

*treasurer, with the consent in writing of the county commissioners and the approval of a judge of the court of the county in which the sale is pending, shall declare, at the time fixed for a sale or any adjournment or readjournments thereof, that, because of widespread economic and business depression and unusual unemployment incident thereto, a sale would be inadvisable, in which case any such sale may be adjourned or re-adjourned at any one time and from time to time for a period not exceeding one year.*

For each tract of land so disposed of, the county treasurer shall be entitled to the following fees, which shall be [taxes] *taxed* as part of the costs of such proceedings, and shall be paid the same as other costs:

Advertising each tract, including printer's charge, the actual cost.

- Selling each tract, or part thereof, . . . . . .25
- Writing and signing each deed, . . . . . .1.50
- Acknowledging every deed, . . . . . .50
- Writing and filing every bond to acknowledge the purchase money, . . . . . .25

Fees.

The county shall, in the first instance, be liable for the cost of advertising treasurers' sales, and the fees collected for such advertising shall be paid into the county treasury for the use of the county.

Costs of advertising sales.

For receiving and paying over the purchase money or taxes collected by him, the county treasurer shall be entitled to a commission of two per centum (2%) thereof; such commission to be deducted from the amount to be paid to the taxing district upon any settlement with the taxing district, and upon presentation to the taxing district of a transcript of the information required to be compiled by the county treasurer by section eleven hereof.

Commission allowed treasurer.

Section 2. This act shall be effective immediately upon its passage, and approval by the Governor.

When effective.

APPROVED—The 31st Day of December, A. D. 1931.

GIFFORD PINCHOT

No. 9-E  
AN ACT

To amend certain appropriation items contained in section two of the act, approved the eleventh day of June, one thousand nine hundred thirty-one (Act Number Fifteen-A), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools, for two years beginning June first, one thousand nine hundred and thirty-one; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-one."

Section 1. Be it enacted, &c., That the following ap-

General  
Appropriation  
Act of 1981  
(App. Acts, P. 10),  
amended.

propriation items contained in section two of the act, approved the eleventh day of June, one thousand nine hundred thirty-one (Act Number Fifteen-A), known as The General Appropriation Act of one thousand nine hundred thirty-one, and specifically appropriated to the several hereinafter named agencies of the Executive Department of the Commonwealth, be and the same are hereby amended to read as follows:

TO THE DEPARTMENT OF MILITARY AFFAIRS

For the purpose of placing at the disposal of the Governor and making same available for the replacement or repair of such military stores and supplies issued to the Commonwealth of Pennsylvania by the Federal Government as may be destroyed or damaged, in whole or in part, by fire, flood, storm or any other unavoidable cause; for the payment of transportation, pay of officers and enlisted men, horse hire, subsistence, quartermaster stores, and other proper and necessary expenses incident to field service rendered by the Pennsylvania National Guard under orders of the Governor in repelling invasion, subduing insurrection, riot, tumult or disorder, or the prevention of same, and when such Pennsylvania National Guard may be placed on duty under orders of the Governor, under extraordinary circumstances, for the protection of property or human life, and in the event of all or any portion of said Pennsylvania National Guard being called into active service of the United States by the President of the United States, or in furnishing the quota of volunteers from the Commonwealth of Pennsylvania under a call made by the President of the United States; and for the payment of mileage and lawful expenses of commissioners to take the vote of Pennsylvania soldiers in Federal or State service when in the field on active duty; for the payment of any and all expenses incident to furnishing men, material and equipment to relieve unemployment or drought conditions throughout the State or when a disaster occurs; [the sum of two hundred thousand dollars (\$200,000).] [For] for the installation of the necessary sewerage *and water supply systems*, the disposal of sewage, *the construction or the making of improvements, additions or repairs to* [existing] buildings, roads and utilities on *and the general improvement of* the State Military Reservation, the sum of [one hundred nineteen thousand five hundred dollars (\$119,500).] *six hundred nineteen thousand five hundred dollars (\$619,500).*

