

Limiting
liability.

(e) A provision by which the company may deny liability under the policy for the reason that the insured has previously obtained other insurance from the same company.

APPROVED—The 21st day of May, A. D. 1937.

GEORGE H. EARLE

—
No. 210

AN ACT

Relating to statements made in negotiations for annuity or pure endowment contracts and policies or certificates of life, endowment, accident or health insurance.

Statements made
in negotiating
for certain types
of insurance.

Section 1. Be it enacted, &c., That all statements made by the applicant for an annuity or pure endowment contract, or statements made by the insured or in his behalf in the negotiation for a policy or certificate of life, endowment, accident or health insurance, or any reinstatement thereof issued by any insurance company, association, fraternal benefit society, beneficial society or exchange doing business in this Commonwealth, shall be deemed, in the absence of fraud, to be representations and not warranties:

In absence of
fraud, state-
ments shall be
deemed repre-
sentations.

APPROVED—The 21st day of May, A. D. 1937.

GEORGE H. EARLE

—
No. 211

AN ACT

To facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County; providing for the creation of the Pennsylvania Turnpike Commission, and conferring powers and imposing duties on said commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances; prescribing conditions upon which such turnpike shall become free; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds.

Highways.

Section 1. Be it enacted, &c., That, in order to facilitate vehicular traffic between the eastern and western

sections of the Commonwealth, the Pennsylvania Turnpike Commission hereinafter created is hereby authorized and empowered to construct, operate and maintain a turnpike at such location as shall be approved by the Department of Highways, from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County, together with connecting tunnels and bridges, and to issue turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such construction.

Section 2. That turnpike revenue bonds issued under Bonds. the provisions of this act shall not be deemed to be a debt of the Commonwealth or a pledge of the faith and credit of the Commonwealth, but such bonds shall be payable exclusively from the fund herein provided therefor from tolls. All such bonds shall contain a statement on their face that the Commonwealth is not obligated to pay the same or the interest thereon except from tolls and that the faith and credit of the Commonwealth is not pledged to the payment of the principal or interest of such bonds. The issuance of turnpike revenue bonds under the provisions of this act shall not, directly or indirectly or contingently, obligate the Commonwealth to levy or to pledge any form of taxation whatever therefor, or to make any appropriation for their payment.

Section 3. That the following words and terms shall Definitions. have the following meanings:

(a) The word "Commission" shall mean the Pennsylvania Turnpike Commission hereinafter created, or if said commission shall be abolished, any board, commission or officer succeeding to the principal functions thereof, or upon whom the powers given by this act to said commission shall be given by law.

(b) The word "owner" shall include all individuals, copartnerships, associations or corporations having any title or interest in any property rights, easements or franchises authorized to be acquired by this act.

(c) The words "the turnpike" shall mean the turnpike to be constructed, as hereinafter provided, from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County, and shall be deemed to include not only the turnpike and all tunnels and bridges connected therewith, but also all property rights, easements and franchises relating thereto and deemed necessary or convenient for the construction or the operation thereof.

(d) The term "cost of the turnpike" shall embrace the cost of constructing the turnpike and all connecting tunnels and bridges; the cost of all lands, properties rights, easements and franchises acquired which are deemed necessary for such construction; the cost of all machinery and equipment, financing charges, interest

prior to and during construction and for one year after completion of construction; cost of traffic estimates and of engineering and legal expenses; plans, specifications, surveys, estimates of cost and of revenues; other expenses necessary or incident to determining the feasibility or practicability of the enterprise; administrative expense; and such other expenses as may be necessary or incident to the financing herein authorized; the construction of the turnpike and connecting tunnels and bridges; the placing of the same in operation; and the condemnation of property necessary for such construction and operation. Any obligation or expense heretofore or hereafter incurred by the Department of Highways of the Commonwealth for traffic surveys, preparation of plans and specifications, supervision of construction and other engineering services performed by the department and its agents and employes in connection with the construction of the turnpike or any of the connecting tunnels and bridges, shall be regarded as a part of the cost of the turnpike, and shall be reimbursed to the Department of Highways out of the proceeds of the turnpike revenue bonds hereinafter authorized.

