

expended for postage, stationery, and office rent, *clerk hire*, and other expenses, the county commissioners shall make payment to the aforesaid township assessors, assistant township assessors, and assistant triennial assessors the amount due them from the funds of the county as hereinbefore stated.

Clerk hire.

Payment.

APPROVED—The 18th day of April, A. D. 1927.

JOHN S. FISHER

No. 173

AN ACT

To amend section thirty-three of an act, approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State highways of the Commonwealth; providing for the improvement, maintenance, and repair of said State highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State highway, and procedure therein; providing for work of improvement of State highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance, and repair of township or county roads and prescribing the contents of township, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act." by providing for certain payments to contractors performing any highway improvement in excess of ninety per centum of the contract price in advance of the full and satisfactory completion of said improvement.

Section 1. Be it enacted, &c., That section thirty-three of an act, approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway

Highways.

Section 33 of act
of May 31, 1911
(P. L. 408),
amended.

Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State highways of the Commonwealth; providing for the improvement, maintenance, and repair of said State highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State highway, and procedure therein; providing for work of improvement of State highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance, and repair of township or county roads and prescribing the contents of township, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," is hereby amended to read as follows:

Section 33. The total cost of the improvement and maintenance of the State-aid highways constructed under the provisions of this act, as provided by the terms of the contract, or otherwise as herein provided, when properly certified by the [State Highway Commissioner] *Secretary of Highways*, shall be audited by the Auditor General, and when audited and allowed shall be paid out of moneys specifically appropriated for this purpose, by warrants drawn therefor by the Auditor General upon the State Treasurer. The share of the county shall be paid as provided by its contract, and, otherwise, by the provisions of this act, to the State Treasurer by the county treasurer, upon the warrant of the county commissioners, in such sum or sums as shall be certified by the [State Highway Commissioner] *Secretary of Highways*, from time to time, during the performance of the work or contract, or as provided by the contract, and, otherwise, by the provisions hereof, after the same shall be completed. The share of the township or townships, or of any borough or boroughs, or of any incorporated town or towns, shall be paid to the State Treasurer by the township supervisors or commissioners, or by the borough treasurer, or by the town treasurer, as the case may be, in the manner and form as in the case of counties, and as other debts of said townships or boroughs are paid, when and as demanded by certificate of the [State Highway Commissioner] *Secretary of Highways* during the performance of the work or contract, or, in like manner, after the same shall be completed. Upon the completion of any State-aid highway improvement, or upon the ascertainment of any additional improvement cost, or of any maintenance expense, incurred thereon thereafter by the [State Highway Department] *Department of Highways*, the [State Highway Commissioner] *Secretary of Highways* shall certify the same to the State Treasurer, and to the county commissioners and township supervisors, or borough or town authorities, as the case may be, the respective shares of said cost or expense for which the county, township, borough, or incorporated town is liable. If the said shares or amounts, so certified by the [State Highway Commissioner] *Secretary of Highways*, of the cost and expense of the improvement, or of the subsequent maintenance thereof, as provided by contract and the provisions of this act, of the county, township, borough, or incorporated town, or all or either of them, shall not be paid to the State Treasurer within thirty days after being certified, then the said shares of the county, township, borough, or incorporated town, either or all of them, remaining unpaid, shall be charged by the State Treasurer against any funds of said county, township, borough, or incorporated town which may be in the hands of the State

Payment of cost
of improvement
and maintenance.

County's share.

Borough's and
township's.

Certificate of
Secretary of
Highways.

Failure to pay.

Treasurer, or which may thereafter come into his hands, excepting school funds, and may also be recovered by action at law or equity as any other debts of such counties, townships, boroughs, or incorporated towns are by law recoverable. The amounts paid under this act to the State Treasurer by the counties, townships, boroughs, and towns shall be placed by him to the credit of the proper fund for highway construction or maintenance, and shall immediately be available for the use of the [State Highway Department] *Department of Highways* for construction or maintenance, as the case may be; and the [State Highway Commissioner] *Secretary of Highways* is hereby authorized and empowered to apportion the said amounts, thus paid into the State Treasury by the counties, townships, boroughs, and incorporated towns, among the several counties as hereinafter provided for. The [State Highway Commissioner] *Secretary of Highways* may make partial payments to any contractor performing any highway improvement, under this act, as the same progresses, upon estimate made by the [State Highway Department] *Department of Highways*; but not more than ninety (90) per centum of the estimate of the work done, or of the contract price, shall be paid in advance of the full and satisfactory completion of said improvement and acceptance of same by the [State Highway Commissioner] *Secretary of Highways*: *Provided, That the Secretary of Highways may, in his discretion, make payments in excess of ninety (90) per centum of the work done or of the contract price when at least ninety-five (95) per centum of the work under the contract has been completed. The amount retained under said contract for the work done and performed shall in all cases be sufficient to cover double the contract price or estimated cost of the work remaining to be done to satisfactorily complete the contract.*

Fund.

Apportionment.

Partial payments.

Amount retained

Proviso.

Amount retained on contract.

APPROVED—The 18th day of April, A. D. 1927.

JOHN S. FISHER

No. 174

AN ACT

Authorizing the Department of Justice, before transmitting to the State Treasurer the proceeds of any litigation brought by the Department of Justice for the collection of debts, taxes, and accounts due the Commonwealth, through any attorney or attorneys not employed by said department upon a salary basis, to pay all costs, expenses, and attorney's fees incurred in connection with such litigation out of the proceeds of such litigation.

Department of
Justice.

Section 1. Be it enacted, &c., That the Department of Justice is hereby authorized, before transmitting to