TO THE DEPARTMENT OF PROPERTY AND SUPPLIES

For the payment of salaries, wages, or other compensation of deputies, directors, superintendents, bureau or division chiefs, assistant directors, assistant superintendents, assistant chiefs, experts, scientists, engineers, surveyors, draftsmen, accountants, secretaries, auditors, in-

spectors, examiners, statisticians, marshals, clerks, stenographers, bookkeepers, messengers, and other assistants and employes; for the payment of postage, traveling expenses, mileage charges to the department for the use of automobiles, telephone toll charges, telegrams, expenses of operating and maintaining automobiles and other motor equipment, newspaper advertising and notices, freight, express, cartage, and incidental expenses necessary for the proper conduct of the work of the department, the Capitol Police, the Board of Commissioners of Public Grounds and Buildings, the State Art Commission, and other boards and commissions attached to the department; for the care, maintenance and preservation of public grounds and buildings, including the Executive Mansion; for the payment of the cost of advertising schedules of supplies, the sale of unserviceable property, proposals for executing the State printing and binding, proposals for any contract work, readvertising any schedules or proposals when necessary, and all other advertising necessary for the proper conduct of the work of the department, the sum of [one million nine hundred fifty thousand dollars (\$1,950,000):] *two million dollars (\$2,000,000)*: Provided, however, That the department shall not use any part of this appropriation for the payment of the salaries, wages, or other compensation of employes necessary for the cleaning and care of offices or other quarters, either in the Capitol Building or elsewhere, used by the General Assembly, the Judicial Department, the Department of the Auditor General, the Treasury Department, the Department of Banking, the Department of Highways, the Department of Revenue, to the extent to which appropriations for this purpose shall have been made to it from special funds, the Board of Game Commissioners, the Board of Fish Commissioners, or the State Workmen's Insurance Board, for the cleaning and care of offices or other quarters outside of the city of Harrisburg used by any other department, board or commission, or for the cleaning and care of the State Arsenal or any barracks used by the Pennsylvania State Police.

For the purchase of supplies, including medicines, medical, surgical, laboratory, chemical, biological and electrical supplies, military stores and supplies, stationery and office supplies; for the purchase of feed and forage and other animal foods, including foodstuffs, solely for the use of the State Tuberculosis Sanatoria and the State Hospital for Crippled Children at Elizabethtown; for the purchase of furniture and equipment, including office, chemical, laboratory, medical, surgical, biological and electrical equipment, furniture, furnishings, utensils, military and police equipment, firearms and other accoutrements, artificial appliances, fire protection and fire fighting equipment; for the purchase of animals, poultry, seedlings and transplants; for the purchase of

legal and other books, periodicals, maps, charts, manuscripts, pamphlets, exchanges, records, lantern slides, archaeological and historical markers, and for the purchase of all other materials, supplies or equipment as set forth in the schedules of the Department of Property and Supplies, or for which requisition is made but the want of which was not anticipated at the time of the making of said schedules; for the cost of repairing office equipment; for the cost of miscellaneous services; for the payment of rental charges for telephones and other patented leased office devices; for the payment of the cost of printing and printing processes, such as binding, ruling, lithographing, color printing, and engraving; for the purchase of paper, envelopes, cloth, and other substances on which printing is done, cuts, electrotypes, dies, stamps, and other printing and binding supplies as may be required for the General Assembly, the Judicial Department, the Executive Mansion, and the several administrative departments, boards, and commissions of the State government, except the Department of Highways, the Department of Banking, and the Department of Revenue, to the extent to which appropriations for these purposes shall have been made to them from special funds, the Department of the Auditor General, the Treasury Department, the Board of Fish Commissioners, the Board of Game Commissioners, the State Farm Products Show Commission, the State Workmen's Insurance Board, and departmental administrative boards or commissions having control of State institutions or supervision over or the duty of planning for State parks, harbors or canals; for the payment of telephone toll charges and telegrams required by the General Assembly and the Judicial Department; for the payment of the cost of making tests of materials, supplies and equipment, whether purchased by the Department of Property and Supplies directly or as purchasing agency; for the payment of the cost of preparation of plans, designs, and specifications, including necessary tests or borings, and the preparation of same, required for the performance of the work of the Department of Property and Supplies (when said cost is not otherwise provided for), including plans and specifications for and estimates of the cost of proposed State buildings, or alterations or additions to existing State buildings, prepared in anticipation of requests for appropriations, including those to be purchased or altered at the expense of a fund other than the General Fund, or those occupied by or to be occupied by State institutions; and for the payment of expenses incident to condemnation proceedings in the event such expenses are not provided for in any act of the General Assembly authorizing the acquisition of land for the Commonwealth, the sum of [three million eight hundred thousand dollars (\$3,800,000).] *four million thirty thousand dollars (\$4,030,000).*

