

Section 17. Effective Date of Act.—This act shall take effect immediately upon its final enactment. When effective.

APPROVED—The 28th day of June, A. D. 1935.

GEORGE H. EARLE

No. 191

AN ACT

Providing, for a limited period of time, for the incorporation, as bodies corporate and politic, of "Authorities" for municipalities; defining the same; prescribing the rights, powers, and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes.

Section 1. Be it enacted, &c., That this act may be cited as the "Municipality Authorities Act of one thousand nine hundred and thirty-five." "Municipality Authorities Act."

Section 2. Definitions.—The following terms, whenever used or referred to in this act, shall have the following meanings, except in those instances where the context clearly indicates otherwise: Definitions.

(a) The term "Authority" shall mean a body politic and corporate created pursuant to this act.

(b) The term "Board" shall mean the governing body of an Authority.

(c) The term "bonds" shall mean and include the notes, bonds, and other evidence of indebtedness or obligations which each Authority is authorized to issue pursuant to section 4(i) of this act.

(d) The term "municipal authority" shall mean the body or board authorized by law to enact ordinances or resolutions for the particular municipality.

(e) The term "construction" shall mean and include acquisition and construction, and the term "to construct" shall mean and include to acquire and to construct all in such manner as may be deemed desirable.

(f) The term "municipality" shall mean any county, city, town, borough, or township of the Commonwealth of Pennsylvania.

(g) The term "Federal agency" shall mean and include the United States of America, the President of the United States of America, the Federal Emergency Administrator of Public Works, and any department of or corporation, agency, or instrumentality heretofore or hereafter created, designated, or established by the United States of America.

(h) The term "improvement" shall mean and include extension, enlargement, and improvement, and the term "to improve" shall mean and include to extend, to enlarge, and to improve all in such manner as may be deemed desirable.

(i) The term "persons" shall mean and include natural persons.

(j) The term "project" shall mean any structure, facility, or undertaking which an Authority is authorized to construct, improve, maintain, or operate under the provisions of this act.

Section 3. Method of Incorporation.—Whenever the municipal authorities of any municipality shall desire to organize an Authority under this act, they shall adopt a resolution or ordinance signifying their intention to do so, and setting forth in full the proposed articles of incorporation thereof. Thereafter the municipal authorities of such municipality shall cause a notice of such resolution or ordinance to be published at least one time in the legal periodical of the county in which such Authority is to be organized, and at least one time in a newspaper published and of general circulation in such county. Said notice shall contain a brief statement of the substance of said resolution or ordinance, including the substance of such articles, making reference to this act, and shall state that on a day certain, not less than three days after publication of said notice, articles of incorporation of the proposed Authority will be filed with the Secretary of the Commonwealth of Pennsylvania.

Articles of incorporation to be filed with the Secretary of the Commonwealth.

Contents of the articles.

On or before the day specified in said notice, the municipal authorities shall file with the Secretary of the Commonwealth articles of incorporation, together with proof of publication of the notice as aforesaid. Said articles of incorporation shall set forth:

(a) The name of the "Authority."

(b) A statement that such Authority is formed under this act.

(c) A statement that no other Authority organized under this act or under the act approved December twenty-seven, one thousand nine hundred and thirty-three (Special Session, one thousand nine hundred and thirty-three, Pamphlet Laws, one hundred fourteen), is in existence in or for the incorporating municipality.

(d) The name of the incorporating municipality, together with the names and addresses of its municipal authorities; and

(e) The names, addresses, and terms of office of the first members of the board of said Authority.

All of which matters shall be determined in accordance with the provisions of this act. Said articles of incorporation shall be executed by each incorporating municipality by its proper officers and under its municipal seal.

If the Secretary of the Commonwealth finds that the articles of incorporation conform to law, he shall forthwith, but not prior to the day specified in the aforesaid notice, endorse his approval thereon, and when all proper fees and charges have been paid, shall file the articles, and issue a certificate of incorporation, to which shall be attached a copy of the approved articles.

If the articles conform to law, the Secretary of Commonwealth to issue a certificate.

