

to the sale of goods," be and the same is hereby amended to read as follows:

An act relating to the sale of goods *and choses in action*.

Section 2. That section four of the said act be and the same is hereby re-enacted to read as follows:

Section 4. First. A contract to sell or a sale of any goods or choses in action of the value of five hundred dollars or upwards shall not be enforceable by action unless the buyer shall accept part of the goods or choses in action so contracted to be sold or sold, and actually receive the same, or give something in earnest to bind the contract, or in part payment, or unless some note or memorandum in writing of the contract or sale be signed by the party to be charged or his agent in that behalf.

Second. The provisions of this section apply to every such contract or sale, notwithstanding that the goods may be intended to be delivered at some future time, or may not at the time of such contract or sale be actually made, procured, or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery; but if the goods are to be manufactured by the seller especially for the buyer and are not suitable for sale to others in the ordinary course of the seller's business, the provisions of this section shall not apply.

Third. There is an acceptance of goods within the meaning of this section when the buyer, either before or after delivery of the goods, or any part thereof, expresses by words or conduct his assent to becoming the owner of those specific goods.

APPROVED—The 27th day of April, A. D. 1925.

GIFFORD PINCHOT.

No. 175.

AN ACT

To amend section one of the act, approved the seventh day of July, one thousand nine hundred and thirteen (Pamphlet Laws, six hundred and ninety-three), entitled "An act prescribing the manner and time of submitting to the qualified electors of the State proposed amendments to the Constitution in order to determine whether the same be approved by a majority of those voting thereon, as provided by article eighteen, section one, of the Constitution." as amended.

Section 1. Be it enacted, &c., That section one of the act, approved the seventh day of July, one thousand nine hundred and thirteen (Pamphlet Laws, six

Section 4 of act amended.

Statute of frauds.

Application of provisions.

Acceptance.

Submission of proposed amendment to vote.

Section 1 of act of July 7, 1913 (P. L. 693), as amended by act of April 3, 1923 (P. L. 55), further amended.

Manner and time of submitting to electors.

hundred and ninety-three), entitled "An act prescribing the manner and time of submitting to the qualified electors of the State proposed amendments to the Constitution in order to determine whether the same be approved by a majority of those voting thereon, as provided by article eighteen, section one, of the Constitution," which was amended by the act, approved the third day of April, one thousand nine hundred and twenty-three (Pamphlet Laws, fifty-five), entitled "An act to amend section one of the act, approved the seventh day of July, one thousand nine hundred and thirteen (Pamphlet Laws, six hundred and ninety-three), entitled 'An act prescribing the manner and time of submitting to the qualified electors of the State proposed amendments to the Constitution in order to determine whether the same be approved by a majority of those voting thereon, as provided by article eighteen, section one, of the Constitution,'" is hereby further amended to read as follows:

Section 1. Be it enacted, &c., That, unless the General Assembly shall prescribe otherwise with respect to any particular proposed amendment or amendments, the manner and time of submitting to the qualified electors of the State any proposed amendment or amendments to the Constitution for the purpose of ascertaining whether the same shall be approved by a majority of those voting thereon, the said amendment or amendments heretofore, or which may hereafter be proposed, and which have not been submitted to the qualified electors of the State, shall be submitted to the qualified electors of the State for the purpose aforesaid at [either] the *first* municipal or general election *at which such amendment or amendments may be legally submitted to the electors, and which election shall* [occurring] occur at least three months after the date upon which such proposed amendment or amendments shall have been agreed to for the second time by a majority of the members elected to each house of the General Assembly, as provided in article eighteen, section one, of the Constitution. Said election shall be opened, held and closed, upon said election day in the manner and within the hours at and within which the said election is directed to be opened, held and closed, and in accordance with the provisions of the election laws of the Commonwealth of Pennsylvania, and the amendments thereof, and supplements thereto. Such proposed amendment or amendments to the Constitution shall be so printed in full upon the ballots, and followed by the words "Yes" and "No," as to give each voter a clear opportunity to express his approval or disapproval of said proposed amendment or amendments, by a cross mark (X) in a square of sufficient size at the right of the words "Yes" or "No."

[If for any reason, whatsoever, it appears that any such proposed amendment or amendments cannot be, or were not legally, submitted to the qualified electors of the State at the municipal election occurring at least three months after the date upon which such proposed amendment or amendments have been agreed upon for a second time by the members of the General Assembly, such amendment or amendments shall not be held to fail, but the same shall be submitted, or again to be resubmitted, to the qualified electors for their approval in the manner herein provided at the next succeeding general election.]

The provisions of this act are severable, and, if any of its provisions are held to be unconstitutional, such decision shall not affect or impair the remaining provisions of this act. It is hereby declared as a legislative intent that this act would have been passed had such unconstitutional provision not been included therein.

Provisions of act to be severable.

APPROVED—The 27th day of April, A. D. 1925.

GIFFORD PINCHOT.

No. 176.

AN ACT

Authorizing sheriffs in counties of the third class to appoint a solicitor; prescribing the duties of such solicitor, fixing his term, and providing for the fixing of his salary.

Section 1. Be it enacted, &c., That in all counties of the third class the sheriff may appoint one person as his solicitor.

Counties of third class.

Sheriff may appoint a solicitor.

Duties of solicitor.

Section 2. Said solicitor shall advise the sheriff upon all legal matters that may be submitted to him and conduct all litigation connected with the sheriff's office when requested so to do by the sheriff. The solicitor shall hold office for the term for which the sheriff was elected, and his salary shall be fixed by the salary board.

Term.

Salary.

Section 3. All acts or parts of acts inconsistent herewith are hereby repealed.

Repeal.

APPROVED—The 27th day of April, A. D. 1925.

GIFFORD PINCHOT.