

## No. 30.

## AN ACT

To repeal the act, approved the sixteenth day of May, one thousand eight hundred and seventy-one (Pamphlet Laws, eight hundred and eighty), entitled "An act relative to the election of commissioners' clerk in the county of York."

York County.

Election of commissioners' clerk.

Act of May 16, 1871 (P. L. 880), repealed.

Effect of repeal

Section 1. Be it enacted, &c., That the act, approved the sixteenth day of May, one thousand eight hundred and seventy-one (Pamphlet Laws, eight hundred and eighty), entitled "An act relative to the election of commissioners' clerk in the county of York," be, and the same is hereby, repealed.

Section 2. The repeal of this act shall not affect the term of any person occupying said office at the time this act goes into effect, but such officer shall fill out the term for which he shall have been elected.

APPROVED—The 30th day of March, A. D. 1921.

WM. C. SPROUL.

## No. 31.

## AN ACT

To amend section one of an act, approved the twenty-fourth day of June, Anno Domini one thousand eight hundred and ninety-five (Pamphlet Laws, two hundred forty-three), entitled "An act authorizing appeals to be taken in equity cases of account, where the liability to account is in issue, from the preliminary order or decree of court requiring an account"; extending the provisions of said act to actions at law wherein the plaintiff sues for an account.

Practice.

Appeals from orders directing an account.

Section 1, act of June 24, 1895 (P. L. 243), cited for amendment.

Section 1. Be it enacted, &c., That section one of an act, approved the twenty-fourth day of June, Anno Domini one thousand eight hundred and ninety-five (Pamphlet Laws, two hundred forty-three), entitled "An act authorizing appeals to be taken in equity cases of account, where the liability to account is in issue, from the preliminary order or decree of court requiring an account," which reads as follows:—

"Section 1. Be it enacted, &c., That in all cases wherein any court of common pleas of this Commonwealth, in the exercise of its powers as a court of chancery in matters of account, wherein the complainant prays for an account from the defendant or defendants, or from some of them, and on the part of the defendant there is a denial of liability to account, if upon this preliminary question of liability, the decision or decree of the court is in favor of

plaintiff and requires an account, then an appeal to the Supreme Court of the proper district shall be allowed to any of the defendants or parties aggrieved, in the same manner as is allowed by law from final decrees, and upon perfecting such appeal further proceedings shall be suspended until such appeal is determined: Provided, however, That such appeal must be taken within twenty days after such order or decree has been entered of record in the case to which it belongs. And all such appeals shall be heard by the Supreme Court in any district in which it may be in session, as is provided in cases in equity originating in the Supreme Court, and pending such appeal," is hereby amended to read as follows:—

Section 1. Be it enacted, &c., That in all cases *at law or in equity* wherein any court of common pleas of this Commonwealth, in the exercise of its powers as a court of chancery or *common law* in matters, causes, or actions of account, *assumpsit*, or *account render*, wherein the complainant or plaintiff prays or sues for an account from the defendant or defendants, or from some of them, and on the part of the defendant there is a denial of liability to account, if, upon this preliminary question of liability, the decision or decree, *order or judgment*, of the court is in favor of the plaintiff and requires an account, then an appeal to the Supreme Court or *Superior Court* of the proper district shall be allowed to any of the defendants or parties aggrieved, in the same manner as is allowed by law from final decrees and judgments, and, upon perfecting such appeal, further proceedings shall be suspended until such appeal is determined: Provided, however, That such appeal must be taken within twenty days after such order or decree or judgment has been entered of record in the case to which it belongs. And all such appeals shall be heard by the Supreme Court or *Superior Court* in any district in which it may be in session, as is provided in cases in equity originating in the Supreme Court or *Superior Court*, and pending such appeal:

*Provided, however, That this act shall not apply to any action at law or in equity instituted prior to the enactment of this law.*

Actions at law or suits in equity.

Appeal to Supreme or Superior Courts.

Proviso.

Terms of appeal.

Proviso.

Pending suits.

APPROVED—The 30th day of March, A. D. 1921.

WM. C. SPROUL.