

reports, the furnishing of financial and budgetary information to the department with which it is connected, and the making of biennial reports.

APPROVED--The 14th day of May, A. D. 1925.

I approved this bill because of intense interest in promoting the welfare of the blind, but with clear conviction that the State Council for the Blind herein created should be within the Department of Public Instruction instead of within the Department of Welfare, and with the hope that it will later be transferred.

GIFFORD PINCHOT.

AN ACT

No. 413.

Concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth, except in counties of the first and second class; and revising, amending, consolidating, and changing the law relating thereto.

CHAPTER I

PRELIMINARY PROVISIONS

ARTICLE I

NAME AND EFFECTIVE DATE

Section 1. Be it enacted, &c., That this act shall be known and may be cited as "The General Poor Relief Act of one thousand nine hundred and twenty-five." This act shall take effect on the first Monday of January, one thousand nine hundred and twenty-six.

Section 2. *What Act Does Not Include.* This act does not include any provisions and shall not be construed to repeal any acts relating to:

(a) The procedure for the collection of municipal claims by liens.

(b) The amount and method of incurring or increasing bonded indebtedness.

(c) Election officers and conduct of elections.

(d) Care of the insane or feeble-minded, epileptic, or habit cases.

(e) Boards of Health.

(f) Common schools.

(g) Constables.

(h) Justices of the peace, except as to their authority to grant orders of poor relief, which is hereby expressly withdrawn.

(i) Validations of elections, bonds, ordinances, and acts of corporate officers.

Section 3. *Continuation of Existing Laws.* The provisions of this act, so far as they are the same as those of existing laws, are intended as a contin-

uation of such laws and not as new enactments. The repeal by this act of any act of Assembly or part thereof shall not revive any act or part thereof heretofore repealed or superseded. The provisions of this act shall not affect any act done, liability incurred, or right accrued or vested, or affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such repealed laws. Any person holding office under any act of Assembly repealed by this act shall continue to hold such office until the expiration of the term thereof, subject to the conditions attached to such office prior to the passage of this act.

Section 4. *Provisions Severable.* The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act.

Section 5. *Reference to Prior Act by Title.* Whenever in this act reference is made to any act by title such reference shall also apply to and include any codification wherein the provisions of the act referred to are substantially re-enacted.

Section 6. *Preservation of Existing Rights and Liabilities.* Whenever the territory of any poor district is changed in extent, all liabilities incurred, rights, and all suits and prosecutions pending or to be instituted to enforce any right or penalty accrued or punish any offense committed prior to such change, shall continue with the same force and effect as if no such change had been made.

Section 7. *Act Not Complete System for Poor Taxes.* This act does not provide a complete system for the assessment and collection of poor taxes. All acts and parts of acts relating to poor taxes in force prior to the passage of this act which are not re-enacted or specifically or impliedly repealed by this act shall remain in force in the same manner as prior to the passage of this act.

Section 8. *Act Supersedes and Prevails Over Previous Enactments Found Inconsistent or Incompatible.* The provisions of this act shall supersede and prevail over any previous enactments, ordinances, regulations, and rules found to be inconsistent or incompatible herewith.

ARTICLE II

DEFINITIONS

Section 10. *Definitions.* The following are defined within the meaning of this act:

(a) "A poor person" is one who is unable to maintain himself or those dependent upon him.

(b) "Directors" shall be taken to include and mean, unless obviously otherwise, directors of the poor, county commissioners acting as directors of the poor, guardians of the poor, directors of the home for the destitute, overseers, overseers of the poor, or any other public officer by whatever title designated chargeable with the duty of maintenance of paupers or the granting of poor relief.

(c) "District" means and includes any political subdivision of the State operating as a separate unit or quasi-municipal corporation in caring for the poor.

(d) "Almshouse" shall include and mean the county home, poorhouse, home for the destitute, or any other building or place, by whatever title designated, where poor persons are maintained at the public expense.

(e) A "settlement" of a person shall be his right under the provisions of this act to relief in any particular poor district.

(f) The word "may" shall be construed to be permissive.

(g) The masculine noun or pronoun shall include the feminine.

(h) "Public charge" shall mean a person to whom poor relief from public funds is necessary for his maintenance—a pauper.

CHAPTER II

CREATION AND ADMINISTRATION OF POOR

DISTRICTS

ARTICLE I

Section 200. *Each County Made a District, with Five Exceptions.* For the purpose of furnishing relief to poor persons, giving them employment, and carrying out the provisions of this act, each county of this Commonwealth is hereby created a district to be known as "_____ County Poor District": Provided, however,

(a) The several poor districts within the county of Philadelphia shall remain as at present fixed and administered and shall not become subject to any of the provisions of this act.

