

the same as if said writs and process had been originally issued and directed to him, as well as to carry out and complete all other official acts of his predecessor.

Whenever any real estate shall be sold under any execution by a sheriff and the officer who shall make the sale shall die, resign, or be removed from office, or if the term of his office shall expire before any deed shall be executed and acknowledged by him in due form of law for such real estate, his successor in office shall have the same power and be under the same duty to execute a deed for such real estate to the purchaser thereof as the sheriff selling such real estate under execution if he were still in office, which deed so executed shall be as effectual in law as if the title had been completed by the former sheriff.

No court order shall be necessary in any event to authorize an incoming sheriff to carry out his duties as prescribed by this act.

Section 2. The act, approved the eighteenth day of March, one thousand eight hundred and seventy-five (Pamphlet Laws, twenty-seven), entitled "An act to authorize the outgoing sheriffs, in all counties where said sheriffs are paid by salary, to deliver to their successors all unfinished and unexecuted writs and process of every description," and sections one hundred and one and one hundred and two of the act, approved the sixteenth day of June, one thousand eight hundred and thirty-six (Pamphlet Laws, seven hundred and sixty-one), entitled "An act relating to executions," are hereby specifically repealed. All other acts and parts of acts inconsistent herewith are hereby repealed.

APPROVED—The 5th day of April, A. D. 1927.

JOHN S. FISHER

No. 79

AN ACT

To further amend section ten of the act of Assembly, approved the twenty-ninth day of May, Anno Domini one thousand eight hundred and eighty-five (Pamphlet Laws, twenty-nine), entitled "An act to provide for the incorporation and regulation of natural gas companies," providing that natural gas companies shall have the right of eminent domain for the laying of pipe lines for the transportation and distribution of manufactured fuel gas.

Section 1. Be it enacted, &c., That section ten of the act, approved the twenty-ninth day of May, Anno Domini one thousand eight hundred and eighty-five (Pamphlet Laws, twenty-nine), entitled "An act to provide for the incorporation and regulation of natur-

Sales of real estate to be completed.

Repeal.

Act of March 18, 1875 (P. L. 27).

Sections 101 and 102 of act of June 16, 1836 (P. L. 761).

Other acts.

Corporations.

Section 10 of act of May 29, 1885 (P. L. 29), as amended by act of May 11, 1897 (P. L. 50), further amended.

al gas companies," which was amended by an act, approved the eleventh day of May, one thousand eight hundred and ninety-seven (Pamphlet Laws, fifty), entitled "An act to amend section ten of an act entitled 'An act to provide for the incorporation and regulation of natural gas companies,' approved the twenty-ninth day of May, Anno Domini one thousand eight hundred and eighty-five, limiting and fixing the number and compensation of the viewers therein provided for," is hereby amended to read as follows:

Natural gas companies to have right of eminent domain for lines for manufactured gas.

Section 10. The transportation and supply of natural gas *and manufactured fuel gas* for public consumption is hereby declared to be a public use, and it shall be the duty of corporations, organized or provided for under this act, to furnish to consumers along their lines and within their respective districts natural gas *and manufactured fuel gas, or either or both*, for heat or light or other purposes as the corporation may determine. Any and all corporations that is or are now or shall hereafter be engaged in such business shall have the right of eminent domain for the laying of pipe lines for the transportation and distribution of natural gas *and manufactured fuel gas, or either or both*; the right, however, shall not be exercised as to any burying ground or dwelling, passenger railroad, station-house or any shop or manufactory in which steam or fire is necessarily used for manufacturing or repairing purposes, but shall include the right to appropriate land upon or under which to lay said lines and locate pipes upon and over, under and adross, any lands, rivers, streams, bridges, roads, streets, lanes, alleys, or other public highways, or other pipe lines, or to cross railroads or canals: *Provided*, In case the pipe lines cross any railroad operated by steam, or canal, the same shall be located under or above such railroad or canal, and in such manner as the railroad or canal company may reasonably direct: *And provided further*, That any company laying a pipe line under the provisions hereof shall be liable for all damages occasioned by reason of the negligence of such gas company: *And provided further*, That no company authorized by this act shall have the right to occupy longitudinally the right of way, roadbed, or bridge of any railroad company: *And provided*, If any pipe line laid under the provisions of this act, or laid upon or over lands cleared and used for agricultural purposes, the same shall be buried at least twenty-four inches below the surface; and if any line of pipe shall be laid over or through any waste or woodland, which shall be changed to farming land, then it shall be the duty of the corporation to immediately bury the said pipe to the depth of at least twenty-four inches as aforesaid.

Proviso.

Proviso.

Proviso.

Proviso.

Prior to any appropriation, the corporation shall attempt to agree with the owner as to the damage properly payable for an easement in his or her property; if such owner can be found and is sui juris; failing to agree, the corporation shall tender to the property owner a bond with sufficient sureties to secure him or her in the payment of damages; if the owner refuse to accept said bond or cannot be found or is not sui juris, the same shall then be presented to the court of common pleas of the proper county, after reasonable notice to the property owner by advertisement or otherwise, to be approved by it. Upon the approval of the bond and its being filed the right of the corporation to enter upon the enjoyment of its easement shall be complete. Upon petition of either the property owner or the corporation, thereafter, the court of common pleas shall appoint three disinterested freeholders of the county to serve as viewers to assess the damages proper to be paid to the property owner, for the easement appropriated by the company, and shall fix a time for their meeting, of which notice shall be given to both parties; and as compensation for their services each of said viewers shall receive two dollars and fifty cents for each day in which he may actually have been engaged in such duty, and mileage at the rate of ten cents for each circular mile traveled by him in going from his residence to and from such view.

Determination of damages.

Proceedings when owners refuse to accept security.

Appointment of viewers.

Time and notice of meeting.

Compensation of viewers.

Either party may appeal from the report of the viewers within twenty days after the filing thereof to the court of common pleas and have a jury trial as in ordinary cases, and writ of error to the Supreme Court.

Appeal from report of viewers.

APPROVED—The 5th day of April, A. D. 1927.

JOHN S. FISHER

No. 80

AN ACT

To amend section twelve of the act, approved the fourteenth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, seven hundred and twenty-six), entitled "An act creating a commission to select and acquire a site for the erection thereon of the Eastern State Penitentiary; defining its powers and duties," by continuing said commission until its work shall have been completed.

Section 1. Be it enacted, &c., That section twelve of the act, approved the fourteenth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, seven hundred and twenty-six), entitled "An act creating a commission to select and acquire a site

Eastern State Penitentiary Commission.

Act of May 14, 1925 (P. L. 726), amended.