

Second. If it be an imitation of, or offered for sale under the name of, another article.

Third. If the contents of the package as originally put up shall have been removed, in whole or in part, [thereof] and other contents shall have been placed in such package; or if the package fail to bear statement on the label of the presence of any alcohol, morphine, opium, heroin, cocaine, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, phenacetine, antipyrine, or any derivative or any preparation of any such substances, contained thereon: Provided, That nothing in this paragraph apply to the filling of written prescriptions, furnished by practicing physicians, dentists, and veterinarians, and kept on file by pharmacists; or as to such preparations as are specified and recognized by the [tenth] *latest* revision of the Pharmacopoeia of the United States, the [fifth] *latest* edition of the National Formulary, and the American Homeopathic Pharmacopoeia, or any *supplement to any of them official at the time of investigation*, which are made in accordance therewith and are sold under titles designated therein.

Fourth. If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article, or any of the ingredients or substances contained therein, which is false or fraudulent.

When effective.

Section 3. This act shall become effective immediately upon its final enactment.

APPROVED—The 27th day of May, A. D. 1937.

GEORGE H. EARLE

No. 243

AN ACT

To amend sections two thousand six hundred and twenty-two and two thousand six hundred and twenty-six of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred and nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, extending the time within which appeals from auditors' reports may be taken.

Section 2622, act of May 18, 1911 (P. L. 309), as amended by act of May 23, 1931 (P. L. 243), further amended.

Section 1. Be it enacted, &c., That section two thousand six hundred and twenty-two of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred and nine), entitled "An act to establish a public school system in

the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," which was last amended by section forty-four of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (Pamphlet Laws, two hundred and forty-three), is hereby further amended to read as follows:

Section 2622. The Commonwealth, any school district of the second or third class, or any taxpayer thereof, on behalf of said Commonwealth, district, or any person or persons against whom any sum has been charged in any report filed by the auditors of any such school district, may appeal from any auditors' report. Such appeal shall be taken to the court of common pleas of the proper county by the Commonwealth within ninety (90) days after said report has been filed in the Department of Public Instruction, and by all other appellants within [thirty (30)] *forty-five (45)* days after said report has been filed in the court of common pleas. Any taxpayer taking an appeal shall file in said court of common pleas a bond, with one or more sufficient sureties, conditioned that the party appealing will prosecute said appeal with effect, and that said party will indemnify and save harmless said district from all costs that may accrue upon said appeal. When any person or persons charged with any sum of money in any such report of auditors shall appeal therefrom, such person or persons shall file in said court a bond, with one or more sufficient sureties, conditioned to prosecute the appeal with effect, and to pay all costs accruing thereupon if the final decision obtained shall not be more favorable to him than the report appealed from. When any such appeal shall be taken by the Commonwealth, any school district, or any person charged in such report with any sum of money, any taxpayer of said district may come into court and intervene in said appeal, and prosecute the appeal to final judgment; and if any sum shall be found by the court to be chargeable to any person whose accounts are involved in said appeal, the prothonotary shall enter judgment for said sum in favor of said district, and against the person charged as aforesaid; and the Commonwealth, school district, or such taxpayer may cause said judgment to be collected from the person charged or his sureties, for the benefit of said district, by any appropriate method, executionary or otherwise; or said taxpayer may defend the said district, in any appeal taken by any person charged by the report of auditors, as fully and effectively in both instances as the officers of said district might do:

Appeals from auditors' report in districts of second and third class.

Time of taking appeal.

By taxpayer.

Bond.

Persons surcharged.

Bond.

Intervention by a taxpayer.

Entry of judgment.

**Proviso.** Provided, That such taxpayer shall, at the time of intervening, file in said court a bond, with one or more sufficient sureties, conditioned to indemnify said district from all costs that may accrue by reason of such intervention subsequently thereto. When any taxpayer has intervened in any instance, as above provided, or when an appeal has been taken by any taxpayer as aforesaid, the officers of said school district shall not make settlement with any person or persons charged with any sum or sums, or whose accounts shall be involved in any appeal, without the consent of such taxpayer. When any appeal as aforesaid shall be taken by any of the parties above mentioned, the appeal may be placed upon the argument list of the proper court of common pleas, by direction of any party interested by intervention or otherwise; and depositions of witnesses, and other evidence to be used at the argument, may be taken on behalf of any said parties, before any person competent to administer an oath, upon rule for that purpose served upon the opposite party or such party's counsel. After hearing argument, the court shall file its finding of fact and law, and enter judgment in accordance therewith.

**Bond.**

**Argument list.**

**Evidence.**

**Findings.**

**Proviso.** Provided, That if, after argument, the court shall deem any question or questions of fact so doubtful, under the evidence submitted, as to render it desirable that an issue should be directed as to such question or questions, to be tried by a jury, the court may direct such an issue.

**Issue to be framed.**

**Appeals.** Appeals may be taken by any person interested to the Superior or Supreme Court, from any such judgment of the court of common pleas, in the same way that appeals are now authorized by law to be taken from rulings or decisions of the court of common pleas made in appeals from settlements or reports of county, borough, or township auditors.