(b) The poor districts within the county of Allegheny shall remain as at present fixed and administered and shall not become subject to any of the provisions of this act.

(c) Out of the county of McKean shall be excepted the city of Bradford, which shall continue a separate poor district, as at present.

(d) The counties of Carbon, Luzerne, Centre, Columbia, Lycoming, Montour, Northumberland, Susquehanna, Wayne, Clinton, and Lackawanna shall be

excepted herefrom so far as relates to the territorial subdivision thereof into districts.

(e) The poor district in Westmoreland County, whose corporate name is the Directors of a Home for the Destitute of the County of Westmoreland, shall retain its name and be administered as at present.

Section 201. *Four Classes of Districts.* Poor districts coterminous with counties having a population of one million five hundred thousand inhabitants and over shall constitute districts of the first class.

Poor districts coterminous with counties having a population of eight hundred thousand and more, but less than one million five hundred thousand inhabitants, shall constitute districts of the second class.

Poor districts coterminous with counties having a population of one hundred thousand and more, but less than eight hundred thousand inhabitants, shall constitute districts of the third class.

Poor districts coterminous with counties having a population of less than one hundred thousand inhabitants shall constitute districts of the fourth class.

Section 202. *Poor District System Preserved in Excepted Territory.* In the counties of Carbon, Centre, Columbia, Lackawanna, Lycoming, Montour, Clinton, Luzerne, Northumberland, Susquehanna, and Wayne, the number of directors, overseers, and authorities in charge of said districts, the manner of their election or appointment, and the administrative system of giving poor relief shall continue as now vested by law, but all of said poor districts shall for all other purposes be subject to the provisions of this act.

ARTICLE II

Section 210. *Disposition of Property of Old District.* Upon the taking effect of this act the title to all real and personal property, equipment, and supplies now owned by the various township, borough, city, or other poor districts which have been abolished, is disposed of as follows, to wit:

That of each township poor district is hereby transferred to and vested in the township by which owned. The township commissioners in first-class townships and supervisors in second-class townships are hereby given the power and authority to sell the same and transfer the title thereto. The proceeds thereof, together with all other moneys of such districts, shall be used for township purposes.

That of each borough poor district is hereby transferred to and vested in the borough by which owned. The council and burgess of such borough are hereby given the power and authority to sell the same and transfer the title thereto. The proceeds thereof, together with all other moneys of such district, shall be used for borough purposes.

That of each city poor district is hereby transferred to and vested in the city by which owned. The council and mayor of such city are hereby given the power and authority to sell the same and transfer the title thereto. The proceeds thereof, together with all other moneys of such district, shall be used for city purposes.

That of each poor district other than those named above is hereby transferred to and vested in the constituent political units composing said district in proportion to the taxable valuation of real estate in said constituent units. The municipal authorities of said constituent units are hereby given the power and authority to sell the same and transfer the title thereto. The proceeds thereof, together with all other moneys of such district, shall be used for the purposes of such constituent units.

The directors of the poor of any district are hereby given the power and authority to take and use any such real estate if adaptable to the care of the poor, either by agreement with the owners or by the exercise of the right of eminent domain, as provided in sections seven hundred and five and seven hundred and eleven hereof.

The sales above authorized shall be made only under the direction and supervision of the court of common pleas of the proper county and in accordance with the provisions of sections seven hundred and three and seven hundred and four hereof so far as the same may be applicable and the proceeds thereof distributed by said court.

Section 211. *Election of Officers.* The directors of the poor shall elect on the first Monday of January in each year, or as near thereto as convenient, the following officers, to serve for one year, and fix their compensation, that is: a superintendent, a matron or matrons, a physician; and may appoint an attorney, trained welfare worker, and all other necessary employes and assistants, all of whom shall be subject to removal by the directors of the poor at any time. They may require bond with security in such amount as they deem proper from any officer or employe appointed.

Section 212. *County Treasurer to be Treasurer of District.* The treasurer of such county shall be treasurer of said poor district, shall receive all moneys belonging to the district, and pay out the same on warrants drawn by the directors of the poor. The accounts of the treasurer with the said district shall be audited by the county controller or county auditors of said county, in accordance with the laws relating to accounts of county treasurers.

The directors of the poor shall require the county treasurer to give bond, with sufficient surety, in such amount as they shall determine requisite, for the safe-

keeping and proper payment of all moneys that come into his hands on account of said district.