"Pennsylvania
Turnpike Com-
mission."

Section 4. That there is hereby created a commission to be known as the "Pennsylvania Turnpike Commission" and by that name the commission may sue and be sued, plead and be impleaded, contract and be contracted with, and have an official seal. The commission is hereby constituted an instrumentality of the Commonwealth, and the exercise by the commission of the powers conferred by this act in the construction, operation and maintenance of the turnpike shall be deemed and held to be an essential governmental function of the Commonwealth. The commission shall consist of five members, and the Secretary of Highways shall be a member ex officio. The four remaining members shall be appointed by the Governor by and with the advice and consent of two-thirds of the members of the Senate, and shall be residents of the Commonwealth of Pennsylvania at the time of their appointment and qualification, and shall also at such time have been qualified electors therein for a period of at least one year next preceding their appointment. The appointed members of the commission shall continue in office for terms of four, six, eight and ten years, respectively, from the dates of their appointment and until their respective successors shall be duly appointed and qualified, the term of each appointed member to be designated by the Governor at the time of his appointment; but their successors shall each be appointed for a term of ten years, except that any person appointed to fill a vacancy shall serve only for the unexpired term, and any member of the commission shall be eligible for reappointment. Immediately after such ap-

Membership.

Terms.

pointments, the members of the commission shall enter upon their duties. Each appointed member of the commission before entering upon his duties shall take the oath prescribed by Article VIII of the Constitution of the Commonwealth. The commission shall elect one of the appointed members as chairman of the commission, and shall also elect a secretary and treasurer who may not be a member of the commission. Three members of the commission shall constitute a quorum who, for all purposes, must act unanimously. No vacancy in the commission shall impair the right of a quorum of the commissioners to exercise all the rights and perform all the duties of the commission. Before the issuance of any turnpike revenue bonds under the provisions of this act, each appointed member of the commission shall execute a bond in the penalty of \$25,000, and the secretary and treasurer shall execute a bond in the penalty of \$50,000 each, such bond to be approved by the Governor and to be conditioned upon the faithful performance of the duties of his office which bonds shall be filed in the office of the Secretary of the Commonwealth. The commission shall make necessary rules and regulations for its own government and shall have power and authority to acquire, own, use, hire, lease, operate and dispose of personal property, real property and interests in real property, and to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, and to employ engineering, traffic, architectural and construction experts and inspectors and attorneys, and such other employes as may be necessary in its judgment, and fix their compensation: Provided, however, That all contracts and agreements relating to the construction of the turnpike and connecting tunnels and bridges shall be approved by the Department of Highways, and the turnpike and connecting tunnels and bridges shall be constructed under the supervision of the Department of Highways. Each appointed member of the commission shall receive an annual salary of \$5,000, payable in monthly installments, and each member of the commission shall be reimbursed for necessary expenses incurred in the performance of his duties. All such compensation and salaries and all expenses incurred in carrying out the provisions of this act shall be paid solely from funds provided under the authority of this act, and no liability or obligation shall be incurred hereunder beyond the extent to which money shall have been provided under the authority of this act. All public or private property damaged or destroyed in carrying out the powers granted by this act shall be restored or repaired and placed in their original condition as nearly as practicable, or adequate compensation made therefor out of funds provided under the authority of this act.

Rules and regulations.

Proviso.

Commission may purchase tunnels, franchises, etc.

Section 5. The commission, with the approval of the Department of Highways, is hereby authorized and empowered to acquire by purchase, whenever it shall deem such purchase expedient, such tunnels, whether wholly or partly constructed, rights of way, franchises, easements and other interests in lands, as it may deem necessary for the construction and operation of the turnpike, upon such terms and at such price as may be considered by it to be reasonable and can be agreed upon between the commission and the owner thereof, and to take title thereto in the name of the commission.

Condemnation.

