

No. 171

AN ACT

To amend section one hundred and forty-eight of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (Pamphlet Laws, three hundred eighty-two), entitled "An act to consolidate, revise and amend the penal laws of this Commonwealth," extending the provisions of said act to fixtures, hunting lodges, cabins, cottages, and barns.

Section 1. Be it enacted, &c., That section one hundred and forty-eight of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (Pamphlet Laws, three hundred eighty-two), entitled "An act to consolidate, revise and amend the penal laws of this Commonwealth," is hereby amended to read as follows:

Section 148. If any person shall wilfully and maliciously break, injure or destroy any window, [or] door or *fixture* belonging to any dwelling house, *hunting lodge, cabin, cottage, barn* or out-house, parcel thereof; or shall unlawfully and maliciously break or take off from the door any knocker or bell-pull, or plate inscribed with the name of the occupant, or number of the house or *other building*; or shall wilfully and maliciously destroy, take down, injure or deface any sign, put up by an inhabitant to denote the place of his abode, occupation, business, [or] employment, or *place of abode for hunting, fishing or recreation purposes*, such person shall be guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine not exceeding one hundred dollars, or suffer imprisonment not exceeding six months, or both, or either, at the discretion of the court.

Criminal Code.

Section 148,
act of March 31,
1860 (P. L.
382), amended.Breaking
windows,
tearing off
knockers, etc.

APPROVED—The 21st day of June, A. D. 1935.

GEORGE H. EARLE.

No. 172

AN ACT

To amend sections one and two of the act, approved the seventh day of April, one thousand nine hundred thirty-three (Pamphlet Laws, twenty-seven), entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases, and to acquire by purchase or condemnation the necessary land therefor," by changing certain provisions as to State highways.

Section 1. Be it enacted, &c., That sections one and two of the act, approved the seventh day of April, one thousand nine hundred thirty-three (Pamphlet Laws, twenty-seven), entitled "An act to authorize the De-

Highways.

Sections 1 and 2,
act of April 7,
1933 (P. L. 27),
amended.

partment of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases, and to acquire by purchase or condemnation the necessary land therefor," be, and the same are, hereby amended to read as follows:

Public service
companies.

Section 1. Be it enacted, &c., That whenever in the construction, widening or relocation of any State or county road, highway, bridge or tunnel, or of any part thereof, it becomes necessary, in the opinion of the Secretary of Highways or of the county commissioners, to occupy the whole or any part of the right of way of any public service company, the State Department of Highways or the county commissioners, as the case may be, may enter upon and occupy the whole or any part of such right of way for the purpose of such road, highway, bridge or tunnel, or part thereof: Provided, That before such right of way, or any part thereof, is so occupied *in the case of State highways, either the Department of Highways or the county, [commissioners as the case may be] accordingly as the one or the other may be responsible for property damages under the provisions of present or future laws governing the payment of damages for property condemned for highway purposes, or in the case of county highways, the county commissioners* shall, at the expense of the State or county, provide a substitute right of way on another and favorable location, and shall provide for the transfer to or reconstruction upon, in, under or above said substitute right of way of any structures and facilities of said public service company located upon, in, under or above said original right of way at the time the same is so occupied. The Department of Highways or the county commissioners of any county are hereby authorized to acquire, [the] *by purchase or by the exercise of the right of eminent domain, in the same manner that property is now taken and condemned for highway and road purposes, any necessary land or right of way* for the relocation of any such public service right of way and facilities: [by purchase or by the exercise of the right of eminent domain, in the same manner that property is now taken and condemned for highway and road purposes] Provided, however, That the right of way of a railroad company shall not be acquired or occupied *under this act* without the consent of the company owning or operating or in possession of said railroad.

Proviso.

Substitute
right of way.

Acquisition
of land.

Proviso.

Section 2. That section two of the said act is hereby amended to read as follows:

Scope of
this act.

Section 2. [All acts and parts of acts inconsistent herewith are hereby repealed.] *The authority given by this act to the Secretary of Highways and the county commissioners shall be in addition to, and not in derogation of, any powers possessed by them under the provisions of other laws.*

Section 3. This act shall become effective immediately upon its final enactment. When effective.

APPROVED—The 21st day of June, A. D. 1935.

GEORGE H. EARLE.

No. 173

AN ACT

To amend clauses six, nine, and ten of section one as amended, clause nine of section eight as added, section eleven as amended, clause five of section twelve, and clause two of section thirteen, and sections fourteen and fifteen of the act, approved the twenty-seventh day of June, one thousand nine hundred twenty-three (Pamphlet Laws, eight hundred fifty-eight), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," opening the system further for original members; defining officers and employes of the Pennsylvania State College as State employes; providing for the calculation of annuities where original and new members are retired before completing back payments; defining certain members as new members; providing for the calculation of annuities where members transferred from one class to another; defining the rights of retired persons who return to State service; and providing for the payment out of accumulated deductions and annuities due by the board in certain cases.

Section 1. Be it enacted, &c., That clause six of section one of the act, approved the twenty-seventh day of June, one thousand nine hundred twenty-three (Pamphlet Laws, eight hundred fifty-eight), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," as last amended by section one of the act, approved the twelfth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, five hundred nineteen), is hereby further amended to read as follows:

6. "State employe" shall mean any person holding a State office under the Commonwealth of Pennsylvania,

State Employes' Retirement System.

Clause 6 of section 1, act of June 27, 1923 (P. L. 858), as last amended by section 1, act of June 12, 1931 (P. L. 519), further amended.

"State employe," defined.