Upon the issuance of such certificate of incorporation by the Secretary of the Commonwealth, the corporate existence of said Authority shall begin. Said certificate of incorporation shall be conclusive evidence of the fact that such Authority has been incorporated, but proceedings may be instituted by the Commonwealth to dissolve any Authority which shall have been formed without substantial compliance with the provisions of this section.

Any Authority, heretofore created under the laws of the Commonwealth of Pennsylvania, in addition to powers granted or conferred upon said Authority, shall possess all the powers provided in this act.

Section 4. Purposes and Powers; General.—Every Authority incorporated under this act shall be a body corporate and politic, and shall be for the purpose of constructing, improving, maintaining, and operating bridges, tunnels, streets, highways, parkways, traffic distribution centers, traffic circles, parking spaces, airports, hangars, low cost housing projects, parks, recreation grounds and facilities, sewers, sewer systems, sewage treatment works, swimming pools, playgrounds, lakes, low head dams, hospitals, and subways (any and all the foregoing being herein called “projects”): Provided, however, That no Authority shall be created and no project shall be begun after the expiration of two (2) years from the effective date of this act: And provided further, That the purpose and intent of this act being to benefit the people of the Commonwealth by, among other things, increasing their commerce and prosperity, and not to unnecessarily burden or interfere with existing business by the establishment of competitive enterprises, none of the powers granted by this act shall be exercised in the construction, improvement, maintenance, extension, or operation of any project or projects which in whole or in part shall duplicate or compete with existing enterprises serving substantially the same purposes. Every Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes, including, but without limiting, the generality of the foregoing, the following rights and powers:

Purposes of the Authority.

Powers of the Authority.

(a) To have existence for a term of thirty-two years as a corporation.

(b) To sue and be sued, implead and be impleaded, complain and defend in all courts.

(c) To adopt, use, and alter at will a corporate seal.

(d) To acquire, purchase, hold, lease as lessee, and use any property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Authority, and to sell, lease as lessor, transfer, and dispose of any property or interest therein, at any time acquired by it.

(e) To acquire by purchase, lease, or otherwise, and to construct, improve, maintain, repair, and operate projects.

(f) To make by-laws for the management and regulation of its affairs.

(g) To appoint officers, agents, employes, and servants; to prescribe their duties and to fix their compensation.

(h) To fix, alter, charge, and collect rates and other charges for the use of the facilities of, or for the services rendered by the Authority or projects thereof, at reasonable rates, to be determined by it, for the purpose of providing for the payment of the expenses of the Authority, the construction, improvement, repair, maintenance, and operation of its facilities and properties, the payment of the principal of and interest on its obligations, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations.

(i) To borrow money, make and issue negotiable notes, bonds, and other evidences of indebtedness or obligations (herein called "bonds") of the Authority, and to secure the payment of such bonds, or any part thereof, by pledge or deed of trust of all or any of its revenues and receipts, and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds, whether issued or to be issued, as the Authority shall deem advisable, and in general to provide for the security for said bonds and the rights of the holders thereof.

(j) To make contracts of every name and nature, and to execute all instruments necessary or convenient for the carrying on of its business.

(k) Without limitation of the foregoing, to borrow money and accept grants from, and to enter into contracts, leases or other transactions with, any Federal agency.

(l) To have the power of eminent domain.

(m) To pledge, hypothecate, or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority.

(n) To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts.

Provided, however, that the Authority shall have no power at any time or in any manner to pledge the credit or taxing power of the Commonwealth of Pennsylvania or any political subdivisions, nor shall any of its obligations be deemed to be obligations of the Commonwealth of Pennsylvania or of any of its political subdivisions, nor shall the Commonwealth of Pennsylvania, or any political subdivision thereof, be liable for the payment of principal or interest on such obligations.

Proviso.

