

forty-nine (Pamphlet Laws 1955), is hereby further amended by adding, after section 3027, a new section to read as follows:

Section 3027.1. Removal of Diseased Trees.—The commission may, upon such notice as may be provided by ordinance, require owners of property to cut and remove trees afflicted with the Dutch elm or other disease which threatens to injure or destroy shade trees in the township, under regulations prescribed by ordinance. Upon failure of any such owner to comply with such notice, the township may cause the work to be done by the township and levy and collect the cost thereof from the owner of the property. The cost of such work shall be a lien upon the premises from the time of the commencement of the work, which date shall be fixed by the township engineer and shall be filed with the township secretary. Any such lien may be collected by action in assumpsit or by lien filed in the manner provided by law for the filing and collection of municipal claims.

APPROVED—The 17th day of August, A. D. 1951.

JOHN S. FINE

No. 297

AN ACT

To amend section 330.17 of the act, approved the second day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by authorizing the assignment of county police to inside or special duties in certain cases, and prescribing the manner in which such assignments shall be made.

"The General County Law."

Section 330.17, act of May 2, 1929, P. L. 1278, as added by act of May 4, 1943, P. L. 159, amended.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 330.17 of the act, approved the second day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," as added by the act, approved the fourth day of May, one thousand nine hundred forty-three (Pamphlet Laws 159), is hereby amended to read as follows:

Section 330.17. Reducing in Rank; Suspension; Furloughing; Discharging.—(a) No person employed in a county police force shall be reduced in rank (except superintendent of police), suspended, furloughed, discharged or reinstated, except for the following reasons:

(1) neglect or violation of any official duty; (2) violation of any law of this Commonwealth which provides that such violation constitutes a misdemeanor (carrying both a fine and imprisonment), or a felony; (3) inefficiency (*except as hereinafter provided*), willful disobedience of orders or conduct unbecoming a police officer; (4) drinking of intoxicating liquor while on duty, or the use of which renders him unfit for duty when called upon. In every such case of reduction of rank (except that of superintendent of police), suspension, furlough or discharge, a copy or statement of the reasons therefor and written answers thereto shall be furnished to the person sought to be reduced in rank, suspended, furloughed or discharged, if he shall demand it. He shall have the right to appeal to the commission for a hearing on the reasons or charges preferred against him. Upon the written request for such a hearing the commission shall arrange for such hearing within ten days from receipt of such request. At any such hearing the person against whom the charge or reason is made may be present in person and by counsel, and the burden shall be upon the party making such charges or reasons to justify his action. In the event the commission fails to uphold the action of the party who made the charges or reasons, then the person against whom the charges were preferred shall be paid in full his salary for the time he may have been prevented from performing his usual employment as a police officer, and no record of the case shall be placed against his service record in the police force. If, in the case of demotion of any employe (except that of superintendent of police), the charges or reasons are sustained, then such person shall not be reverted below his seniority standing on the roster of the grades of patrolman in the police force. A written record of all testimony shall be taken at any and all hearings held by the commission, and such records shall be sealed and not available to public inspection in the event no appeals are taken from the action of the commission. In the event the commission shall sustain the party who preferred the charges or reasons, then the party against whom the charges or reasons were made shall have immediate right of appeal to the court of common pleas of the county. Such appeal shall be taken within the period of ninety days from the date of entry by the commission of its final order, and shall be by petition. Upon such appeal being taken and docketed, the court of common pleas shall fix a day for the hearing, and proceed to hear the appeal de novo on the original record, and the employe shall be reduced, suspended, furloughed, or discharged, in accordance with the order of the court of common pleas.

(b) In cases where a member of a county police force whose duties are those of an outside policeman is found to be physically unfit to perform such duties due to an infirmity resulting from the performance of his duties as a policeman, or whenever any such member has served for a period of twenty years and is at least fifty years of age, such member, upon application to the board of county commissioners, shall, if there is any vacancy existing in the number of building policemen, building guards, or other positions, the responsibility of which is building protection or security, as set forth in the budget of the county, be assigned to inside work as building policeman or other special duties, without any diminution in pay. Where more applications are made and filed than there are vacancies existing, such assignments shall be made first to applicants found to be physically unfit and secondly to applicants in order of their seniority in service. Where two or more applicants have equal seniority in service, assignments shall be determined by the alphabetical order of the first letter of the surname of the applicants. As vacancies occur, assignments shall be made according to a seniority list determined as aforesaid.

Act effective immediately.

Section 2. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 17th day of August, A. D. 1951.

JOHN S. FINE

No. 298

AN ACT

To amend the act, approved the eighteenth day of April, one thousand nine hundred forty-nine (Pamphlet Laws 512), entitled "An act relating to the administration and distribution of decedents' estates, trust estates, minors' estates and absentees' estates, both as to real and personal property, and the procedure relating thereto; including the disposition of such estates or portions thereof and the determination of title thereto without the appointment of a fiduciary in certain cases; the appointment, bond, removal and discharge of fiduciaries of such estates, their powers, duties and liabilities; the rights of persons dealing with such fiduciaries, and the rights of persons claiming an interest in such estates or in property distributed therefrom whether as claimants or distributees, and containing provisions concerning guardians of the person of minors, the powers, duties and liabilities of sureties and of foreign fiduciaries, the abatement, survival and control of actions and rights of action, and the presumption of death; and also generally dealing with the jurisdiction, powers and procedure of the orphans' court and of the register of wills in all matters relating to fiduciaries," redefining certain words; providing the manner in which oaths of fiduciaries may be taken; prescribing the advertisement of grant of letters; clarifying the time in