## TO THE DEPARTMENT OF PUBLIC INSTRUCTION

## Public Schools

For reimbursing school districts upon the salaries of school teachers and for closed schools and for nonresident high school tuition, as required by law, the sum of fifty-six million dollars (\$56,000,000): *Provided, That the Superintendent of Public Instruction, with the approval of the Governor, may make payments from this appropriation in advance of the due dates prescribed by law to school districts which are financially handicapped, whenever he shall deem it necessary to make such advance payments to enable such school districts to keep their public schools open.*

*For the purchase of certificates of indebtedness, notes, or other obligations evidencing a temporary debt, or part thereof, bearing interest at not less than five per cent (5%), and becoming due not later than April thirtieth, one thousand nine hundred and thirty-three, heretofore or hereafter lawfully issued by school districts to meet current expenses, whenever such school districts shall be unable to dispose of such certificates, notes, or other obligations in the usual manner and the Superintendent of Public Instruction, with the approval of the Governor, shall deem it necessary to purchase such certificates, notes, or other obligations to enable the schools of such districts to remain open, the sum of two million (\$2,000,000) dollars. No certificates, notes, or other obligations shall be purchased unless and until they shall have been approved by the Department of Justice as to legality of issue. It shall be the duty of such school districts to make provision for the payment of such certificates, notes, or other obligations and interest thereon in the manner and within the time prescribed by law; and, if any school district shall fail to make any payment of interest or principal when due, the Superintendent of Public Instruction may deduct the amount of such interest or principal from any amount payable to such district from any State appropriation, and any amount so deducted shall be deemed for all intents and purposes as a payment to the Commonwealth by such school district of such interest or principal.*

Section 2. This act shall become effective upon its passage, and approval by the Governor.

When effective.

## STATEMENT ISSUED BY THE GOVERNOR IN APPROVING ABOVE BILL

I approve this bill with some misgivings.

It appropriates three hundred thousand dollars (\$300,000) for the improvement of the new State Military Reservation at Indiantown Gap, increases appropriations to the Department of Property and Supplies for its custodial work and for printing, and sets aside a fund for the Department of Public Instruction which may be used by the Department in making temporary loans to financially handicapped school districts, the loans to be repaid during the current biennium.

I have no misgivings about the fund for the Department of Public Instruction. It does not increase the obligations of the Commonwealth, but merely constitutes a revolving fund which can be used to aid distressed school districts. All of the money must be back in the State Treasury before the end of this biennium. This could not possibly be construed as creating a State debt.

The purposes of the other appropriations are meritorious. The increased appropriation to the Department of Military Affairs will provide work relief for a large number of men in Lebanon and Dauphin Counties. The appropriations to the Department of Property and Supplies are needed in large part to defray expenses of the special session.

My doubts arise because the Legislature failed to provide revenue out of which these new appropriations can be paid; and prior to the approval of this act (assuming the so-called Talbot Act to be unconstitutional), the entire estimated revenue for this biennium has been overappropriated in the amount of one hundred eighty-five thousand, three hundred sixty-four dollars and twenty-seven cents (\$185,364.27). These additional appropriations will increase the total over appropriation to seven hundred fifty-five thousand, three hundred sixty-four dollars and twenty-seven cents (\$755,364.27).

I am advised that this over appropriation constitutes a debt of the Commonwealth, and on this ground I should unhesitatingly veto it except for the fact that Article IX, Section 4, of the Constitution permits the Legislature to create a debt not exceeding one million dollars (\$1,000,000) "to supply deficiencies in revenue." It is possible that this constitutional provision may be construed to allow the total estimated revenue for any biennium to be exceeded by not more than one million dollars (\$1,000,000). The courts will have an opportunity in the Talbot Act Case to interpret Article IX, Section 4, of the Constitution, and I am willing to ap-

prove this bill pending the court decision. Until it is rendered, I shall not approve budgets calling for the expenditure of the increased appropriations to the Department of Military Affairs and to the Department of Property and Supplies.

APPROVED—The 26th day of January, A. D. 1932.

GIFFORD PINCHOT

