

pital) and land now of the Duquesne Light Company; thence by line of land of the Duquesne Light Company South 77° 25' East, a distance of 186.65 feet to a point on the said line of State Highway Legislative Route No. 108; thence in a southerly direction by the side line of said State Highway Legislative Route No. 108 by the arc of a circle bearing to the right, having a radius of 3244.17 feet, for an arc distance of 270.50 feet to a point; thence through land of which this is a part, the following two bearings and distances: North 77° 25' West, for a distance of 172.35 feet to a point, and North 12° 35' East, 270.00 feet to the point, at the place of beginning; containing an area of 1.125 acres; title to which became vested in the Commonwealth of Pennsylvania by virtue of the Act of Assembly approved the 29th day of September, one thousand nine hundred thirty-eight.

Section 2. The monies received as the purchase price shall be paid into the General Fund of the State Treasury.

Disposition of proceeds of purchase moneys.

Section 3. The deed of conveyance shall be approved by the Department of Justice and shall be executed by the Secretary of Property and Supplies in the name of the Commonwealth of Pennsylvania.

Deed to be approved by Department of Justice.

Section 4. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 19th day of July, A. D. 1951.

JOHN S. FINE

No. 224

AN ACT

To further amend section two of the act, approved the second day of June, one thousand eight hundred and eighty-three (Pamphlet Laws 61), entitled "An act supplementary to an act, entitled 'An act for the incorporation and regulation of corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, authorizing the incorporation of pipe lines for the transportation of petroleum, and providing for the exercise of the right of eminent domain in taking lands and property for such purposes," by clarifying and enlarging the powers of pipe line companies to acquire, use and dispose of property, including shares of stock of other pipe line companies, authorizing such companies to exercise powers of eminent domain outside the Commonwealth, clarifying provisions concerning consents of stockholders and approvals of Pennsylvania Public Utility Commission.

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

Corporations.

Section 2, act of June 2, 1883, P. L. 61, as last amended by act of May 21, 1943, P. L. 550, further amended.

Section 1. Section two of the act, approved the second day of June, one thousand eight hundred and eighty-three (Pamphlet Laws 61), entitled "An act supplementary to an act, entitled 'An act for the incorporation and regulation of corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, authorizing the incorporation of pipe lines for the transportation of petroleum, and providing for the exercise of the right of eminent domain in taking lands and property for such purposes," as last amended by the act, approved the twenty-first day of May, one thousand nine hundred and forty-three (Pamphlet Laws 550), is hereby further amended to read as follows:

Power to acquire and dispose of property.

Section 2. (a) [All companies] *Every company* incorporated or hereafter to be incorporated under the provisions of the act to which this is a supplement and its supplements, for the purpose of the transportation and storage or distribution of oil or any petroleum product by means of pipe lines, pumps and tanks or other equipment *and appurtenances*, for the public, shall have the power to [take, hold] *construct*, purchase, *take, lease* or otherwise acquire, *hold, operate, maintain*, [and] sell, [and] transfer, *lease* or otherwise dispose of [, such] *pipe lines, tanks, pumps, pump houses, structures, easements, rights of way, franchises, lands and other facilities, whether real [and] or personal property [and franchises], and whether located inside or outside of the United States of America, including the power to acquire or dispose of the shares of stock in [any] other pipe line [company or] companies, [whether] wheresoever* incorporated [under any such act or under the laws of any other state or states], as the purposes of the [corporation] *company* or national interests may require, [with] *but* the consent of the holders of a majority of the voting stock of the [corporation respecting any sale of] *company shall be obtained before it shall sell* all its assets.

Right of eminent domain.

(b) *Every such company shall have the [right] power* to appropriate and condemn lands, easements and rights of way *within this Commonwealth* for locating and constructing, or laying and operating, necessary pipes, pumps, tanks, pump houses, structures, and offices and making connections and extending branches necessary and incident to the carrying on of its local or interstate business, [for the benefit of the public within and without this Commonwealth] *and may exercise such similar powers outside this Commonwealth as may be conferred by the laws of the appropriate authority.*

Additional powers.

