

ment or transfer. *If any member of the retirement system is receiving a retirement allowance and he or she shall or may hereafter be employed by the government of the United States, or the Commonwealth of Pennsylvania, or any political subdivision thereof, then the retirement board shall, and is hereby given the authority to, suspend the retirement allowance to such member of the retirement system during such employment.*

Section 2. That section three hundred twenty-seven of said act, as added by section ten of the act approved the ninth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, four hundred one), is hereby repealed.

Section 327, as added by act of June 9, 1931 (P. L. 401), repealed.

Section 3. This act shall become effective on the first day of the month next following its final enactment.

When effective.

APPROVED—The 22d day of May, A. D. 1933.

GIFFORD PINCHOT

No. 149

AN ACT

Regulating actions of scire facias sur mechanics liens, and prescribing the pleadings and procedure to be observed therein.

Section 1. Be it enacted, &c., That from and after the passage of this act, in all actions of scire facias sur mechanics liens, there shall be filed by plaintiff, with the præcipe for such writ, an affidavit, which affidavit shall set forth only (a) the name of the parties plaintiff and defendant, (b) the amount claimed to be due, (c) the name or names of the real owners of the property against which such mechanics lien is filed, (d) a specific reference to the mechanics lien upon which such writ of scire facias is based, which mechanics lien shall, by such reference, be deemed to be a part of such affidavit. The affidavit of service of notice of having filed such mechanics lien shall be deemed to be a part of the record of such mechanics lien.

Scire facias sur mechanics lien.

Affidavit to be filed with præcipe.
Contents.

Affidavit of service of notice.

Section 2. There shall be served, upon each defendant named in such writ, with the writ a copy of such affidavit.

Service of affidavit with writ.

Section 3. Every allegation of fact in such affidavit and in the mechanics lien, if not specifically or by necessary implication denied in the affidavit of defense, shall be taken to be admitted, and such allegation in such affidavit and mechanics lien so not denied may be offered in evidence.

Facts alleged and not denied.

Section 4. The affidavit of defense shall answer specifically each allegation of fact in the affidavit filed with such præcipe and in the mechanics lien; and the defendant may, by notice to plaintiff, require plaintiff to file a replication to such affidavit of defense within fifteen days from service of such notice.

Affidavit of defense.

Replication.

Failure to file required affidavit.

Section 5. Failure upon the part of plaintiff to file with the præcipe for writ of scire facias affidavit provided for in section one hereof shall be ground for quashing such writ, upon notice.

Affidavit embracing other allegations.

Section 6. The affidavit provided for in section one hereof if embracing allegations other than as provided for in said section shall, upon motion, be stricken from the record.

Judgment in default of affidavit of defense.

Section 7. After service of such writ and copy of affidavit, plaintiff may, after fifteen days after return day, take judgment in default of affidavit of defense against such defendants as have been served; provided that, if the contractor defendant has filed an affidavit of defense, plaintiff shall not be entitled to take judgment in default of affidavit of defense as against the owner defendant until the affidavit of defense filed by the contractor has been disposed of. Plaintiff shall not be entitled to enter judgment in default of appearance.

Judgment for want of sufficient affidavit of defense.

Section 8. Plaintiff may, after filing of affidavit of defense, move for judgment for want of sufficient affidavit of defense.

Judgment on the whole record.

Section 9. Defendant may, after ruling plaintiff to file replication, whether replication is filed or not, move for judgment on the whole record.

APPROVED—The 22d day of May, A. D. 1933.

GIFFORD PINCHOT

No. 150

AN ACT

To further amend clause (a) of section four of the act, approved the eighteenth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, five hundred forty-nine), entitled "An act to permit the use of voting machines for recording and computing the vote at all elections, including primaries, in any county, city, borough or township of the Commonwealth, at the option of the electors thereof; prescribing regulations with reference to the adoption, requirements, examination, purchase, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing the qualifications, number and duties of election officers in election districts in which voting machines may be used; placing duties upon county commissioners and the Secretary of the Commonwealth; providing for redivision of wards of cities and boroughs into election districts, and the consolidation of election districts; providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used; and providing penalties for violation of the provisions of this act," as amended, by providing that the courts of quarter sessions may order that one additional voting machine be provided in certain election districts.

Elections.

Section 1. Be it enacted, &c.. That clause (a) of section four of the act, approved the eighteenth day of