

COUNTY CONTRACTS UNDER PRIOR UNCONSTITUTIONAL ACTS - VALIDATED

Act of Apr. 20, 1917, P.L. 90, No. 55

Cl. 36

AN ACT

Validating, to the extent only that work has been actually done, contracts entered into by any county under the act of Assembly declared unconstitutional, approved May eleventh, one thousand nine hundred and nine, entitled "An act providing for the construction, operation, and maintenance of public highways, bridges, and tunnels in the several counties of this Commonwealth; authorizing the taking of property for such improvement, and providing for the compensation therefor and the damages resulting from such taking; providing for the payment of the costs and expenses incurred in such construction, operation, and maintenance; and authorizing the levy of a tax and the issuance of bonds to provide a fund for said purpose," and providing for the payment by the county of such work as was done prior to the date on which said act was declared unconstitutional by the Supreme Court.

Section 1. Be it enacted, &c., That whenever heretofore any county of this Commonwealth has, by virtue of any resolution of the county commissioners of such county, entered into a contract, or contracts, for the construction of any public highway, bridge, or tunnel, under the provisions of an act of Assembly, entitled "An act providing for the construction, operation, and maintenance of public highways, bridges, and tunnels in the several counties of this Commonwealth; authorizing the taking of property for such improvement, and providing for the compensation therefor and the damages resulting from such taking; providing for the payment of the costs and expenses incurred in such construction, operation, and maintenance; and authorizing the levy of a tax and the issuance of bonds to provide a fund for said purpose," approved May eleventh, one thousand nine hundred and nine (Pamphlet Laws, five hundred and six), and has constructed the same, in whole or in part, but is without power to pay for such work as was actually done, under such contract, prior to said act being declared unconstitutional by the Supreme Court on July first, one thousand nine hundred and sixteen,--now, by this act, such contract is made valid and binding on such county, to the extent only that such work and construction was done or made prior to the date on which said act was declared unconstitutional; and such county is hereby authorized and directed to ascertain and pay for all work done and materials furnished, under the terms of said contract, to the party or parties who performed the same.

Such work, or such part thereof as was actually done at the date on which said act was declared unconstitutional, shall be paid for from county funds out of the county treasury, at the prices fixed for the payment of the same under the terms of the contract so entered into, in pursuance to the terms of said act.

Section 2. Nothing in this act shall be so construed as to

make valid any resolution or contract, except to the extent that work was actually done and performed prior to the date on which said act of Assembly was declared unconstitutional.