

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

Section 1. Section 7, act of July 24, 1913 (P. L. 965), entitled "An act defining commodities; regulating the sale thereof; and providing penalties for violation hereof," amended June 20, 1947 (P. L. 708), is amended to read: Section 7, act of July 24, 1913, P. L. 965, amended June 20, 1947, P. L. 708, further amended.

Section 7. No person shall distribute or sell or have in his possession with intent to distribute or sell any commodity in package form, unless the net quantity of the contents shall be plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count: Provided, however, That reasonable variations shall be permitted; and tolerances may be established by rules and regulations made by the department. Before any tolerances are granted, producers and manufacturers of commodities must make written application for a tolerance to the department, and must furnish proof that the use value of the commodity will not be affected by the granting of the tolerance. Exempt from marking as to net content contained shall be: Package shall be marked.

Proviso as to tolerances.

(a) All packages sold as liquid commodities containing less than one ounce liquid measure and selling for five cents or less.

(b) All packages sold as dry commodities containing less than one ounce avoirdupois and selling for five cents or less.

In addition to the provisions concerning the marking of the net quantity in terms of weight, measure or numerical count, all retail packages of meat and meat products and poultry and poultry products when sold at retail, except eggs, shall be plainly marked with the price per pound and the selling price. Marking of net quantity of certain products.

APPROVED—The 18th day of September, A. D. 1961.

DAVID L. LAWRENCE

No. 622

AN ACT

Authorizing business corporations engaged in community industrial development whose stock is owned exclusively by a nonprofit corporation to amend their charters to be converted into nonprofit corporations engaged in similar purposes with court approval, and prescribing procedure.

Conversion of certain business corporations to nonprofit corporations.

Business corporations in community industrial development may apply to court for conversion into nonprofit corporations.

Procedure is nonprofit corporation law.

Upon approval and order by court the nonprofit corporation is liable for all obligation and taxes and succeeds to all assets.

Filing of certified copies of articles and order of court with the State.

Limitation of applicability.

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

Section 1. Any corporation incorporated under the provisions of the "Business Corporation Law," approved May 5, 1933 (P. L. 364), as amended, engaged in community industrial development whose stock is owned exclusively by a nonprofit corporation, may make application, to the court of common pleas of the county wherein the registered office of said corporation is proposed to be located, praying that a decree may issue converting said corporation into a nonprofit corporation engaged in similar purposes with such changes and amendments in its corporate powers and articles of incorporation as may be desired for that purpose.

Section 2. The procedure to be followed upon said application shall be that provided under the provisions of the nonprofit corporation law, and if the court shall find the articles to be in proper form and within the provisions of the nonprofit corporation law and the purpose or purposes given in the articles to be lawful and not injurious to the community, the court shall so certify on the articles.

Section 3. Upon approval by the court as aforesaid and the recording of the articles and the order, the said corporation shall thereafter be deemed to be a nonprofit corporation for all purposes and shall cease to be a business corporation: Provided, however, That it shall remain liable for all existing obligations, public or private, taxes due the Commonwealth or any taxing authority, and, as such nonprofit corporation, it shall continue to be entitled to all assets theretofore pertaining to it as a business corporation.

Section 4. Certified copies of the articles and order of court shall be filed with the various departments of the State government having supervision over business corporations which shall be effective as of the close of the then current fiscal year.

Section 5. This act does not relate to, does not affect, and does not apply to:

(1) Cooperative associations, whether for profit or not for profit.

(2) Beneficial, benevolent, fraternal or fraternal benefit societies having a lodge system and a representative form of government, or transacting any type of insurance whatsoever.

(3) Any corporation which by the laws of this Commonwealth is subject to the supervision of the Department of Banking, the Insurance Department, the

Pennsylvania Public Utility Commission or the Water and Power Resources Board.

Section 6. The provisions of this act can only be invoked in those instances wherein all the corporations involved have their registered offices within the same county and all the corporations involved have a tax exempt status with the Federal government.

Corporations to which applicable.

Section 7. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 18th day of September, A. D. 1961.

DAVID L. LAWRENCE

No. 623

AN ACT

Amending the act of April 18, 1949 (P. L. 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," further regulating indexing of petitions for specific performance of agreements to purchase or sell real estate.

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

Fiduciaries Act of 1949.

Section 1. Subsection (c) of section 620, act of April 18, 1949 (P. L. 512), known as the "Fiduciaries Act of 1949," is amended to read:

Subsection (c), section 620, act of April 18, 1949, P. L. 512, amended.

Section 620. Specific Performance of Contracts.—

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(c) Indexing in Judgment [Index] or Ejectment and Miscellaneous Indexes. When any petition for specific performance of an agreement to purchase or sell real estate is filed, the prothonotary of the court of common pleas where the real estate or any part of it lies, upon the receipt of a certificate of such fact by the clerk of the court where the petition was filed, shall enter the petition upon *either* the judgment [index] or *ejectment*