

Return of
record.

If such appeal shall be taken, the record shall be re-
mitted to the board by the prothonotary on its return
from the appellate court.

Appeal to Su-
perior Court.

Any party may appeal to the Superior Court from
the judgment of the court of common pleas within
thirty days after entry of said judgment, irrespective
of the amount involved. Such appeal shall be taken
and prosecuted in the same manner and form and with
the same effect as is provided in other cases of appeal
to the Superior Court, and the record so certified shall
contain all that was before the court of common pleas.
Any appeal from the action of the board to a court of
common pleas, and from it to the Superior Court shall
take precedence over all other civil actions. The judg-
ment of the Superior Court shall be final, unless an
appeal therefrom is allowed as in the case of other
judgments of that tribunal.

Precedence.

Finality of
judgment.

APPROVED—The 22nd day of June, A. D. 1931.

GIFFORD PINCHOT

No. 206

AN ACT

Permitting savings banks, savings institutions, and provident
institutions to invest monies deposited with them in obli-
gations of certain public utility companies.

Banks.

Investments.

Section 1. Be it enacted, &c., That from and after
the passage of this act, trustees or directors of savings
banks, savings institutions, and provident institutions,
chartered under the general or special acts of Assembly
of this Commonwealth, may, notwithstanding any pro-
visions of their charters, or of any act of Assembly
under which they may have been incorporated, invest
monies deposited in the said savings banks, savings in-
stitutions, and provident institutions in—

Railroad bonds.

(a) Obligations issued, assumed or guaranteed as to
principal and interest by any railroad corporation,
and/or equipment bonds of any railroad corporation of
this State, or of any other state, or of the Dominion of
Canada: Provided, That at no time within five (5)
years next preceding the date of such investment, such
railroad corporation shall have failed regularly and
punctually to pay the matured principal and interest
of all its indebtedness, and, in addition thereto, regu-
larly and punctually to have earned and/or paid in
dividends to its stockholders, during each of said five
(5) years, an amount at least equal to four per cent
(4%) upon all its outstanding capital stock.

(b) The bonds of any corporation which, at the time of such investment, is incorporated under the laws of the United States, or any state thereof, or the District of Columbia, and transacting the business of supplying electrical energy or artificial gas, or both, for light, heat, power and other purposes, provided at least seventy-five per centum of the gross operating revenues of any such corporation are derived from such business, and not more than fifteen per centum of the gross operating revenues are derived from any one kind of business other than supplying electricity and gas, and provided such corporation is subject to regulation by a public service commission or public utility commission or other similar regulatory body duly established by the laws of the United States or the states in which such corporation operates, subject to the following conditions:

Electric or gas
bonds.

Such corporation shall have all franchises necessary to operate in territory in which at least seventy-five per centum of its gross income is earned, which franchises shall either be indeterminate permits or agreements with, or subject to the jurisdiction of, a public service commission or other duly constituted regulatory body, or shall extend at least five years beyond the maturity of such bonds; and such corporation shall file with appropriate regulatory body and/or other duly constituted public authority, and make public, in each year a statement and a report giving the income account covering previous fiscal year and balance sheet showing in reasonable detail the assets and liabilities at the end of the year.

The outstanding full paid capital stock of such corporation shall be equal to at least two-thirds of the total debt secured by mortgage lien on any part or all of its property: Provided, however, That in case of a corporation having non-par value shares, the amount of capital which such shares represent shall be the capital as shown by the books of the corporation.

Such corporation shall have been in existence for a period of not less than eight fiscal years, and at no time, within such period of eight fiscal years next preceding the date of such investment, shall said corporation have failed to pay promptly and regularly the matured principal and interest of all its indebtedness, direct, assumed or guaranteed, but the period of life of the corporation, together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation, merger, or purchase, shall be considered together in determining the required period.

For a period of five fiscal years next preceding such investment, the net earnings of such corporation shall

have averaged per year not less than twice the average annual interest charges on its total funded debt applicable to that period, and for the last fiscal year preceding such investment, such net earnings shall have been not less than twice the interest charges for a full year on its total funded debt outstanding at the time of such investment, and, for such period, the gross operating revenues of any such corporation shall have averaged per year not less than one million dollars, and such corporation shall have, for each such year, either earned an amount available for dividends, or paid in dividends, an amount equal to four per centum upon a sum equivalent to two-thirds of its funded debt.

In determining the qualifications of any bond under this subdivision, where a corporation shall have acquired its property or any substantial part thereof within five years immediately preceding the date of such investment by consolidation or merger or by the purchase of all or a substantial portion of the property of any other corporation or corporations, the gross operating revenues, net earnings and interest charges of the several predecessor or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of the immediately preceding paragraph of this subdivision have been complied with.

The gross operating revenues and expenses of a corporation, for the purposes of this subdivision, shall be, respectively, the total amount earned from the operation of and the total expense of maintaining and operating all property owned and operated by or leased and operated by such corporation, as determined by the system of accounts prescribed by the public service commission or public utility commission or other similar regulatory body having jurisdiction in the matter. The gross operating revenues and expenses, as defined above, of subsidiary companies may be included, provided all the mortgage bonds and a controlling interest in stock or stocks of such subsidiary companies are pledged as part security for the mortgage debt of the principal company.

The net earnings of any corporation, for the purpose of this subdivision, shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses, taxes, other than federal and state income taxes, rentals and provision for renewals and retirements of the physical assets of the corporation, and by adding to said balance its income from securities and miscellaneous sources, but not, however, to exceed fifteen per centum of said balance.

