

Notation of arrests upon card.

cation card shall have space provided thereon, upon which, in case the holder thereof is arrested for any offense, it shall be the duty of any magistrate, alderman, or justice of the peace before whom said holder shall appear to write upon said card the date of such arrest, the charge upon which said arrest shall have been made, and the disposition made of the case by said magistrate, alderman, or justice of the peace, which notation on said card shall be signed by such magistrate, alderman, or justice of the peace.

Revocation of license.

Section 5. Upon the third conviction for any offense of the holder of any such license and identification card, it shall be the duty of the superintendent of police or chief of police issuing the same, upon information thereof coming to his attention, immediately to revoke the said license, and to require the surrender of the same and the identification card in connection therewith for cancellation.

Certificates of public convenience.

Section 6. This act shall in no manner alter, change, or affect any existing requirement of the law with reference to securing certificates of public convenience from the Public Service Commission or otherwise: nor shall this act in any manner whatsoever be construed to affect any provision of any existing law governing the licensing of motor vehicles.

Effect upon existing laws.

Repeal.

Section 7. All acts or parts of acts inconsistent with the provisions of this act be, and the same is hereby, repealed.

APPROVED—The 21st day of May, A. D. 1921.

WM. C. SPROUL.

No. 383.

AN ACT

To carry out the provisions of section eight, article nine of the Constitution of the State of Pennsylvania, as amended, and, for that purpose, prescribing the method of determining the amount which may be deducted in ascertaining the borrowing capacity of the city of Philadelphia by excluding from the calculation, and deducting from its indebtedness, so much of the debt of said city as shall have been incurred or is about to be incurred, and the proceeds thereof expended or about to be expended, upon any public improvement or in the construction, purchase, or condemnation of any public utility, or part thereof or facility therefor, if such public improvement or public utility, or part thereof, whether separately or in connection with any other public improvement or public utility, or part thereof, may reasonably be expected to yield revenue in excess of operating expenses sufficient to pay the interest and sinking-fund charges thereon.

Philadelphia.
Borrowing capacity.

Section 1. Be it enacted, &c., That whenever the city of Philadelphia shall have incurred or is about to incur any debt or debts for, and the proceeds thereof shall have been or are about to be invested in, any public improvements of any character, or in the

construction, purchase, or condemnation of any public utility, or part thereof or facility therefor, which, either separately or in connection with any other public improvement or public utility, or part thereof, may reasonably be expected to yield revenue in excess of operating expenses sufficient to pay the interest and sinking-fund charges thereon, the city may, at any time and from time to time, present its petition to any of the courts of common pleas of the county in which such city is situated for the purpose of having determined the amount of its debt which may be deducted from its indebtedness in ascertaining the borrowing capacity of the said city as provided in section eight, article nine of the Constitution of the State of Pennsylvania, as amended. The said petition shall contain an enumeration of any such public improvement or improvements, public utilities, part or parts thereof and facilities therefor, so reasonably to be expected to yield such revenue, the amount of indebtedness which shall have been incurred or is about to be incurred for such public improvement or improvements, public utilities, part or parts thereof and facilities therefor, the average rate of interest and sinking-fund charges payable upon the indebtedness incurred by said city as to each of such improvements, public utilities, part or parts thereof and facilities therefor, and such other facts as may show or tend to show that the operation of the said improvements, public utilities, part or parts thereof and facilities therefor, whether operated separately or in connection with any other public improvement or public utility, or part thereof, may reasonably be expected to yield revenue in excess of operating expenses sufficient to pay the interest and sinking-fund charges thereon, and together with such other information as may be pertinent to the ends of the inquiry. The petition herein above provided for shall be made and sworn or affirmed to by the mayor, and shall be filed by the city solicitor having first been attested by the city controller and by the head of the department or other branch of the city government having the management of such improvements, as to the matters within their special knowledge or control, respectively.

Section 2. Upon the filing of the aforesaid petition, the court in which it shall have been filed shall fix a date, not less than three weeks nor more than five weeks thereafter, for the making of an application pursuant to the prayer of said petition, and notice of the filing thereof and of the date fixed for making such application shall be published by the mayor, not less than once a week for three weeks, in three daily newspapers of general circulation published in said city, to be designated by the court, and in the

Exclusion of
certain debts.

Petition to court.