Section 6. Whenever a reasonable price cannot be agreed upon, or whenever the owner is legally incapacitated or is absent, or is unable to convey valid title or is unknown, the commission is hereby authorized and empowered to acquire by condemnation any such tunnel or tunnels, whether wholly or partly constructed, or interest or interests therein, and any lands, rights, easements, franchises and other property deemed necessary or convenient for the construction or the efficient operation of the turnpike in the manner hereinafter provided. In such event application shall be made by the commission, acting through the Department of Justice, or by any owner or owners to the court of common pleas of the county in which the property is located, or in the case of property on the boundary line between two or more counties, then in any such counties for the appointment of viewers. Whereupon said court, or any law judge thereof, shall appoint three disinterested freeholders to view such property and estimate the value thereof. None of the freeholders shall be a resident of the county wherein such application shall be made. The court shall fix a time, not less than twenty nor more than thirty days thereafter, when the viewers shall meet upon the property and view the same. The viewers shall cause at least ten days' personal notice of the time and place of such meeting to be given to the Attorney General and to the owner or owners, if resident within said county. If the owner is a corporation, such notice shall be given to the president, secretary or treasurer thereof, if such officer resides within said county. If neither owner nor any of such officers reside within the county, or cannot be found therein, or is unknown, notice of such first meeting shall be given as the court may direct. The viewers having been duly sworn or affirmed faithfully and impartially to perform the duties required of them under the provisions of this act, shall, at the time fixed for the first meeting, proceed to ascertain as accurately as may be the value of such tunnel, lands, rights, easements or franchises, and, to that end, may require the attendance of any person whose testimony may be pertinent thereto, and production of any such books or

papers as the viewers may deem necessary. If any person shall refuse to appear and testify before such viewers, or refuse to produce such books and papers when they are required, then the court, or any judge thereof, shall, on application of the viewers or a quorum thereof, make such order therein as may be necessary. Whenever the viewers shall have ascertained the value of the tunnel, lands, rights, easements or franchises, they shall prepare a full report of their labors. Upon the completion of the report, the viewers shall fix a time when they shall meet and exhibit same. Ten days' written notice of the time and place of such meeting, together with a copy of said report, shall be given to the chairman of the commission, to the Attorney General, and to the owner or owners of the property condemned. At the time and place mentioned in such notice, the viewers shall meet and publicly exhibit the report and hear all exceptions thereto. After making any changes in such report as they may deem necessary, the same shall be filed in the court. Within thirty days after the filing of the report in the court, the commission, acting through the Department of Justice, or any person interested may file exceptions thereto. Whereupon the court may confirm the report absolutely, or modify it, or refer it back to the same or to any viewers with like powers and duties of the former viewers. Within thirty days after final action on the report by the court, the commission, acting through the Department of Justice, or any person interested may demand a trial by jury. From the action of the court on exceptions, or from any judgment after a jury trial, an appeal may be taken by any party to the Supreme or Superior Court. Each of the viewers shall receive a sum not exceeding ten dollars for each day actually and necessarily employed in the performance of the duties herein prescribed and all necessary expenses actually incurred in the performance of his duties. Title to any property condemned by the commission shall be taken in the name of the commission. The commission shall be under no obligation to accept and pay for any property condemned or any costs incidental to any condemnation proceedings, and shall, in no event, pay for the same except from the funds provided by this act; and in any condemnation proceedings, the court having jurisdiction of the suit, action or proceeding may make such orders as may be just to the commission and to the owners of the property to be condemned, and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the commission to accept and pay for the property; but such undertaking or security shall impose no liability upon the Commonwealth except such as may be paid from the funds provided under the authority of this act.

Surveys.

In addition to the foregoing powers, the commission and its authorized agents and employes, may enter upon any lands, waters and premises in the State for the purpose of making surveys, soundings, drillings and examinations, as it may deem necessary or convenient for the purpose of this act, and such entry shall not be deemed a trespass.

Counties, cities, etc., empowered to lease, lend, or grant real property to the commission.

