

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.

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 (Pamphlet Laws, one hundred and thirty-six):

Additional powers.

Section 4. Every corporation heretofore or hereafter incorporated for the purpose stated in section two of the act to which this is a supplement, and every corporation which has heretofore accepted the provisions of said act as provided in section three thereof, shall, in addition to, and without impairment or limitation of, any of their present rights and powers, and for the purpose of supplying light, heat, and power, or any of them, by means of electricity, to the public in the borough, town, city, or district where it may be located, and to such persons, partnerships, and corporations residing therein or adjacent thereto as may desire the same, have the following rights and powers:

Necessary plants, etc.

(a) To purchase, construct, erect, operate, or maintain necessary plants, works, equipment, and facilities for the generation of electric light, heat, and power, or any of them, or for the transmission or distribution thereof.

Eminent domain.

(b) To appropriate property, outside the limits of public streets, lanes, alleys, or highways, and within the borough, town, city, or district where it may be located, necessary for its corporate use in the construction, erection, operation, or maintenance of its buildings, machinery, apparatus, plants, works, equipment, and facilities for generating electric light, heat, and power, or any of them, for the transmission or distribution thereof, except that streams, rivers, or waters of this Commonwealth, or any of them, or the land covered thereby, or other public property, or property of a public service company, or property used as a burying-ground or place of public worship, or a dwelling-house or the reasonable curtilage, not to be less than three hundred feet, appurtenant thereto, shall not be appropriated by virtue of the power conferred by this subsection: Provided, That, for the purpose of transmission or distribution of electric light, heat, and power, or any of them, land covered by the streams, rivers, or waters of this Commonwealth, or any of them, may be appropriated by virtue of said power: And provided further, That before any such company shall exercise the power conferred by this subsection, the Public Service Commission of the Commonwealth of Pennsylvania, upon application of such company, shall have found and determined, after public hearing, that the service to be furnished by said company through the exercise of said power is necessary or proper for the service, accommodation, convenience, or safety of the public.

Streams and land which cannot be taken.

Land covered by streams.

Approval of Public Service Commission.

All damages arising from any exercise of the power conferred by this subsection shall be ascertained, recovered, and paid as provided by the forty-first section of the act, approved April twenty-ninth, one thousand eight hundred and seventy-four (Pamphlet Laws, seventy-three), and the amendments and supplements thereto. Damages.

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

WM. C. SPROUL.

No. 385.

AN ACT

Supplementary to an act, entitled "An act granting to water power companies, and other corporations owning or controlling water power, authority to develop and distribute electric power by means of their water power, and to erect, construct, and maintain the necessary buildings, plant, and apparatus for that purpose," approved the second day of July, one thousand eight hundred and ninety-five (Pamphlet Laws, four hundred and twenty-five), by extending the power of every corporation heretofore organized or hereafter to be organized for the purpose of supplying water power to the public; 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 two to the act, entitled "An act granting to water power companies, and other corporations owning or controlling water power, authority to develop and distribute electric power by means of their water power, and to erect, construct, and maintain the necessary buildings, plant, and apparatus for that purpose," approved the second day of July, one thousand eight hundred and ninety-five (Pamphlet Laws, four hundred and twenty-five):

Water power companies.

Act of July 2, 1895 (P. L. 425), supplemented.

Section 2. Every corporation heretofore organized or hereafter to be organized under the laws of this State for the purpose of supplying water power to the or limitation of, any of their present rights and powers, and for the purpose of supplying current and power to public shall, in addition to, and without impairment the public, individuals, firms, and corporations have the following rights and powers:

Additional powers.

(a) To purchase, construct, erect, operate or maintain necessary plants, works, equipment, and facilities for the developing of electric current and power, or either of them, by means of water power, or for the transmission or distribution thereof.

Necessary plants, etc.