Attesting and
filing.

Time of applica-
tion.

Notice.

- legal journal in which legal notices are regularly printed. On or before the date so fixed, all parties in interest, including the taxpayers, the owners or holders of bonds or other securities of said city, or otherwise, may appear in person or by attorney, and file with the said court a verified answer or answers to the aforesaid petition. Upon the date so appointed for the making of such application, or at such time thereafter as it or he may fix, the said court or one of the judges thereof shall proceed forthwith to take the testimony of the parties so appearing, and to hear argument thereon, as in other cases; at which taking of testimony and hearing of argument, all parties shall be entitled to present evidence, to be heard, and to file briefs, as the said judge or court may direct.
- Answer.**
- Hearing.**
- Decision.** Section 3. After hearing the allegations and proofs and the arguments thereon of the respective parties, the court or the judge before whom such hearing is had shall render a decision, stating how much of the debt of the said city shall have been or is about to be incurred and the proceeds thereof expended or about to be expended in any such public improvements or in the construction, purchase, or condemnation of any such public utility, or part thereof or facility therefor, which, operated either separately or in connection with any other public improvement or public utility, or part thereof, may reasonably be expected to yield revenue in excess of operating expenses sufficient to pay the interest and sinking-fund charges thereon, with such particulars as shall show the gross income therefrom, the operating expenses thereof, and the net revenue,—all of which may be actual or estimated,—and the total amount of the interest and sinking-fund charges payable upon the indebtedness incurred or about to be incurred by the said city for each such improvement, construction, purchase, or condemnation; and shall make an order fixing the total amount which for that reason the said city may exclude from the calculation and deduct from its debt in ascertaining its borrowing capacity.
- Order.**
- Exceptions.** Should such hearing be before a judge of the said court, exceptions to his findings and decision may be filed by any party in interest who shall have appeared, as aforesaid, within ten (10) days after such decision shall have been rendered and notice of said findings and decision shall have been given to all such parties by the prothonotary of the court: and the said exceptions shall be heard and disposed of by the court in banc, in the same manner, and subject to the same rules, as govern the hearing of exceptions upon trials in equity. If no exceptions be filed within ten (10) days to the findings and decision of such judge, they

shall be final and conclusive. Upon the making of such order by the court or by a judge thereof, if no exceptions be filed to his decision, the amount so ascertained shall thereupon be wholly excluded in determining the power of such city to incur debt.

Indebtedness to be excluded.

Section 4. After the determination of the court of common pleas, either upon exceptions as aforesaid or upon hearing by it in the first instance, and after the order of the court for the purpose of giving effect thereto, an appeal may be taken to the Supreme Court of the Commonwealth in the manner prescribed for other similar appeals, but such appeal must be taken within twenty (20) days after the entry of the order and determination complained of, security to be fixed by the court and entered as in other cases; and all such appeals shall be heard by the Supreme Court in any district in which it may be in session; but such determination and order of the court of common pleas shall not be subject to any other appeal or review, or to collateral attack of any kind whatsoever, but shall, with respect to the validity of all municipal loans, and in all other respects, be final and conclusive, and the proceeding herein provided for shall be the sole and exclusive method of determining the aforesaid matters.

Appeals.

Collateral attack.

APPROVED—The 21st day of May, A. D. 1921.

WM. C. SPROUL.

No. 384.

A SUPPLEMENT

To an act, entitled "An act to amend an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and seventy-four, providing for the incorporation and regulation of electric light, heat, and power companies," approved the eighth day of May, Anno Domini one thousand eight hundred and eighty-nine, by extending the powers of every corporation heretofore or hereafter incorporated for the supply of light, heat, and power, or any of them, to the public by electricity, and of every corporation which has heretofore accepted the provisions of said act as provided herein; and granting to every such corporation the power to appropriate property outside the limits of public streets, lanes, alleys, and highways, subject to the finding by the Public Service Commission of the Commonwealth of Pennsylvania that the service to be furnished through the exercise of said power is necessary or proper for the service, accommodation, convenience, or safety of the public; and providing a method for the assessment of damages arising from such appropriation.

Section 1. Be it enacted, &c., That the following section be, and the same is hereby, added as section four to the act, entitled "An act to amend an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day

Electric light, heat, and power companies.

Act of May 8, 1889 (P. L. 136), supplemented.