(c) [The powers of any] *Every such company shall [include any transportation and storage or distribution of] also have power to transport and store or distribute any petroleum product or oil by means of the use of*

[connecting] pipe lines and equipment [belonging to] of other pipe line companies, or [to] of any producers or refiners of oil or petroleum products, [and with the right to construct or purchase, maintain and operate, and to sell or dispose of any connecting pipe lines or branches and necessary pumps, tanks, and other equipment, located partly or wholly without this Commonwealth, with like consent of the holders of a majority of its voting stock, or] to sell or exchange any of its stock with any other pipe line company or companies, [subject to the approval by the Pennsylvania Public Utility Commission of either the purchase or sale or exchange of any such stock as an incident of the extended purposes of the corporation, and including in all cases the right] to cross railroads, and [the right] to appropriate a right of way and locate its pipe lines or branches upon and over, under and across any lands, waters, streams, rivulets, roads, turnpike roads, canal or other public highway, or property, or private lands, not however passing through any burying ground or place of public worship or any warehouse, mill, manufactory, store, school or dwelling house, hospital or institutional home *within this Commonwealth*, without the consent of the owner or owners thereof being first had and obtained.

(d) When any such pipe line is located through, over, under, or upon the streets, lanes, alleys, or highways within the corporate limits of any city or borough of *this Commonwealth*, the consent of the municipal authorities to said location shall be first had and obtained, which consent said municipal authorities, within this Commonwealth, are hereby empowered to give upon terms to be agreed upon by said city or borough authorities and said corporation. In case said pipes cross any railroad or canal, within this Commonwealth, the same shall be located under or above the same, so as not to interfere with the use of the same or to endanger the traffic thereon or thereover.

Consent of
municipal
authorities.

(e) Corporations organized under this act and its supplements, shall not take a fee in any lands *within this Commonwealth* acquired under any of its provisions, except such as are acquired by actual purchase. Upon the abandonment for the purposes of transporting and storing or distributing oil or petroleum products, any *such* lands taken by any company otherwise than by actual purchase shall revert to the original owners or their successors.

Conditions where
lands acquired
otherwise than
by actual purchase.

(f) Any pipe line company, domestic or foreign, including any company incorporated by the Act of Congress, so laying its pipes in occupying any lands *within this Commonwealth* cleared and used for agri-

Laying and
depth of pipe
lines.

cultural purposes, shall bury the same at least twenty-four inches below the surface. If any line of pipe shall be laid over or through any waste or woodland, which shall afterwards be changed to farming land, then it shall be the duty of the pipe line company to immediately bury the pipe to the depth of at least twenty-four inches as aforesaid. All pipe lines shall be laid above the flood lines, or beneath the bed, in crossing creeks and rivulets *within this Commonwealth.*

Liability for damages.

(g) Any company laying a pipe line *within this Commonwealth* shall be liable for all damages occasioned by leakage, breaking of pipes or tanks, or any negligence in the construction, maintenance or operation thereof. All tanks erected *within this Commonwealth* for the storage or transportation or distribution of oil or any petroleum products, shall be protected and surrounded by proper ditches and embankments, so that, in case said tanks shall break or be broken, the oil or petroleum products stored cannot damage adjoining or adjacent property.

[The construction, maintenance and operation, or removal of every part of an interstate pipe line, or branches thereof, located within this Commonwealth, shall remain subject to the Public Utility Laws of the Commonwealth, notwithstanding any ownership or control of such property or franchises by any pipe line company incorporated under the laws of any other state.]

Approval of Pennsylvania Public Utility Commission.

Act effective immediately.

(h) *The powers herein conferred shall be subject to approval of Pennsylvania Public Utility Commission whenever the same is required by the Public Utility Law.*

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

APPROVED—The 19th day of July, A. D. 1951.

JOHN S. FINE

No. 225

AN ACT

To further amend section 3 of the act, approved the nineteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 1356), entitled "An act to regulate the sale and delivery of solid fuel, as herein defined; providing for appointment of licensed weighmasters; prescribing their powers and duties; authorizing substitute licensed weighmasters; imposing certain duties on the Department of Internal Affairs; and providing penalties," by requiring different types of solid fuels in one vehicle to be separated and requiring separate weighmaster's certificates for each type.

Solid fuels.

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