

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

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.

Costs, expenses and attorney fees may be deducted from proceeds of litigation.

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

JOHN S. FISHER

No. 175

AN ACT

To further amend part of section three of the act, approved the twenty-ninth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws, seventy-three), entitled "An act to provide for the incorporation and regulation of certain corporations," by eliminating the provisions authorizing certain corporations of the first class to be incorporated by the Governor.

Section 1. Be it enacted, &c., That part of section three of the act, approved the twenty-ninth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws, seventy-three), entitled "An act to provide for the incorporation and regulation of certain corporations," which was amended by the act, approved the thirteenth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, six hundred and ninety-seven), entitled "An act to amend part of section three of the act, approved the twenty-ninth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws, seventy-three), entitled 'An act to provide for the incorporation and regulation of certain corporations,' by authorizing certain corporations of the first class to be incorporated by the Governor," is hereby further amended to read as follows:

Corporations of first class.

Part of section 29, 1874 (P. L. 3 of act of April 73), as amended by act of June 13, 1923 (P. L. 697), further amended.

CERTIFICATES FOR FIRST CLASS

The said certificates of incorporation of the first class shall be acknowledged by at least three of those who subscribe to them before the recorder of deeds of the county in which the business of the corporation is to be transacted, to be their act and deed, and the same being duly certified under the hand and official seal of the said recorder of deeds, shall be presented to a law judge of the said county, accompanied by proof of the publication of the notice of such application, who is hereby required to peruse and examine said instrument, and if the same shall be found to be in the proper form, and within the purposes named in the first class specified in the foregoing section, and shall appear law-

Certificates to be acknowledged before recorder.

Shall be presented to and examined by judge.