

Therefore, you are advised that you would not be warranted in certifying to the Secretary of Highways the completion of this contract until and unless the contractor remedies the defective work and completes his contract, in accordance with the specifications, and in a manner which meets with your approval.

Yours very truly,

DEPARTMENT OF JUSTICE,

JOHN A. MOSS,
Deputy Attorney General.

OPINION NO. 55

Constitutional Amendments—Publication—Art. XVIII, Sec. 1 of the Constitution of Pennsylvania.

Publication of proposed constitutional amendments in at least two newspapers in every county in which such newspapers shall be published, by one advertisement appearing not less than three months before the next general election, is a full compliance with Art. XVIII, Sec. 1 of the Constitution of Pennsylvania.

Department of Justice,
Harrisburg, Pa., July 15, 1932.

Honorable Richard J. Beamish, Secretary of the Commonwealth, Harrisburg, Pennsylvania.

Sir: We have your request for an opinion concerning the number of times proposed amendments to the Constitution of Pennsylvania must be published in order to comply with the provisions of Article XVIII, Section 1, of the Constitution of Pennsylvania.

The pertinent part of that section provides:

“Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives, and, if the same shall be agreed to by a majority of the members elected to each House, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and the Secretary of the Commonwealth shall cause the same to be published three months before the next general election, in at least two newspapers in every county in which such newspapers shall be published; * * *”

This section requires one advertisement in at least two newspapers in every county in which such newspapers shall be published, appearing not less than three months before the next general election.

In re North Whitehall Township, 47 Pa. 156 (1864) is controlling. In that case an order of the court prescribing the notice to be given of the time and place of meeting of the commissioners appointed under the provisions of the Act of May 14, 1857, P. L. 304, required it to be given "three weeks before the time of the meeting." The court in its opinion, Strong, J., construing the language of the order, said that this requirement had reference not to the number of insertions in the newspapers of the county nor to any intervals between insertions, but that its plain purpose was to give to all persons interested in the proposed division of the township a defined period before the action of the commissioners to prepare for their meeting.

In *Currens v. Blocher*, 21 Pa. Super. 30 (1902), the court in its opinion, by Porter, J., said:

"The distinction between a requirement that notice be given three weeks before the time of an event, and an order that notice be given during three successive weeks, or by a given number of insertions in newspapers in successive weeks, was recognized by Mr. Justice Strong, in the case of *North Whitehall Township*, 47 Pa. 156."

See also: *Commonwealth v. King*, 278 Pa. 280 (1923).

Therefore you are advised that publication in at least two newspapers in every county in which such newspapers shall be published, by one advertisement appearing not less than three months before the next general election, is a full compliance with the constitutional direction.

Yours very truly,

DEPARTMENT OF JUSTICE,

S. M. R. O'HARA,

Deputy Attorney General.

OPINION NO. 56

School Districts—Employment of accountants—School Code May 18, 1911, P. L. 309, Sections 2601, 2603; Act of April 30, 1925, P. L. 332.

School districts of the second class may employ certified public accountants under Section 2603 of the School Code of 1911, P. L. 309, as last amended by the Act of April 30, 1925, only within sixty days from the close of a fiscal year. Boards of school directors may, however, at any time, employ accountants to obtain evidence for civil or criminal proceedings against persons alleged to have misappropriated school moneys.