Section 5. Purposes and Powers; Bonds.—The bonds of any Authority, hereinabove referred to and authorized to be issued, shall be authorized by resolution of the board thereof, and shall be of such series, bear such date or dates, mature at such time or times not exceeding thirty years from their respective dates, bear interest at such rate or rates not exceeding six per cent per annum, payable semi-annually, be in such denominations, be in such form, either coupon or fully registered without coupons, carry such registration exchangeability and interchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption not exceeding one hundred five per cent of the principal amount thereof, and be entitled to such priorities in the revenues or receipts of such Authority as such resolution or resolutions may provide. The bonds shall be signed by such officers as the Authority shall determine, and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of the treasurer of the Authority, all as may be prescribed in such resolution or resolutions. Any such bonds may be issued and delivered, notwithstanding that one or more of the officers signing such bonds, or the treasurer whose facsimile signature shall be upon the coupon or any thereof, shall have ceased to be such officer or officers at the time when such bonds shall actually be delivered.

Bonds issued
by the
Authority.

Said bonds may be sold at public or private sale, for such price or prices as the Authority shall determine, provided that the interest cost to maturity of the money received for any issue of said bonds shall not exceed six per centum per annum. Pending the preparation of the definitive bonds, interim receipts may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the Authority may determine.

Any resolution or resolutions authorizing any bonds may contain provisions which shall be part of the contract with the holders thereof as to—(a) pledging the full faith and credit of the Authority (but not of the

Commonwealth of Pennsylvania or any political subdivision thereof) for such obligations, or restricting the same to all or any of the revenues of the Authority from all or any projects or properties, (b) the construction, improvement, operation, extension, enlargement, maintenance, and repair of the project and the duties of the Authority with reference thereto, (c) the terms and provisions of the bonds, (d) limitations on the purposes to which the proceeds of the bonds then or thereafter to be issued, or of any loan or grant by the United States may be applied, (e) the rate of tolls and other charges for use of the facilities of or for the services rendered by the Authority, (f) the setting aside of reserves or sinking funds and the regulation and disposition thereof, (g) limitations on the issuance of additional bonds, (h) the terms and provisions of any deed or trust or indenture securing the bonds or under which the same may be issued, and (i) any other or additional agreements with the holders of the bonds.

Any Authority may enter into any deeds of trust, indentures or other agreements with any bank or trust company or other person or persons in the United States having power to enter into the same, including any Federal agency, as security for such bonds, and may assign and pledge all or any of the revenues or receipts of the Authority thereunder. Such deed of trust, indenture or other agreement may contain such provisions as may be customary in such instruments or as the Authority may authorize, including (but without limitation) provisions as to—(1) the construction, improvement, operation, maintenance, and repair of any project and the duties of the Authority with reference thereto, (2) the application of funds and the safeguarding of funds on hand or on deposit, (3) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders), and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same.

Said bonds shall have all the qualities of negotiable instruments under the law merchant and the negotiable instruments law of the Commonwealth of Pennsylvania.

Section 6. Remedies of Bondholders.—The rights and the remedies, herein conferred upon or granted to the bondholders, shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds, or by any deed of trust, indenture or other agreement under which the same may be issued. In the event that the Authority shall default in the payment of principal of or interest on any of the bonds after the said principal or interest shall become due, whether at maturity or upon call

Remedies
granted
bondholders to
enforce their
rights.

for redemption, and such default shall continue for a period of thirty days, or in the event that the Authority shall fail or refuse to comply with the provisions of this act, or shall default in any agreement made with the holders of the bonds, the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding, by instrument or instruments filed in the office of the recorder of deeds of the county, and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the bondholders for the purposes herein provided. Such trustee and any trustee under any deed of trust, indenture or other agreement may, and, upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust, indenture or other agreement aforesaid) in principal amount of the bonds then outstanding, shall in his or its own name—

(a) by mandamus or other suit, action, or proceeding at law or in equity enforce all rights of the bondholders, including the right to require the Authority to collect rates, rentals, and other charges, adequate to carry out any agreement as to or pledge of the revenues or receipts of the Authority, and to require the Authority to carry out any other agreements with or for the benefit of the bondholders, and to perform its and their duties under this act;

(b) bring suit upon the bonds;

(c) by action or suit in equity, require the Authority to account as if it were the trustee of an express trust for the bondholders;

(d) by action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders;

(e) by notice in writing to the Authority, declare all bonds due and payable, and if all defaults shall be made good, then with the consent of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust, indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding, to annul such declaration and its consequences.