All counties, cities, boroughs, townships and other political subdivisions and municipalities, and all public agencies and commissions of the Commonwealth of Pennsylvania, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the commission, upon its request, upon such terms and conditions as the proper authorities of such counties, cities, boroughs, townships, political subdivisions or other municipalities may deem reasonable and fair, and without the necessity for any advertisement, order of court or other action or formality other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the commission, including real property already devoted to public use.

Right to take property.

Section 7. Whenever the commission decides to acquire any such tunnel or tunnels, lands, rights, easements and franchises or interests therein by condemnation as hereinbefore provided, and has tendered a bond or other security in sufficient sum to secure the owner or owners for damages, and the same has been accepted, or if the acceptance of said bond has been refused and the same has been filed in and approved by the court in which such condemnation proceeding is instituted, the commission shall have the right to immediate possession of the property which is the subject matter of the condemnation proceedings and may enter thereon in the name of the commission. If the owner, lessee* or occupier of any of said premises shall refuse to remove his personal property therefrom or give up possession thereof, the commission may proceed to obtain possession in the manner now provided by law for the obtaining possession by the Secretary of Highways of occupied structures.

Turnpike revenue bonds.

Section 8. The commission is hereby authorized to provide, by resolution, at one time or from time to time, for the issuance of turnpike revenue bonds of the Commonwealth for the purpose of paying the cost as hereinabove defined of the turnpike, which resolution shall recite an estimate of such cost. The principal and interest of such bonds shall be payable solely from the special fund herein provided for such payment. The bonds shall be dated, shall bear interest at such rate or rates not exceeding six per centum per annum, payable

* "leasee" in the original.

semi-annually, shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the commission, and may be made redeemable before maturity, at the option of the commission, at such price or prices and under such terms and conditions as may be fixed by the commission prior to the issuance of the bonds: **Provido.** That the amount of premium on any bonds shall not cause the yield to be more than six per centum per annum from the date of such bonds to the date of their redemption. The bonds may be issued in series with varying provisions as to rates of interest, maturity and other provisions not inconsistent with this act, but all bonds of whatever series shall share ratably in the tolls hereinafter pledged as security therefor. The principal and interest of such bonds may be made payable in any lawful medium. The commission shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof, which may be at any bank or trust company within or without the Commonwealth. The bonds shall be signed by the Governor and by the chairman of the commission, and the official seal of the commission shall be affixed thereto and attested by the secretary and treasurer of the commission, and any coupons attached thereto shall bear the facsimile signature of the chairman of the commission. In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All turnpike revenue bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the Commonwealth. The bonds may be issued in coupon or in registered form, or both, as the commission may determine, and provision may be made for the registration of any coupon bond as to principal alone and also as to both principal and interest, and registered and coupon bonds shall be interchangeable. The commission may sell such bonds in such manner and for such price as it may determine to be for the best interests of the Commonwealth, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six per centum per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values. The proceeds of such bonds shall be used solely for the payment of the cost of the turnpike and shall be disbursed upon

requisition of the chairman of the commission under such restrictions, if any, as the resolution authorizing the issuance of the bonds or the trust indenture hereinafter mentioned may provide. If the proceeds of such bonds by error of calculation or otherwise, shall be less than the cost of the turnpike, additional bonds may in like manner be issued to provide the amount of such deficit, and unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust indenture, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds shall exceed the cost of the turnpike, the surplus shall be paid into the fund hereinafter provided for the payment of principal and interest of such bonds. Prior to the preparation of definitive bonds, the commission may, under like restrictions, issue temporary bonds, with or without coupons, exchangeable for definitive bonds upon the issuance of the latter. The commission may also provide for the replacement of any bond which shall become mutilated or be destroyed or lost. Such turnpike revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions and things which are specified and required by this act.

Such bonds are hereby made securities in which all State and municipal officers and administrative departments, boards and commissions of the Commonwealth, all banks, bankers, savings banks, trust companies, saving and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations, and other persons carrying on an insurance business, and all administrators, executors, guardians, trustees and other fiduciaries, and all other persons whatsoever who now or may hereafter be authorized to invest in bonds or other obligations of the Commonwealth, may properly and legally invest any funds, including capital belonging to them or within their control; and said bonds or other securities or obligations are hereby made securities which may properly and legally be deposited with and received by any State or municipal officers or agency of the Commonwealth for any purpose for which the deposit of bonds or other obligations of the Commonwealth is now or may hereafter be authorized by law.

