

the streets it had broken. There was nothing in the grant of the franchise which gave the company the right to any particular location in the streets. It was held that the construction of a system of drainage in the interests of public health and welfare was one of the most important purposes for which the police power can be exercised, and that the changing of the location of the gas pipes at the expense of the gas company to accommodate the system, did not amount to a deprivation of property without due process of law. Mr. Justice Day, who delivered the opinion of the Court, said: "It would be unreasonable to suppose that in the grant to the gas company of the right to use the streets in the laying of its pipes, it was ever intended to surrender or impair the public right to discharge the duty of preserving the public health. The gas company did not acquire any specific location in the streets. It was content with the general right to use them, and when it located its pipes, it was at the risk that they might be, at some future time, disturbed, when the state might require, for a necessary public use, that changes in location be made. The gas company, by its grant from the city, acquired no exclusive right to the location of its pipes in the street as opened by it under a general grant of authority to use the streets. The city made no contract that the gas company should not be disturbed in the location chosen. In the exercise of the police power of the state for a purpose highly necessary in the promotion of the public health, it has become necessary to change the location of the pipes of the gas company so as to accommodate them in the new public work. In complying with this requirement at its own expense, none of the property of the gas company has been taken and the injury sustained is *damnum absque injuria*. See also *Scranton Gas and Water Co v. Scrantou* (1906), 214 Pa. 586, where it was held that "the easement which a gas or water company has in the streets of a municipality, is subject to the superior right of the public, both in the surface and the soil beneath the surface. When a city changes the grade of a street in order to do away with a railroad grade crossing, and a gas and water company is compelled to move its pipes from the street by reason of the change of grade, the company can recover no damages from the city for the injuries sustained." *Re Deering* (1883), 93 N. Y. 361 (N. Y. Ct. of Appeals) it was held that "the provision of the Act providing for the incorpor-