The court of common pleas of the county shall have jurisdiction of any suit, action or proceedings by the trustee on behalf of the bondholders. Any trustee, whether appointed as aforesaid or acting under a deed of trust, indenture or other agreement, and whether or not all bonds have been declared due and payable, shall be entitled as of right to the appointment of a receiver, who may enter and take possession of the facilities of the Authority, or any part or parts thereof, the revenues or receipts from which are or may be applicable to the payment of the bonds so in default, and operate and

Trustee entitled to the appointment of a receiver.

maintain the same, and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the Authority or the board might do, and shall deposit all such moneys in a separate account, and apply the same in such manner as the court shall direct. In any suit, action or proceeding by the trustee, the fees, counsel fees, and expenses of the trustee and of the receiver, if any, and all costs and disbursements allowed by the court, shall be a first charge on any revenues and receipts derived from the facilities of the Authority, the revenues or receipts from which are or may be applicable to the payment of the bonds so in default. Said trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights.

Members of the governing body.

Section 7. Governing Body.—The powers of each Authority shall be exercised by a governing body (herein called the "Board") of five members, each of whom shall be a citizen of the municipality for which the Authority is created. The municipal authorities of such municipality shall appoint the members of the board, one of whom shall serve for a year, one for two years, one for three years, one for four years, and one for five years from the January first next succeeding the date of incorporation. Thereafter the municipal authorities shall, at a meeting held at least a month prior to January first in each year in which a vacancy occurs, appoint, as a member of the board, a citizen of the municipality for which the Authority is created, for a term of five years, to succeed the member whose term expires on the January first next succeeding. Members may succeed themselves, and shall receive such salaries as may be determined by the municipal authorities of the municipality, but none of such salaries shall be increased or diminished during the term for which the member receiving the same shall have been appointed. A member may be removed for cause by the court of quarter sessions of the county in which the Authority is located, after having been provided with a copy of the charges against him for at least ten days, and full hearing by the court. If a vacancy shall occur by reason of the death, disqualification, resignation or removal of a member, the municipal authorities shall appoint a successor to fill his unexpired term.

Term.

Vacancy.

Quorum.

Three members shall constitute a quorum of the board for the purpose of organizing the Authority and conducting the business thereof and for all other purposes, and all action may be taken by vote of a majority of the members present, unless in any case the by-laws shall require a larger number. The board shall have

full authority to manage the properties and business of the Authority, and to prescribe, amend, and repeal by-laws, rules, and regulations governing the manner in which the business of the Authority may be conducted, and the powers granted to it may be exercised and embodied. The board shall fix and determine the number of officers, agents, and employes of the Authority and their respective compensation and duties, and may delegate to one or more of their number or to one or more of said officers, agents, or employes such powers and duties as it may deem proper.

Authority of
the board.

Section 8. Moneys of the Authority.—All moneys of any Authority, from whatever source derived, shall be paid to the treasurer of the Authority. Said moneys shall be deposited in the first instance by the treasurer in one or more banks or trust companies, in one or more special accounts, and each of such special accounts shall be continuously secured by a pledge of direct obligations of the United States of America, of the Commonwealth or of the municipality, having an aggregate market value, exclusive of accrued interest, at all times at least equal to the balance on deposit in such account. Such securities shall either be deposited with the treasurer or be held by a trustee or agent satisfactory to the Authority. All banks and trust companies are authorized to give such security for such deposits. The moneys in said accounts shall be paid out on the warrant or other order of the chairman of the Authority, or of such other person or persons as the Authority may authorize to execute such warrants or orders. The Department of Revenue of the Commonwealth, and its legally authorized representatives, are hereby authorized and empowered from time to time to examine the accounts and books of the Authority, including its receipts, disbursements, contracts, leases, sinking funds, investments, and any other matters relating to its finances, operation, and affairs.

Moneys of the
Authority to be
paid to the
treasurer and
deposited by him
in the bank.

Money to be
paid on the
warrant of
chairman or
other person
authorized to
execute
warrants.

