

Political subdivisions required to satisfy, at their expense, certain lost liens against real property sold at sheriffs' sales or county tax bureaus' public sales.

Section 1. Whenever any real property has been or is hereafter sold at a sheriff's sale by virtue of any writ of execution issued from any court in this Commonwealth, or at a public sale for taxes held by a county tax claim bureau, at which sale sufficient proceeds have been or are realized to pay all tax liens and municipal claims presented against the property, and a political subdivision has lost or hereafter loses its lien or liens for taxes and municipal claims, or either, on such property by virtue of not having filed or not filing same in the manner prescribed or within the time limited by law to participate in the distribution of the proceeds of such sale, and whenever the purchaser at such sale or any subsequent purchaser furnishes proof to the political subdivision that it has lost any such lien or liens, the political subdivision involved shall satisfy of record any such lien or liens at its expense.

APPROVED—The 24th day of August, A. D. 1951.

JOHN S. FINE

No. 340

### AN ACT

To amend subsection (a) of section 9 of the act, approved the twenty-sixth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1828), entitled "An act concerning the investment powers and duties of guardians, committees, trustees, and other fiduciaries, except personal representatives, and prescribing the nature and kind of investments which may be made and retained by such fiduciaries," by authorizing investments in common stocks meeting certain qualifications and eliminating the requirement that stock must be listed on an exchange as to the stock of banks and insurance companies.

"Fiduciaries Investment Act of 1949."

Subsection (a) of section 9, act of May 26, 1949, P. L. 1828, amended.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Subsection (a) of section 9 of the act, approved the twenty-sixth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1828), entitled "An act concerning the investment powers and duties of guardians, committees, trustees, and other fiduciaries, except personal representatives, and prescribing the nature and kind of investments which may be made and retained by such fiduciaries," is hereby amended to read as follows:

Section 9. Stocks.—

(a) Preferred and Common Stock. Preferred and common stock of any corporation organized under the laws of the United States or of any commonwealth or state thereof, or of the District of Columbia, shall be an authorized investment if—

(1) purchased in the exercise of that degree of judgment and care, under the circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable income to be derived therefrom as well as the probable safety of their capital;

(2) *in the case of preferred stock*, the corporation issuing the stock has earned a net profit in eight of the preceding ten fiscal years, as reflected in its statements, and during each of the preceding ten fiscal years has paid dividends in the specified amounts upon all its preferred stock, if any, outstanding during such year; [and]

(3) *in the case of common stock*, the corporation issuing the stock has earned a net profit in twelve of the \*preceding sixteen fiscal years, as reflected in its statements, and during each of the preceding sixteen fiscal years has paid dividends in the specified amounts upon all its preferred stock, if any, outstanding during said year and in each of at least twelve of the preceding sixteen fiscal years has paid dividends in some amount upon all its common stock, if any, outstanding during such year;

[(3)] (4) *in the case of any stock other than stock of a bank or insurance company*, the stock is listed or traded (or if unlisted or not entitled to trading privileges, shall be eligible for listing, and application for such listing shall have been made) on the New York Stock Exchange or any other exchange approved by the Secretary of Banking.

*No investment in common stock shall be made which, at that time, would cause the market value of the investments in common stocks to exceed one-third of the market value of the estate, not including in such market value the value of any participation in a common trust fund. No sale or other liquidation of any investment shall be required solely because of any change in market values whereby the percentages of stocks hereinabove set forth are exceeded. In determining the market value of an estate, a fiduciary may rely upon published market quotations as to those investments for which such quotations are available and upon such valuations of other property as in his best judgment seem fair and reasonable according to available information.*

When a corporation has acquired a substantial part of its property, within \*\*[ten] sixteen years immediately preceding the investment, by consolidation or merger or by the purchase of a substantial part of the property of any other corporation or corporations, the earnings of

\* "proceeding" in original.

\*\* "[ten]" omitted in original.

the predecessor or constituent corporations shall be consolidated so as to ascertain whether the requirements of this section have been satisfied.

“Corporation” as used in this section shall include a voluntary association, a joint-stock association or company, a business trust, a Massachusetts trust, a common-law trust, and any other organization organized and existing for any lawful purpose and which, like a corporation, continues to exist notwithstanding changes in the personnel of its members or participants, and conducts its affairs through a committee, a board, or some other group acting in a representative capacity.

Act effective immediately.

Section 2. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 24th day of August, A. D. 1951.

JOHN S. FINE

No. 341

AN ACT

To further amend clause fifth of subsection (a) of section 3 of the act, approved the thirteenth day of May, one thousand nine hundred nine (Pamphlet Laws 520), entitled “An act relating to food: defining food; providing for the protection of the public health, and the prevention of fraud and deception, by \*prohibiting the manufacture or sale, the offering for sale or exposing for sale, or the having in possession with intent to sell, of adulterated, misbranded, or deleterious foods; prescribing certain duties of the Dairy and Food Commissioner in reference thereto; and providing penalties for the violation thereof,” by changing the amount of sulphur dioxide which may be used in the preparation of certain foods.

Food.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Clause fifth of subsection (a) of section 3, act of May 13, 1909, P. L. 520, as last amended by act of June 1, 1937, P. L. 1127, further amended.

Section 1. Clause fifth of subsection (a) of section 3 of the act, approved the thirteenth day of May, one thousand nine hundred nine (Pamphlet Laws 520), entitled “An act relating to food: defining food; providing for the protection of the public health, and the prevention of fraud and deception, by prohibiting the manufacture or sale, the offering for sale or exposing for sale, or the having in possession with intent to sell, of adulterated, misbranded, or deleterious foods; prescribing certain duties of the Dairy and Food Commissioner in reference thereto; and providing penalties for the violation thereof,” as last amended by the act, approved the first day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1127), is hereby further amended to read as follows:

\* “prohibiting” in original.