

No. 405

AN ACT

To amend section five of the act, approved the twenty-ninth day of November, one thousand nine hundred thirty-three (One thousand nine hundred thirty-three—one thousand nine hundred thirty-four—Pamphlet Laws, thirteen), entitled "An act creating an independent administrative board to be known as the Pennsylvania Liquor Control Board," by making further provision with respect to the fidelity bonds of the members, secretary, and employes of the board.

Section 1. Be it enacted, &c., That section five of the act, approved the twenty-ninth day of November, one thousand nine hundred thirty-three (One thousand nine hundred thirty-three—one thousand nine hundred thirty-four—Pamphlet Laws, thirteen), entitled "An act creating an independent administrative board to be known as the Pennsylvania Liquor Control Board," is hereby amended to read as follows:

Section 5, act
of November
29, 1933
(P. L. 13),
amended.

Section 5. [Each] *Before entering upon the duties of their respective offices or positions, each member of the board and the secretary shall execute and file with the State Treasurer a [surety] bond in [the sum of not] such penal sum as shall be fixed by the Executive Board of this Commonwealth, upon recommendation of the Governor, but the amount of any such bond shall not be less than ten thousand dollars (\$10,000). [and every other person appointed to any office by the board shall, upon entering upon his or her duties, likewise file a surety bond in the sum of not less than two thousand dollars (\$2,000).] Bonds in such penal sums as shall be fixed by the Executive Board, likewise shall be executed and filed with the State Treasurer by such employes of the Pennsylvania Liquor Control Board as the head of such board shall, with the approval of the Executive Board, prescribe.* Such [bond] bonds shall be payable to the Commonwealth of Pennsylvania, [shall have as surety a duly authorized surety company or two individuals to be approved by the Department of Justice] and shall be conditioned for the faithful performance of the members', secretary's or employes' duties imposed by law, or by lawful authority, and that the person bonded will not knowingly violate the provisions of any act relating to the manufacture, sale, distribution or transportation of alcohol and alcoholic liquors. *All bonds required to be given under this section shall, before being accepted by the State Treasurer, be approved by the Department of Justice, and unless the Commonwealth shall establish its own indemnity fund, all such bonds shall be given with security approved by the Department of Justice. If the Commonwealth shall establish its own indemnity fund, the Executive Board may, nevertheless, require any bond given hereunder to*

Bonds of
members,
secretary, and
employes.

be executed by a surety or sureties satisfactory to the Department of Justice. The cost of such [bond] bonds required to be executed by a surety or sureties shall be borne by the board as part of its operating expense.

Section 2. This act shall become effective on the first day of June, one thousand nine hundred thirty-seven.

APPROVED—The 25th day of June, A. D. 1937.

GEORGE H. EARLE

No. 406

AN ACT

To amend section five of the act, approved the nineteenth day of April, one thousand nine hundred and one (Pamphlet Laws, eighty-eight), entitled "An act relating to replevin, and regulating the practice in cases where the writ of replevin is issued," as amended, fixing the time when judgment by default for want of an appearance may be taken in replevin proceedings.

Section 1. Be it enacted, &c., That section five of the act, approved the nineteenth day of April, one thousand nine hundred and one (Pamphlet Laws, eighty-eight), entitled "An act relating to replevin, and regulating the practice in cases where the writ of replevin is issued," as amended by section one of the act, approved the nineteenth day of March, one thousand nine hundred and twenty-three (Pamphlet Laws, fourteen), is hereby further amended to read as follows:

Section 5. The defendant or party intervening shall, within fifteen days after the filing of such declaration, file an affidavit of defense thereto, setting up the facts denying plaintiff's title and showing his own title to said goods and chattels; and in event of his failure so to do, upon proof that a copy of said declaration was served upon him or his attorney, judgment may be entered for the plaintiff and against the defendant or party intervening, which judgment shall operate to forfeit any counter bond given by him. The court may enter judgment, with like effect, for want of a sufficient affidavit of defense, or for such goods and chattels as may be admitted to be the property of the plaintiff in the affidavit of defense, or may enter judgment, with like effect, for such goods and chattels as to which the court may adjudge the affidavit of defense insufficient. And in the event of judgment being rendered in favor of the plaintiff for a portion of such goods and chattels replevied, he may proceed to recover such goods and chattels by writ of retorno habendo, or the value thereof after assessment of damages on a writ of inquiry of damages issued, and the case shall be proceeded in for recovery of the balance. If the defendant has been duly summoned

When
effective.

Section 5,
act of April 19,
1901 (P. L. 88),
as amended by
act of March
19, 1923 (P. L.
14), further
amended.

Affidavit
of defense.

Judgment
for want
of affidavit.

Judgment
where
affidavit is
insufficient.

Judgment
for portion
of goods.