

improvement of said park, and the power to make and enforce rules and regulations for the preservation and visitation thereof to the Department of Forests and Waters.

Section 1. Be it enacted, &c., That the title and section three of the act, approved the eighth day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand six hundred sixty-seven), entitled "An act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire all real and personal property included in the Conrad Weiser Memorial Park, in Heidelberg Township, Berks County, from the Conrad Weiser Memorial Park Association; providing for the control, management, supervision, restoration and improvement thereof; authorizing the commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation therefor," are hereby amended to read as follows:

Title and section 3, act of May 8, 1929 (P. L. 1667), amended.

AN ACT

Authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire all real and personal property included in the Conrad Weiser Memorial Park, in Heidelberg Township, Berks County, from the Conrad Weiser Memorial Park Association; providing for the control, management, supervision, restoration and improvement thereof *by the Department of Forests and Waters*; authorizing the [commission] *department* to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation therefor.

Section 3. [Upon acquiring the property aforesaid, the Pennsylvania Historical Commission] *The Department of Forests and Waters* shall have full control, management, and supervision [thereof] *of the Conrad Weiser Memorial Park*, and shall have power to adopt and carry into effect plans for the restoration, improvement, and maintenance of the park, and to make and enforce rules and regulations for the preservation of the property, and the visitation thereof by the public.

APPROVED—The 24th day of April, A. D. 1935.

GEORGE H. EARLE

No. 28

AN ACT

To further amend clause (a) of section six, and sections ten and eleven of the act, approved the fifth day of May, one thousand nine hundred and eleven (Pamphlet Laws, one hundred ninety-eight), entitled "An act to establish a county court for the county of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof," by increasing the jurisdiction of the court in

civil actions to twenty-five hundred dollars; by increasing to twenty-five hundred dollars the maximum limit of set-off required to be pleaded by defendants; by permitting verdicts and judgments rendered, after trial before a judge without a jury, to be made liens upon real estate; by changing the effect of appeals from the county court upon judgments of that court; by regulating executions issued by the court of common pleas upon transcribed judgments of the county court rendered after trial before a judge without a jury; and by providing a continuous system for the filing and docketing in the common pleas court of transcripts from the docket of the county court in any case.

Clause (a) of section 6, and sections 10 and 11, act May 5, 1911 (P. L. 198), as amended by act of April 2, 1913 (P. L. 21), further amended.

Section 1. Be it enacted, &c., That clause (a) of section six, and sections ten and eleven of the act, approved the fifth day of May, one thousand nine hundred and eleven (Pamphlet Laws, one hundred ninety-eight), entitled "An act to establish a county court for the county of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof," as amended by the act, approved the second day of April, one thousand nine hundred and thirteen (Pamphlet Laws, twenty-one), are hereby further amended to read as follows:

Jurisdiction of the court.

Section 6. The court hereby created shall have jurisdiction:

(a) In all civil actions wherein only a money judgment is sought to be recovered, and in all actions of replevin in which the sum demanded or the value of the property replevied does not exceed [fifteen] *twenty-five* hundred dollars, except in cases where the title to lands or tenements may come in question.

Set-off.

Section 10. A defendant who shall neglect or refuse in any civil action brought in said court to set off his demand, whether founded upon bond, note, penal or single bill, writing obligatory, book accounts, or damages of assumption, against a plaintiff, which shall not exceed the sum of [fifteen] *twenty-five* hundred dollars, shall be and is hereby forever barred from recovering against the party plaintiff by any after suit; but, in case of judgment by default, the defendant if he has any account to set off against the plaintiff's demand, shall be entitled to a hearing before said court, within thirty days, on proof being made, either on oath or affirmation of the defendant or other satisfactory evidence, that the defendant was absent when the process was served and did not return home before the return day of such process, or that he was prevented by sickness of himself, or other unavoidable cause; and the said court shall have power to render judgment for the balance, in favor of the plaintiff or defendant as justice may require. Each party shall have the same right of appeal or certiorari from judgment as though a separate suit had been brought therefor.

Statement of counter-claim.