Section 9. Transfer of Existing Facilities to Authority.—The Commonwealth, the county, or any city, borough, or township in the county, may, and they are hereby authorized to, lease, lend, grant or convey to the Authority, upon such terms and conditions as are mutually satisfactory to the Authority and the corporate authorities of the Commonwealth, the county, or any such city, borough, or township, any existing bridges, tunnels, streets, highways, parkways, traffic distribution centers, traffic circles, parking spaces, airports, hangars, parks, recreation grounds and facilities, swimming pools, sewers, sewer systems, sewage treatment works, lakes, or any part or parts thereof, or any interest in real or personal property, which may be used by the Authority in the construction, improvement, maintenance or operation of any project.

Section 10. Competition in Award of Contracts.—If any project or any portion thereof or any improvement thereof shall be constructed pursuant to a contract and the estimated cost thereof exceeds five hundred dollars, such contract shall be awarded to the lowest responsible bidder after advertisement for bids. The board may make rules and regulations for the submission of bids and the construction or improvement of any project or portion thereof. No contract shall be entered into for construction or improvement of any project, or portion thereof, or for the purchase of materials, unless the contractor shall give an undertaking with a sufficient surety or sureties approved by the Authority, and in an amount fixed by the Authority, for the faithful performance of the contract. All construction contracts shall provide, among other things, that the person or corporation entering into such contract with the Authority will pay for all materials furnished and services rendered for the performance of the contract, and that any person or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking as though such person or corporation was named therein; provided the action is brought within one year after the time the cause of action accrued. Nothing in this section shall be construed to limit the power of the Authority to construct any project or portion thereof, or any addition, betterment, or extension thereto, directly by the officers, agents, and employes of the Authority or otherwise than by contract.

Subject to the aforesaid any Authority may (but without intending by this provision to limit any powers of such Authority) enter into and carry out such contracts, or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project or portion thereof, as the Authority may deem desirable, or as may be requested by any Federal agency that may assist in the financing of such project or any part thereof.

Authority given
power to
acquire lands.

Proviso.

Section 11. Acquisition of Lands. — The Authority shall have the power to acquire by purchase or eminent domain proceedings, either the fee or such right, title, interest, or easement in such lands as the Authority may deem necessary for any of the purposes mentioned in this act: Provided, however, That no property devoted to a public use, nor any property of a public service company, property used for burial purposes, places of public worship, or (except in the case of a housing project) a dwelling house and the reasonable curtilage not to be less than three hundred feet appurtenant thereto, shall be taken under the right of eminent domain: And provided further, That in event of the exercise of eminent domain for the purpose of establishing housing

projects, the authorities shall first acquire by purchase or option more than sixty-five per centum of the real property or site involved. The right of eminent domain shall be exercised by the Authority in the manner provided by law for the exercise of such right by municipalities of the same class, as the municipality by which such Authority was organized. Eminent domain.

Section 12. Use of Projects.—The use of the facilities of the Authority and the operation of its business shall be subject to the rules and regulations from time to time adopted by the Authority: Provided, however, That the Authority shall not be authorized to do anything which will impair the security of the holders of the obligations of the Authority or violate any agreements with them or for their benefit.

Section 13. Limitation of Powers.—The Commonwealth does hereby pledge to and agree with any person, firm, or corporation, or Federal agency subscribing to or acquiring the bonds to be issued by the Authority for the construction, extension, improvement, or enlargement of any project or part thereof, that the Commonwealth will not limit or alter the rights hereby vested in the Authority until all bonds at any time issued, together with the interest thereon, are fully met and discharged. The Commonwealth of Pennsylvania does further pledge to and agree with the United States and any other Federal agency that in the event that any Federal agency shall construct or contribute any funds for the construction, extension, improvement, or enlargement of any project, or any portion thereof, the Commonwealth will not alter or limit the rights and powers of the Authority in any manner which would be inconsistent with the continued maintenance and operation of the project or the improvement thereof, or which would be inconsistent with the due performance of any agreements between the Authority and any such Federal agency, and the Authority shall continue to have and may exercise all powers herein granted, so long as the same shall be necessary or desirable for the carrying out of the purposes of this act and the purposes of the United States in the construction or improvement or enlargement of the project or such portion thereof.

