

No. 177

AN ACT

To amend sections two and fifteen of the act, approved the twenty-fifth day of April, one thousand nine hundred and twenty-seven (Pamphlet Laws, three hundred eighty-one), entitled "An act concerning arbitration, and to make valid and enforceable written provisions and agreements for the arbitration of disputes in certain contracts, including contracts to which the State or any municipal subdivision thereof may be a party; regulating the procedure under such provisions and agreements; and conferring certain powers and imposing certain duties upon the courts with reference thereto," by prescribing the time for making application to stay proceedings pending arbitration; by authorizing appeals from orders granting or refusing such stays, or from orders directing or refusing to direct the parties to proceed to arbitration; and regulating such appeals.

Arbitration
agreements.

Section 1. Be it enacted, &c., That section two of the act, approved the twenty-fifth day of April, one thousand nine hundred and twenty-seven (Pamphlet Laws, three hundred eighty-one), entitled "An act concerning arbitration, and to make valid and enforceable written provisions and agreements for the arbitration of disputes in certain contracts, including contracts to which the State or any municipal subdivision thereof may be a party; regulating the procedure under such provisions and agreements; and conferring certain powers and imposing certain duties upon the courts with reference thereto," is hereby amended to read as follows:

Stay of
proceedings.

Section 2. Stay of Proceedings Brought in Violation of Arbitration Agreement.—If any suit or proceeding be brought upon any issue referable to arbitration under an agreement in writing for such arbitration, the court in which such suit is pending, upon being satisfied that the issue involved in such suit or proceeding is referable to arbitration under such an agreement, shall, on application of one of the parties *made before the suit or proceeding is at issue*, stay the trial of the action until such arbitration has been had in accordance with the terms of the agreement, providing the applicant for the stay is not in default in proceeding with such arbitration.

Section 2. That section fifteen of the said act is hereby amended to read as follows:

Appeals to
Supreme and
Superior Courts.

Section 15. Appeals.—(a) An appeal may be taken from an order confirming, modifying, correcting, or vacating an award, or from a judgment entered upon an award, in accordance with the existing law in respect to appeals to the Supreme and Superior Courts.

(b) *An appeal may be taken to the Supreme or Superior Court, as in cases of final judgments, from an order either staying or refusing to stay the trial of a suit or proceeding pending arbitration, or from an order either directing or refusing to direct the parties to proceed to arbitration. Such appeal must be taken and per-*

fected within thirty days from the date when the order is made, shall be made returnable on the third Monday after it is taken, and shall be placed by the appellate court at the head of its argument list for civil cases, to be heard at the earliest date, consistent with its rules governing the presentation of appeals.

APPROVED—The 21st day of June, A. D. 1935.

GEORGE H. EARLE

No. 178

AN ACT

To amend section nine of the act, approved the thirty-first day of March, one thousand nine hundred and twenty-seven (Pamphlet Laws, ninety-one), entitled "An act relating to municipal indebtedness; imposing certain powers and duties upon the Department of Internal Affairs, and the officers of counties, cities of the third class, boroughs, towns, townships, school districts of the second, third, and fourth classes and poor districts, in connection with proceedings to incur and increase indebtedness; and the establishing and maintaining of sinking funds; fixing the maximum maturity of refunding bonds; and providing penalties," limiting existing indebtedness as covered by the section to bonded indebtedness.

Section 1. Be it enacted, &c., That section nine of the act, approved the thirty-first day of March, one thousand nine hundred and twenty-seven (Pamphlet Laws, ninety-one), entitled "An act relating to municipal indebtedness; imposing certain powers and duties upon the Department of Internal Affairs, and the officers of counties, cities of the third class, boroughs, towns, townships, school districts of the second, third, and fourth classes and poor districts, in connection with proceedings to incur and increase indebtedness; and the establishing and maintaining of sinking funds; fixing the maximum maturity of refunding bonds; and providing penalties," is hereby amended to read as follows: Municipalities.

Section 9. Hereafter it shall be unlawful for any municipality to provide for the refunding of any existing *bonded* indebtedness for a longer period than twenty years, and any obligations issued for a longer period than herein provided, shall be invalid and impose no municipal liability or have any lien. All proceedings to issue bonds or obligations for the purpose of refunding existing *bonded* indebtedness shall be approved by the Department of Internal Affairs, as in the case of other proceedings, and no refunding bonds shall hereafter be issued by any municipality without the approval of the said department. Refunding bonds, issued with- Existing indebtedness not to be refunded for period longer than twenty years.