

leases relating thereto, and the disposition of surplus land and materials," for ascertaining the amount of damages sustained by reason of the erection and maintenance of the dam and reservoir provided for in said act.

Payment of
damages.

The amount of damages assessed against the Commonwealth in any such condemnation proceedings shall be paid, by the Department of Forests and Waters, out of any moneys appropriated for that purpose or received from the person or persons, or other agency, making the request for the work or works authorized under this act and heretofore appropriated.

Repeal.

Section 6. All acts and parts of acts inconsistent herewith are hereby repealed.

APPROVED—The 12th day of June, A. D. 1931.

GIFFORD PINCHOT

No. 172

AN ACT

To amend sections twenty-two and twenty-three of article six of an act, approved the twenty-sixth day of July, one thousand nine hundred thirteen (Pamphlet Laws, one thousand three hundred seventy-four), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining their duties and liabilities; prescribing, defining, and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expense and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken, injured, or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission, its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamns, or other appropriate proceedings to enforce the provisions

of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission; making it the duty of the Public Service Commission to enforce the provisions of the act, approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof; repealing the act, approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act, approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals;' and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved twenty-fourth day of May, Anno Domini one thousand nine hundred and seven, and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act;" by defining the duty of the court on appeals from orders of the commission; providing that orders of the commission shall be prima facie evidence, except in rate cases, and requiring the court on appeals to consider the testimony; and providing that the amendment shall affect all appeals pending.

Section 1. Be it enacted, &c., That section twenty-two of article six of an act, approved the twenty-sixth day of July, one thousand nine hundred thirteen (Pamphlet Laws, one thousand three hundred seventy-four), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining their duties and liabilities; prescribing, defining, and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the

The Public Service
Company Law.

Section 22,
Article VI, act
of July 26, 1913,
(P. L. 1374),
amended.

payment of such expense and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken, injured, or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission, its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission; making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof; repealing the act, approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act, approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals,' and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved twenty-fourth day of May, Anno Domini one thousand nine hundred and seven; and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act," is hereby amended to read as follows:

**Powers of court
on appeals.**

Section 22. At the hearing of the appeal, the said court shall, upon the record certified to it by the com-

mission, determine whether or not the order appealed from is reasonable and in conformity with law: *Provided, however, That in every appeal taken, including those already taken and undetermined, involving a question of the reasonableness of rates, whether such appeal shall have been taken by a complainant or by a public service company, it shall be the duty of the court to consider the entire record of the proceedings before the commission, including the testimony, and, on its own independent judgment, to determine whether or not the findings made and the valuations and rates fixed by the commission are reasonable and proper. If the court shall determine that the findings or the valuations are unreasonable, or that the rates fixed are unreasonably high, it shall remit the case to the commission with directions to reform the findings, valuations, and rates in accordance with the court's opinion.*

Section 2. That section twenty-three of article six of said act is hereby amended to read as follows:

Section 23,
Article VI,
amended.

Section 23. In all such cases *other than those involving the reasonableness of rates*, the orders of the commission shall be prima facie evidence of the [reasonableness thereof,] *facts found*, and the burden of proving the contrary shall be upon the appellant or appellants; and *in all appeals*, the notes of testimony taken before the commission or any of the members thereof, duly certified under its seal, and filed as aforesaid as a part of the record, shall be considered by the court as the testimony in the case.

Burden of proof
in appeals except
rate cases.

Certified
testimony.

Section 3. The provisions of these amendments shall become effective immediately upon the passage of this act, and the approval thereof by the Governor.

When effective.

APPROVED—The 12th day of June, A. D. 1931.

GIFFORD PINCHOT

No. 173

AN ACT

To prevent fraud and deception in sales, by auction, advertised, represented, or held out to be an insurance, bankrupt, mortgage, insolvent, assignee's, executor's, administrator's, receiver's, trustee's, removal, or closing out or quitting business sale, or sale of goods, wares and merchandise damaged by fire, smoke, water, or otherwise; conferring powers on officers of cities, boroughs, towns and townships, or their representatives, to investigate sales and to order unlawful sales discontinued; and providing penalties.

Section 1. Be it enacted, &c., That it shall be unlawful, whenever a sale at public auction shall be advertised, represented, or held out to be an insurance, bank-

Auction sales.
Fraudulently and
deceptively
advertised, etc.