It shall be the duty of the defendant desiring to avail himself by way of set-off, defalcation, or recoupment

of his demand against the plaintiff, to file a statement of such counter-claim with the proper clerk of the court, on or before the time fixed by this act for the filing of his answer, unless the time for the filing of such statement be extended by the court. A statement of counter-claim shall be replied to by plaintiff within such time and in such manner as the court may prescribe.

Reply.

Section 11. Upon rendition of [the] *any* judgment [of] *or verdict* in the county court, the party to whom such judgment *or verdict* is awarded shall be entitled to file in the office of the prothonotary of said county a transcript from the docket of the county court showing the judgment *or verdict* so rendered, which judgment *or verdict* shall be entered upon the judgment index of said county, and from the date of such entry shall bind the real estate of the party against whom *such* judgment *or verdict* is rendered: *Provided, however, That if the court thereafter grants a new trial, or enters for the opposite party judgment upon the whole record or judgment non obstante veredicto, the lien of such judgment or verdict shall thereupon cease and determine.* [and thereupon] The judgment creditor shall be entitled to preserve and continue the lien of or enforce *any* such judgment, *so entered upon said judgment index*, by execution, attachment, or other process in the same manner and to the same extent as though it had originally been recovered in the common pleas court, [But upon perfection of an appeal from such judgment, or the granting of a certiorari operating as a supersedeas, as herein provided, the lien of such judgment on real estate shall be thereby removed.] *and the lien thereof shall remain pending appeal from the county court to the Supreme or Superior Court, unless discharged in the manner provided by law; provided, however, that if the judgment, so entered by transcript filed as aforesaid, is shown by the transcript to be a judgment rendered after trial before a judge without a jury, no execution or attachment shall issue thereon unless and until the execution creditor files, in the prothonotary's office at the number and term of such judgment, a transcript from the docket of the county court showing no after-trial motion to be pending in said court. Transcripts from the docket of the county court showing any proceedings subsequent to the issuance of the first transcript therefrom in any case may be issued; such additional transcripts shall issue without charge and shall be filed and docketed in the prothonotary's office at the same number and term at which the first transcript was filed and docketed.*

Judgment of the county court.

Entry of.

Lien.

Proviso.

May continue the lien.

Proviso.

The county court may issue writs of fieri facias, capias ad satisfaciendum, or attachment execution upon its money judgments, and writs de retorno habendo in replevin, as provided by law relating to the enforce-

Writs of execution.

ment of judgments of the common pleas courts. These writs shall be executed by the sheriff of the county; and the practice in the execution of writs of fieri facias, capias ad satisfaciendum, and de retorno habendo shall be the same as is provided by law in the case of writs issuing out of the court of common pleas, except that such writs shall be returnable as the county court may by rule prescribe. In writs of attachment execution the practice shall be the same as in cases of other civil suits in the county court, subject to such special rules as the court may prescribe. No writ of fieri facias or attachment-execution issuing out of the county court shall, in any manner, operate as a lien on, or be used for the sale of, real estate: Provided, however, That when a transcript of the record of the county court, *showing a final judgment rendered in that court*, shall have been filed in the office of the prothonotary, as provided in this section, no process of execution or attachment execution shall thereafter issue out of the county court; but this provision shall not be taken to prevent the final disposition of any execution or attachment proceedings in the county court then pending.

When effective.

Section 2. This act shall become effective immediately upon its final enactment.

APPROVED—The 24th day of April, A. D. 1935.

GEORGE H. EARLE

No. 29

AN ACT

To establish jurisdiction in cases of kidnapping and murder perpetrated in kidnapping.

Kidnapping or murder in the perpetration of kidnapping.

Section 1. Be it enacted, &c., That in order to obviate the difficulty of proof of the place where an offense of kidnapping, or murder in the perpetration of kidnapping was committed, it shall be sufficient to allege, in any information or indictment for kidnapping, or for murder in the perpetration of kidnapping, that the offense was committed in any county in, through or into which, the defendant carried or conveyed or brought the kidnapped person, and every such offense may be inquired of, tried, and punished in the county within which the same shall be so alleged to have been committed, in the same manner as if it had been actually committed therein.

When effective.

Section 2. This act shall become effective immediately upon its final enactment.

APPROVED—The 24th day of April, A. D. 1935.

GEORGE H. EARLE