Moneys received from sale of bonds to be applied to the cost of the road.

Section 9. All moneys received from any bonds issued pursuant to this act shall be applied solely to the payment of the cost of the turnpike or to the appurtenant fund, and there shall be, and hereby is created and granted, a lien upon such moneys until so applied in favor of holders of such bonds or the trustee hereinafter provided for in respect of such bonds.

Section 10. In the discretion of the commission, such bonds may be secured by a trust indenture by and between the commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside of the Commonwealth. Such trust indenture may pledge or assign tolls and revenue to be received, but shall not convey or mortgage the turnpike or any part thereof. Either the resolution providing for the issuance of such bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the commission in relation to the acquisition of properties and the construction, maintenance, operation and repair and insurance of the turnpike, and the custody, safeguarding and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of this Commonwealth to act as depository of the proceeds of the bonds or revenues and to furnish such indemnity bonds or to pledge such securities as may be required by the commission. Such indenture may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations. In addition to the foregoing, such trust indenture may contain such other provisions as the commission may deem reasonable and proper for the security of bondholders. All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance operation and repair of the turnpike.

Bonds may be secured by trust indenture.

Section 11. The accomplishment by the commission of the authorized purposes stated in this act being for the benefit of the people of the Commonwealth and for the improvement of their commerce and prosperity in which accomplishment the commission will be performing essential governmental functions, the commission shall not be required to pay any taxes or assessments on any property acquired or used by it for the purposes provided in this act, and the bonds or other securities and obligations issued by the commission, their transfer and the income therefrom, including any profits made on the sale thereof, shall at all times be free from taxation within the Commonwealth.

Commission need not pay taxes.

Section 12. The turnpike when completed and opened to traffic shall be maintained and repaired by and under the control of the commission through the Department of Highways of the Commonwealth, and all charges and costs for such maintenance and repairs actually expended by said Department of Highways shall be paid to it by the commission upon certification thereof out of

Road shall be maintained by the commission.

tolls. Such turnpike shall also be policed and operated by such force of police, toll-takers and other operating employes as the commission may in its discretion employ.*

Tolls.

The commission is hereby authorized to fix and to revise from time to time tolls for the use of the turnpike and the different parts or sections thereof, and to charge and collect the same, and to contract with any person, partnership, association or corporation desiring the use of any part thereof, including the right of way adjoining the paved portion, for placing thereon telephone, telegraph, electric light or power lines, gas stations, garages, stores, hotels, restaurants, and advertising signs, or for any other purpose, except for tracks for railroad or railway use, and to fix the terms, conditions, rents and rates of charges for such use. Such tolls shall be so fixed and adjusted as to provide a fund at least sufficient with other revenues of the turnpike, if any, to pay— (a) the cost of maintaining, repairing and operating the turnpike; and (b) the bonds and the interest thereon, and all sinking fund requirements, and other requirements provided by the resolution authorizing the issuance of the bonds or by the trust indenture as the same shall become due. Such tolls shall not be subject to supervision or regulation by any other State commission, board, bureau or agency. The tolls and all other revenues derived from the turnpike, except such part thereof as may be required to pay the cost of maintaining, repairing and operating the turnpike and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of the bonds or in the trust indenture, shall be set aside at such regular intervals as may be provided in such resolution or such trust indenture, in a sinking fund which is hereby pledged to, and charged with the payment of, (1) the interest upon such bonds as such interest shall fall due; (2) the principal of the bonds as the same shall fall due; (3) the necessary fiscal agency charges for paying principal and interest; and (4) any premium upon bonds retired by call or purchase as herein provided. The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the issuance of bonds or in the trust indenture, but, except as may otherwise be provided in such resolution or trust indenture, such sinking fund shall be a fund for the benefit of all bonds issued hereunder without distinction or priority of one over another. Subject to the provisions of the resolutions authorizing the issuance of bonds or of the trust indenture, any moneys in such sinking fund in excess of an amount equal to one year's interest on all bonds then outstand-

* "employe" in the original.

ing may be applied to the purchase or redemption of bonds. All bonds so purchased or redeemed shall forthwith be cancelled and shall not again be issued.