Section 14. Termination of Authority.—When any Authority shall have finally paid and discharged all bonds which, together with the interest due thereon, shall have been secured by a pledge of any of the revenues or receipts of a project, it may (subject to any agreements concerning the operation or disposition of such project) convey such project to the municipality. When any Authority shall have finally paid and discharged all bonds issued and outstanding and the interest due thereon, and settled all other claims which

may be outstanding against it, it may convey all its property to the municipality and terminate its existence. A certificate requesting the termination of the existence of the Authority shall be filed in the office of the Secretary of the Commonwealth, who, if he approve, shall note the termination of existence on the record of incorporation and return the certificate, with his approval shown thereon, to the board, which shall cause the same to be recorded in the office of the recorder of deeds of the county. Thereupon the property of said Authority shall pass to the municipality and the Authority shall cease to exist.

Section 15. Exemption from Taxation.—The effectuation of the authorized purposes of Authorities, created under this act, shall and will be in all respects for the benefit of the people of the Commonwealth of Pennsylvania for the increase of their commerce and prosperity and for the improvement of their health and living conditions, and since such Authorities will be performing essential governmental functions in effectuating such purposes, such Authorities shall not be required to pay any taxes or assessments upon any property acquired or used by them for such purposes, and the bonds issued by any Authority, their transfer, and the income therefrom (including any profits made on the sale thereof), shall at all times be free from taxation within the Commonwealth of Pennsylvania.

Section 16. Authorities Formed Under Other Acts.—Any Authority heretofore or hereafter created or organized under the provisions of an act, approved December twenty-seven, one thousand nine hundred thirty-three, entitled “An act providing for the creation of public ‘Authorities’ in counties of the second class; authorizing such ‘Authorities’ to enter into agreements with the Government of the United States, particularly as they relate to the National Industrial Recovery Act and any amendment and supplements thereto, the Commonwealth of Pennsylvania and political subdivisions and municipalities thereof, and with others; defining and providing for the organization and dissolution of such ‘Authorities’; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions upon which such ‘Authorities’ may exercise their powers; endowing such ‘Authorities’ with the right of eminent domain, and with the power to finance projects by the issuance and sale of bonds; authorizing such ‘Authorities’ to make and receive appropriations; repealing certain acts and parts of acts inconsistent herewith; and for other purposes,” shall have and may exercise in addition to any rights, powers or purposes granted or conferred by such act or any amendment thereto, all the rights and powers granted to Authorities created under this act, and the

purposes specified in section four of this act, shall be included within the purposes of any Authority created or organized under the provisions of the aforesaid act, and the rights, powers, and purposes herein described and conferred upon Authorities shall be cumulative with, and not in limitation of, the rights, powers, and purposes granted to or conferred upon such Authorities by any other act.

Section 17. Constitutional Construction.—The provisions of this act shall be severable, and if any of the provisions thereof shall be held to be unconstitutional, such decision shall not affect the validity of any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein.

Section 18. If a project shall have been established under this act by a board appointed by a municipality, which project is of a character which the municipality has power to itself establish, maintain, or operate, and such municipality desires to acquire the same, it may by appropriate resolution or ordinance, adopted by the proper Authorities, signify its desire to do so, and thereupon the Authorities shall convey by appropriate instrument said project to such municipality, upon the assumption by the latter of all the obligations incurred by the Authorities with respect to that project.

Section 19. This act shall take effect immediately. When effective.

APPROVED—The 28th day of June, A. D. 1935.

GEORGE H. EARLE

No. 192

AN ACT

To amend sections two and five of the act, approved the second day of May, one thousand eight hundred eighty-nine (Pamphlet Laws, sixty-six), entitled "An act defining and regulating escheats in cases where property is without a lawful owner, and providing for more convenient proceedings relative to the same," as amended, by extending the same to funds and money, estates or effects in the custody, or under the control of certain United States courts; fixing jurisdiction, and providing proceedings relative thereto.

Section 1. Be it enacted, &c., That section two of the act, approved the second day of May, one thousand eight hundred eighty-nine (Pamphlet Laws, sixty-six), entitled "An act defining and regulating escheats in cases where property is without a lawful owner, and providing for more convenient proceedings relative to the same," is hereby amended to read as follows:

Section 2, act
of May 2, 1889
(P. L. 66),
amended.