

nor the Commonwealth can specifically direct or compel the Authority not to complete the particular project;

2. The proposed form of approval by the Governor appended to the Contract to Lease is legally valid and a sufficient approval to require the Department of Property and Supplies to execute a lease upon the terms and conditions of the Contract to Lease and the attached form of Lease, without further approval by the Governor.

3. The aggregate of the rentals under the Contract to Lease and the Lease itself do not constitute a prohibited debt of the Commonwealth within the meaning and provisions of Article IX, Section 4 of the Constitution of Pennsylvania; and

4. The Bonds of the Authority do not constitute debts of the Commonwealth within the meaning and provisions of Article IX, Section 4 of the Constitution of Pennsylvania.

Very truly yours,

DEPARTMENT OF JUSTICE,

T. MCKEEN CHIDSEY,

*Attorney General.*

HARRINGTON ADAMS,

*Deputy Attorney General.*

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OPINION No. 596

*Salaries—Increases—Member Liquor Control Board, Members of Workmen's Compensation Board, Workmen's Compensation Referee:*

Each of the officials listed is entitled to receive the salary provided by Act No. 192 from and after the date when the official took his oath of office.

Harrisburg, Pa., July 12, 1949.

Honorable Weldon B. Heyburn, Auditor General, Harrisburg, Pennsylvania.

Sir: You have asked whether the increased salaries provided by the Act of April 28, 1949, designated as Act No. 192, can be legally approved by you for certain officials. Among these officials are the following:

Honorable David R. Perry, appointed a member of Pennsylvania Liquor Control Board.

Honorable Daniel G. Murphy, reappointed as a member of Workmen's Compensation Board.

Honorable Wilmer J. Jacoby, reappointed as a member of Workmen's Compensation Board.

Honorable Leo G. Knoll, reappointed as a member of Workmen's Compensation Board.

Honorable Charles C. McGovern, appointed as Workmen's Compensation Referee.

The facts in each of these cases are similar and these appointments are therefore considered in one opinion.

Senate Bill No. 105 was approved by the Governor on April 28, 1949, and become Act No. 192 of the Session of 1949. Each of the officials listed above, was confirmed by the Senate on the same date, April 28.

Section 13 of Article III of the Constitution prohibits an increase of compensation of a public officer only when it is made "after his election or appointment". It would follow, therefore, that if the appointment and the approval of Senate Bill No. 105 were simultaneous, the increase granted does not violate the constitutional provision.

Furthermore, the principal of law is well established that in public proceedings fractions of a day will not be considered, and that all transactions occurring upon the same day will be regarded as occurring at the same point of time. This question is considered more fully in Formal Opinion No. 593.

It is our opinion, therefore, that fractions of the day on which the appointment was confirmed and Senate Bill No. 105 was approved, should not be considered, and that the increase of salary was not made after the appointment.

We are therefore of the opinion that each of the officials listed is entitled to receive the salary provided by Act No. 192 from and after the date when such official took his oath of office.

Very truly yours,

DEPARTMENT OF JUSTICE,

T. McKEEN CHIDSEY,

*Attorney General.*

H. F. STAMBAUGH,

*Special Counsel.*