Section 13. The commission is hereby authorized to provide by resolution for the issuance of turnpike revenue refunding bonds of the Commonwealth for the purpose of refunding any turnpike revenue bonds issued under the provisions of this act and then outstanding. The issuance of such turnpike revenue refunding bonds, the maturities and other details thereof, the rights of the holders thereof, and the duties of the Commonwealth and of the commission in respect to the same, shall be governed by the foregoing provisions of this act in so far as the same may be applicable and by the following provisions:

Turnpike revenue refunding bonds.

(a) No turnpike revenue refunding bonds shall be delivered unless delivered in exchange for turnpike revenue bonds to be refunded thereby, except in the amount necessary to provide for the payment of matured or redeemable turnpike revenue bonds or turnpike revenue bonds maturing or redeemable within three months, including any redemption premium thereon.

(b) No turnpike revenue refunding bonds shall be issued, unless issued to refund turnpike revenue bonds which have matured or will mature within three months, or unless the interest rate of the turnpike revenue refunding bonds shall be at least one-fourth of one per centum less than the interest rate borne by the turnpike revenue bonds to be refunded.

Section 14. Any holder of bonds issued under the provisions of this act or any of the coupons attached thereto, and the trustee under the trust indenture, if any, except to the extent the rights herein given, may be restricted by resolution passed before the issuance of the bonds or by the trust indenture, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights granted hereunder or under such resolution or trust indenture, and may enforce and compel performance of all duties required by this act or by such resolution or trust indenture to be performed by the commission, or any officer thereof, including the fixing, charging and collecting of tolls for the use of the turnpike.

Rights of bondholders.

Section 15. When all bonds and the interest thereon shall have been paid or a sufficient amount for the payment of all bonds and the interest to maturity thereon, shall have been set aside in trust for the benefit of the bondholders, and shall continue to be held for that purpose, the turnpike and the connecting tunnels and bridges shall become a part of the system of State highways, and shall be maintained by the Department of Highways free of tolls, and thereupon the commission

When bonds retired, turnpike shall become a part of State highway system, and free from the payment of tolls.

shall be dissolved, and all funds of the commission not required for the payment of the bonds and all machinery, equipment and other property belonging to the commission, shall be vested in the Department of Highways.

Section 16. The foregoing sections of this act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing. Such sections being necessary for the welfare of the Commonwealth and its inhabitants shall be liberally construed to effect the purposes thereof.

Constitutional provision

Section 17. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein.

Inconsistent acts repealed.

Section 18. All acts and parts of acts inconsistent with this act are hereby repealed.

When effective.

Section 19. This act shall become effective upon its approval by the Governor.

APPROVED—The 21st day of May, A. D. 1937.

GEORGE H. EARLE

No. 212

AN ACT

Authorizing county commissioners to refund taxes and license fees erroneously and inadvertently paid by persons and corporations into the county treasury; and limiting the time within which claims for refunds must be made.

Taxes and license fees.
Refund when erroneously paid into county treasury.

Section 1. Be it enacted, &c., That whenever any person or corporation of this Commonwealth has erroneously or inadvertently paid or caused to be paid into a county treasury, directly or indirectly, any tax or taxes on real or personal property, or any license fee or fees, under an assumption that such taxes or license fees were due and owing by him, her or it, when in fact such taxes or license fees, or a part thereof, were not due and owing to the county by him, her or it, then in such cases the county commissioners, upon due proof of any such erroneous or inadvertent tax or license fee payments, are hereby authorized to draw their warrant on the county treasurer, in favor of such person or corporation to make refund of such tax or taxes or license fee or fees to which