Section 2626 as amended by act of May 29, 1931 (P. L. 243), further amended.

Section 2. That section two thousand six hundred and twenty-six of said act, which was last amended by section forty-five of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (Pamphlet Laws, two hundred and forty-three), is hereby further amended to read as follows:

Appeals in districts of fourth class or independent districts.

Section 2626. The Commonwealth, any school district of the fourth class, or any independent school district, or any taxpayer thereof on behalf of said Commonwealth, district, or any person or persons against whom any sum has been charged in any report filed by the auditors of any such school district, may appeal from any auditors' report. Such appeal shall be taken to the court of common pleas of the proper county by the Commonwealth within ninety (90) days after said report has been filed in the Department of Public Instruction, and by all other appellants within [thirty (30)] *forty-five (45)* days after said report has been filed in the court of

Time of taking appeal.

common pleas. Any taxpayer taking an appeal shall file in said court of common pleas a bond, with one or more sufficient sureties, conditioned that the party appealing will prosecute said appeal with effect, and that said party will indemnify and save harmless said district from all costs that may accrue upon said appeal. When any person or persons charged with any sum of money in any such report of auditors shall appeal therefrom, such person or persons shall file in said court a bond with one or more sufficient sureties conditioned to prosecute the appeal with effect, and to pay all costs accruing thereupon if the final decision obtained shall not be more favorable to him than the report appealed from. When any such appeal shall be taken by the Commonwealth, any such school district, or any person charged in such report with any sum of money, any taxpayer of said district may come into court and intervene in said appeal, and prosecute the appeal to final judgment; and if any sum shall be found by the court to be chargeable to any person whose accounts are involved in said appeal, the prothonotary shall enter judgment for said sum in favor of said district, and against the person charged as aforesaid; and the Commonwealth, school district, or such taxpayer, may cause said judgment to be collected from the person charged or his sureties, for the benefit of said district, by any appropriate method, executionary or otherwise; or said taxpayer may defend the said district, in any appeal taken by any person charged by the report of auditors, as fully and effectively in both instances as the officers of said districts might do: Provided, That such taxpayers shall, at the time of intervening, file in said court a bond, with one or more sufficient sureties, conditioned to indemnify said district from all costs that may accrue by reason of such intervention subsequently thereto. When any taxpayer has intervened in any instance as above provided, or when an appeal has been taken by any taxpayer as aforesaid, the officers of said school district shall not make settlement with any person or persons charged with any sum or sums, or whose accounts shall be involved in any appeal, without the consent of such taxpayer. When any appeal as aforesaid shall be taken by any of the parties above mentioned, the appeal may be placed upon the argument list by direction of any party interested by intervention or otherwise; and depositions of witnesses, and other evidence to be used at the argument, may be taken on behalf of any of said parties, before any person competent to administer an oath, upon rule for that purpose, served upon the opposite party or such party's counsel, to be used at the argument. After hearing argument the court shall file its finding of fact and law, and enter judgment in accordance therewith: Provided, That if, after argu-

Taxpayer.

Bond.

Persons sur-  
charged.

Bond.

Intervention by  
taxpayer.

Judgment.

Collection.

Proviso.

Bond.

No settlement to  
be made without  
consent of inter-  
vening taxpayer.

Argument list.

Evidence.

Findings.

Proviso.

ment, the court shall deem any question or questions of fact so doubtful, under the evidence submitted, as to render it desirable that an issue should be directed as to such question or questions to be tried by a jury, the court may direct such an issue. Appeals may be taken by any person interested to the Superior or Supreme Court from any such judgment of the court of common pleas, in the same way that appeals are now authorized by law to be taken from rulings or decisions of the court of common pleas made in appeals from settlements or reports of county, borough, or township auditors.

Issue.  
Appeals.

When effective.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor.

APPROVED—The 27th day of May, A. D. 1937.

GEORGE H. EARLE

—  
No. 244

AN ACT

To amend sections one, eight, eleven, and thirteen of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand five hundred thirteen), entitled "An act regulating the construction, equipment, maintenance, operation and inspection of boilers; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act," extending the provisions of said act to unfired pressure vessels.

Sections 1, 8, 11  
and 13, act of  
May 2, 1929  
(P. L. 1513),  
amended.

Section 1. Be it enacted, &c., That sections one, eight, eleven, and thirteen of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand five hundred thirteen), entitled "An act regulating the construction, equipment, maintenance, operation and inspection of boilers; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act," are hereby amended to read as follows:

Boilers.

Section 1. Definitions. Be it enacted, &c., That as used in this act, "boiler" shall mean a vessel in which power or heat is generated, and including all piping and apparatus connected thereto, up to and including the stop-valve or valves nearest the boiler, *and shall also be construed to include unfired pressure vessels carrying a pressure of more than fifteen pounds per square inch, except where the context clearly indicates otherwise.*

"Department" shall mean the Department of Labor and Industry of the Commonwealth of Pennsylvania.

"Establishment" shall mean any room, building or place within this Commonwealth, where persons are em-