Such bonds must be part of an issue of not less than one million dollars and must be mortgage bonds se-

cured by a first or refunding mortgage secured by property owned and operated by the corporation issuing or assuming them, or must be underlying mortgage bonds secured by property owned and operated by the corporations issuing or assuming them, provided that such bonds are to be refunded by a junior mortgage providing for their retirement, and provided the bonds under such junior mortgage comply with the requirements of this section, and that such underlying mortgage is either a closed mortgage or remains open solely for the issue of additional bonds which are to be pledged under such junior mortgage. The aggregate principal amount of bonds secured by such first or refunding mortgage, plus the principal amount of all the underlying outstanding bonds, shall not exceed sixty per centum of the value of the physical property owned, as shown by the books of the corporation, and subject to the lien of such mortgage or mortgages securing the total mortgage debt: And provided further, That, if a refunding mortgage, it must provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property.

(c) The bonds of any corporation which, at the time of such investment, is incorporated under the laws of the United States, or any state thereof, or the District of Columbia, and authorized to engage and engaging in the business of furnishing telephone service in the United States, and provided such corporation is subject to regulation by the Interstate Commerce Commission or a public service commission or public utility commission or other similar federal or state regulatory body duly established by the laws of the United States or the states in which such corporation operates, subject to the following conditions:

Telephone bonds.

Such corporation shall have been in existence for a period of not less than eight fiscal years, and at no time, within such period of eight fiscal years next preceding the date of such investment, shall said corporation have failed to pay promptly and regularly the matured principal and interest of all its indebtedness, direct, assumed or guaranteed, but the period of life of the corporation, together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation, merger or purchase, shall be considered together in determining the required period; and such corporation shall file with appropriate regulatory body and/or other duly constituted public authority, and make public, in each year a statement and a report giving the income account covering previous fiscal year and balance

sheet showing in reasonable detail the assets and liabilities at the end of the year.

The outstanding full paid capital stock of such corporation shall at the time of such investment be equal to at least two-thirds of the total debt secured by all mortgage liens on any part or all of its property.

For a period of five fiscal years next preceding such investment, the net earnings of such corporation shall have averaged per year not less than twice the average annual interest charges on its total funded debt applicable to that period, and for the last fiscal year preceding such investment, such net earnings shall have been not less than twice the interest charges for a full year on its total funded debt outstanding at the time of such investment, and for such period, the gross operating revenues of any such corporation shall have averaged per year not less than five million dollars, and such corporation shall have, for each of said years, either earned an amount available for dividends, or paid in dividends, an amount equal to four per centum upon all its outstanding capital stock.

Such bonds must be part of an issue of not less than five million dollars and must be secured by a first or refunding mortgage, and the aggregate principal amount of bonds secured thereby, plus the principal amount of all underlying outstanding bonds, shall not exceed sixty per centum of the value of the property, real and personal, owned absolutely and subject to the lien of such mortgage: And provided further, That, if a refunding mortgage, it must provide for the retirement of all bonds secured by prior liens on the property. Not more than thirty-three and one-third per centum of the property, constituting the specific security for such bonds, may consist of stock or unsecured obligations of affiliated or other telephone companies, or both.

In determining the qualifications of any bond under this subdivision, where a corporation shall have acquired its property or any substantial part thereof within five years immediately preceding the date of such investment by consolidation or merger or by the purchase of all or a substantial portion of the property of any other corporation or corporations, the gross operating revenues, net earnings and interest charges of the several predecessor or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of the second last paragraph preceding of this subdivision have been complied with.

The gross operating revenues and expenses of a corporation, for the purpose of this subdivision, shall be, respectively, the total amount earned from the operation of and the total expense of maintaining and operating all property owned and operated by or leased and

operated by such corporation, as determined by the system of accounts prescribed by the Interstate Commerce Commission or the public service commission or public utility commission or other similar federal or state regulatory body having jurisdiction in the matter.

The net earnings of any corporation, for the purpose of this subdivision, shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses, provision for depreciation of the physical assets of the corporation, taxes, other than federal and state income taxes, rentals and miscellaneous charges, and by adding to said balance its income from securities and miscellaneous sources, but not, however, to exceed fifteen per centum of said balance. The term funded debt shall be construed to mean all interest bearing debt maturing more than one year from date of issue.

Section 2. The act of the twenty-sixth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, eight hundred twenty-seven), and all acts and parts of acts inconsistent herewith are hereby repealed.

Act of April 26,
1929 (P. L. 827),
repealed.

APPROVED—The 22nd day of June, A. D. 1931.

GIFFORD PINCHOT

No. 207

AN ACT

To amend the title and sections one and two, sections three and four as amended, and sections five and six of the act, approved the twenty-fifth day of April, one thousand nine hundred and twenty-one (Pamphlet Laws, two hundred and seventy-six), as amended, entitled "An act requiring persons, partnerships, associations, or corporations advertising for or soliciting business as adjusters of claims within this Commonwealth for loss or damage arising out of policies of insurance, surety, or indemnity on property, persons, or insurable business interests, within this Commonwealth, to be licensed by the Insurance Commissioner; regulating the issuance and revocation of such licenses; prescribing certain conditions for the transaction of such business; and providing penalties," by including within the subject and said sections of the said act qualifications and conditions for the licensing of, and the transaction of business by, public adjuster solicitors; providing for bonds by public adjusters and public adjuster solicitors, and for recovery on such bonds; and providing penalties.

Section 1. Be it enacted, &c., That the title of the act, approved the twenty-fifth day of April, one thousand nine hundred and twenty-one (Pamphlet Laws, two hundred seventy-six), as amended, entitled "An act requiring persons, partnerships, associations, or corpora-

Insurance.
Public
adjusters
and public
adjuster
solicitors.