

## No. 164

## AN ACT

Amending the act of June 13, 1883 (P. L. 122), entitled "A supplement to an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, providing for the improvement, amendment and alteration of the charters of corporations of the second class, and authorizing the incorporation of traction motor companies," providing for the amendment of corporate charters to extend the term of existence of a corporation or the territory in which the corporation may operate, and eliminating requirements relating to payment of taxes and filing of reports.

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

Corporations of the second class.

Section 1. Section 1, act of June 13, 1883 (P. L. 122), known as "the corporation amendment act of one thousand eight hundred and eighty-three," is amended to read:

Section 1, act of June 13, 1883, P. L. 122, amended.

Section 1. Be it enacted, &c., That when any corporation, formed for any of the purposes named in the second class of section two of the act to which this is a supplement, or embraced in that class by any of its supplements, and which shall have been or may hereafter be incorporated under the provisions of that act or its supplements, as also any corporation of the second class which has heretofore or may hereafter accept the provisions of said act and the several supplements thereto, and the Constitution of this Commonwealth in the manner provided by law, shall desire to improve, amend *including the right to extend the term of existence of the corporation or the territory in which the corporation may operate*, or alter the article and conditions of the charter or instrument upon which said corporation is formed and established, it shall and may be lawful for such corporation to apply to the Governor of this Commonwealth for such improvement, amendment *including the right to extend the term of existence of the corporation or the territory in which the corporation may operate*, or alteration in the manner provided by this act.

Corporations formed under act of April 29, 1874, may improve, alter or amend their charters.

Section 2. Section 2 of the act, amended May 2, 1947 (P. L. 136), is amended to read:

Section 2 of the act, amended May 2, 1947, P. L. 136, further amended.

Section 2. The corporation desiring such improvement, amendment *including the right to extend the term of existence of the corporation or the territory in which the corporation may operate*, or alteration shall give notice of the intention to apply therefor, by advertising one time in two newspapers published in the English language, one of which shall be a newspaper of general circulation, and the other the legal newspaper, if any,

Notice of application for amendment to be published.

designated by the rules of the court for the published in any county, advertisement in such newspaper of general circulation published in the county in which the registered office of the corporation is located. Where there is but one newspaper of general circulation published in any county, advertisement in such newspaper shall be sufficient. Advertisements shall appear at least three days prior to the day on which the improvement, amendment or alteration of the articles of incorporation are presented for filing with the Department of State, and shall set forth briefly the character and objects of the desired improvements, amendments or alterations, and the intention to make application therefor.

Section 3 of the act, amended March 31, 1905, P. L. 93, further amended.

Certificate by corporation.  
Contents.

Acknowledgment.

Duties of the Governor.

Letters patent.

Recording.

Section 3. Section 3 of the act, amended March 31, 1905 (P. L. 93), is amended to read:

Section 3. The said corporation shall prepare a certificate, under its corporate seal, setting forth the character and objects of the proposed improvement, amendment *including the right to extend the term of existence of the corporation or the territory in which the corporation may operate*, or alteration of their charter, or the instrument upon which the said corporation is formed or established, [also, that all reports required by the Auditor General of the Commonwealth have been filed, and that all taxes due the Commonwealth of Pennsylvania have been paid;] acknowledged by the president and secretary of said corporation and before the recorder of deeds of the county wherein such corporation has its principal office or place of business; which certificate, together with proof of publication of notice, as provided in section two of the supplement to an act of which this is an amendment, shall then be produced to the Governor of the Commonwealth, who shall examine the same, and, if he find it to be in proper form, and that such improvements, amendments *including the right to extend the term of existence of the corporation or the territory in which the corporation may operate*, or alterations are or will be lawful and beneficial, and not injurious, to the community, and are in accord with the purpose of the charter, [and that all reports required by the Auditor General of the Commonwealth have been duly filed, and that all taxes due the Commonwealth of Pennsylvania have been paid,] he shall approve thereof and endorse his approval thereon, and direct letters patent to issue, in the usual form, reciting the said improvements, amendments *including the right to extend the term of existence of the corporation or the territory in which the corporation may operate*, or alterations; and the said certificate shall then be recorded in the office of the Secretary of the Commonwealth, and, with all its endorsements, shall then be recorded in the office

for the recording of deeds in and for the proper county, where the principal office or place of business of said corporation is located, and from thenceforth the same shall be deemed and taken to be a part of the charter or instrument upon which said corporation was formed or established, to all intents and purposes, as if the same had originally been made a part thereof: Provided, That nothing herein contained shall authorize the amendment *including the right to extend the term of existence of the corporation or the territory in which the corporation may operate*, alteration, improvement or extension of the charter of any gas or water company, so as to interfere with or cover territory previously occupied by any other gas or water company.

To be deemed a part of the charter.

Proviso.

Section 4. Section 4 of the act is amended to read:

Section 4 of the act amended.

Section 4. Nothing in this act contained shall be construed to repeal or authorize the repeal of any of the requirements or restrictions of the said act of April twenty-ninth, one thousand eight hundred and seventy-four and its supplements, nor to dispense with any of the provisions of the said act, nor to authorize the right of eminent domain to be given to any corporation by amendment *including the right to extend the term of existence of the corporation or the territory in which the corporation may operate*, of its charter, nor to permit any change in the objects and purposes of such corporation as shown by its original charter.

Act of April 29, 1874, not repealed or impaired.

Nor right of eminent domain acquired.

Nor original charter changed.

APPROVED—The 14th day of June, A. D. 1957.

GEORGE M. LEADER

No. 165

### AN ACT

Amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof; upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," enlarging the jurisdiction of magistrates in cities of the first class for violation of summary provisions of the act.