream, french ice cream, french custard, frozen custard, frozen ice confections, frozen sherbet confections, sherbet, ice and fruit ice, including coated ice cream and the coating thereof; fixing standards for ice cream, custard ice cream, french ice cream, french custard, including sherbet, frozen ice confections, frozen sherbet confections, frozen dairy confections, ice and fruit ice, and to prevent the sale of imitation ice cream and defining said imitation ice cream; providing for licensing; conferring powers and imposing duties upon the Department of Agriculture; prescribing penalties; and providing for the enforcement thereof," are reenacted and amended to read:

"Ice cream" defined.

Section 1. For the purpose of this act, "ice cream" is defined as any frozen sweetened milk product which is

\* "3" in original.