

Provided, That notice of such sale, together with the name of the person, or persons, to whom such goods shall have been consigned, shall have been first published for [three] *two* successive weeks, in a newspaper, published in the county, and by six written, or printed handbills, put up in the most public and conspicuous places in the vicinity of the depot where the said goods may be.

Act effective immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 15th day of May, A. D. 1961.

DAVID L. LAWRENCE

No. 103

AN ACT

Amending the act of May 20, 1921 (P. L. 984), entitled, as amended, "An act providing for the condemnation by the Commonwealth of lands suitable and desirable for forest and State park purposes or game preserve purposes or the perpetuation and protection of fish; and defining the powers and duties of the Department of Forests and Waters, the Board of Game Commissioners, and the Board of Fish Commissioners, respectively, in relation thereto," providing for the payment of money into court for the benefit of persons entitled thereto and for the crediting of such payments.

Secretary of Forests and Waters, Executive Director of Pennsylvania Game Commission, and Executive Director of Pennsylvania Fish Commission.

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

Sections 2 and 10, act of May 20, 1921, P. L. 984, last amended July 16, 1935, P. L. 1049, further amended.

Section 1. Sections 2 and 10, act of May 20, 1921 (P. L. 984), entitled, as amended, "An act providing for the condemnation by the Commonwealth of lands suitable and desirable for forest and State park purposes or game preserve purposes or the perpetuation and protection of fish; and defining the powers and duties of the Department of Forests and Waters, the Board of Game Commissioners, and the Board of Fish Commissioners, respectively, in relation thereto," amended July 16, 1935 (P. L. 1049), are amended to read:

Right of entry.

Section 2. The Secretary of Forests and Waters, the Executive [Secretary of the Board of Game Commissioners, or the Commissioner of Fisheries] *Director of the Pennsylvania Game Commission, or the Executive Director of the Pennsylvania Fish Commission*, on behalf of the Commonwealth, may respectively enter upon any of such lands, and take possession thereof. [Thereupon] *As of the time of taking possession thereof, the said Secretary of Forests and Waters, the Executive Director of the Pennsylvania Game Commission, or the Executive Director of the Pennsylvania Fish Commission, as the case may be, shall notify the owner of such land of the*

Condemnation, notice, payment into court.

condemnation thereof, and shall pay from the proper appropriation or fund, as hereinafter provided, into the court of common pleas of the county wherein such lands are located a sum equal to the amount estimated by him as the market value of the property taken and condemned. The court may pay up to seventy-five per centum of such money to the person entitled thereto upon petition and proof of such entitlement. Such payments to the court or by the court shall not prejudice the rights of the parties to have the true damages determined as hereinafter provided. Any payments made pursuant hereto shall be credited upon the award and final judgment, provided such award and judgment is in a greater amount. Any payments made in excess of the award and final judgment shall be refunded. At any time after such payment into court, the Secretary of Forests and Waters, the Executive [Secretary of the Board of Game Commissioners, or the Commissioner of Fisheries] Director of the Pennsylvania Game Commission, or the Executive Director of the Pennsylvania Fish Commission, respectively, through the Attorney General, or any of the owners, if known, may apply to the court of common pleas of the county wherein such lands are located for the appointment of viewers. The court shall appoint three viewers, and shall appoint a time, not less than twenty nor more than thirty days after the presentation of such petition, when the viewers shall meet upon the lands and view the same and all improvements in connection therewith.

Duty of court.

Without prejudice to determination of true damages.

Petition to court.

Appointment of viewers.

Time of view.

Section 10. When the amount payable to the owner of such land has been finally determined, the same, adjusted in accordance with any amount previously paid into court as provided in section 2 of this act, shall be paid by the Secretary of Forests and Waters, the Executive [Secretary of the Board of Game Commissioners, or the Commissioner of Fisheries] Director of the Pennsylvania Game Commission, or the Executive Director of the Pennsylvania Fish Commission, as the case may be, from appropriations for such purposes or from the Game Fund or the Fish Fund. All costs in connection with any such proceedings shall be paid by the Commonwealth in like manner.

Payment of damages awarded.

Costs.

APPROVED—The 15th day of May, A. D. 1961.

DAVID L. LAWRENCE

No. 104

AN ACT

Amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system, including certain pro-