Section 213. *Notice to Overseers and Directors.* As soon as the directors of the poor are prepared to accommodate the poor of said district they shall give notice of the same by personal notice upon each of the directors or overseers of the poor of each township, borough, city, or other poor district within said county, and also by publication once a week for three weeks in two newspapers in said county.

Section 214. *Removal of Poor to County Home.* Immediately after notice that the directors of the poor are prepared to accommodate the poor of said district, it shall be the duty of the directors or overseers of the poor of each township, borough, city, or other poor district within said county, to remove all poor persons entitled to relief to the poorhouse, as designated by the directors of the poor, and deliver them to the custody of the superintendent, and from and after such time no expense for help, assistance, and maintenance of poor and destitute shall be incurred by such directors or overseers.

Section 215. *Local Poor Districts Abolished.* After delivery of the poor and destitute to the directors of the poor, as provided in section two hundred and fourteen, the various township, borough, city, or other poor districts within any such county are hereby abolished, and the directors or overseers of the poor in such poor districts cease to act in such capacity, and said offices are hereby abolished except so far as may be necessary to collect outstanding taxes, settle the accounts, pay the debts incurred, and wind up the unfinished business transactions of such district.

Section 216. *Directors to Provide Suitable Buildings.* Whenever in any poor district no adequate site or suitable buildings are available for the care of the poor, or whenever the lands, buildings, furnishings, and equipment for maintaining the poor in such poor district are inadequate, unsuitable, or unsafe for the proper maintaining of the poor within such district, the directors of the poor are authorized to purchase or acquire by right of eminent domain and take title in the name of the district such lands as to them may appear most eligible and suitable for the purpose of the erection thereon of proper, adequate, and suitable buildings for the employment and support of the poor in such district. Any such purchase or acquisition shall be only with the approval of the court of common pleas.

After the purchase or acquisition of such lands the said directors of the poor, or a majority of them, are authorized to have prepared plans and specifications in accordance with existing law and to cause the

necessary buildings to be erected upon the lands, according to said plans and specifications.

Before the said directors of the poor shall let any contract for the erection of said buildings, according to plans and specifications adopted, they shall advertise in two or more newspapers of general circulation in such county for bids for the erection of buildings on said lands, according to said plans and specifications. The letting of the contract or contracts for the erection of said buildings shall first be approved by the court of common pleas in such county.

All proceedings for the assessment of damages for property taken, injured, or destroyed, under the exercise of the right of eminent domain in this section conferred, shall be in accordance with proceedings provided for by sections seven hundred and five to seven hundred and eleven inclusive hereof.

Section 217. *Sale of Poor Property.* After the construction, equipment, and furnishing of new buildings the directors of the poor, with the approval of the court of common pleas of the proper county, are authorized to sell the site or buildings of any disused county poorhouse and apply the proceeds of such sale, together with such sums of money belonging to the poor district as may be approved by said court by whomsoever the same may be held or deposited, toward the payment for such new lands, buildings, equipment, and furnishings.

Section 218. *Viewers of New Buildings.* Whenever new buildings shall be finished and completed the said directors of the poor shall certify their proceedings to the court of common pleas of said county, whereupon the said court shall appoint three competent and disinterested persons as viewers to view and thoroughly examine said buildings and report to the court whether the said contract or contracts have been faithfully and fully performed and completed, and until such report be so made final payment on said contract or contracts shall not be made. The said viewers shall be entitled to a sum not in excess of ten dollars per day for each day necessarily engaged in the performance of their duties as the court shall determine; to be paid from the funds of the poor district.

Section 219. *Quorum. Rules and Regulations.* A majority of the directors of the poor shall be a quorum for the transaction of business. They shall have full power to make all such rules and regulations as they shall think proper, convenient, and necessary for the direction, government, and support of the poor, the poorhouse and grounds and poor farm and the revenues thereunto belonging, and of all such persons and things as shall come under their care or cognizance; but such rules and regulations shall not be repugnant to the Constitution or laws of this State or of the United

States and shall be approved by the court of common pleas of the proper county.

Section 220. *Repairs and Improvements.* The directors of the poor shall make all necessary repairs and improvements of buildings and grounds, provide for the cultivation of the real estate and all things necessary for the maintenance and employment of the poor of such district, and use the proceeds of labor of the poor under their charge in their support and maintenance.

Section 221. *Meetings. Record of Proceedings.* Such directors of the poor shall meet at least once a month at the poorhouse, visit the apartments, inspect the management of the work upon and about the real estate, see that the poor are properly treated, and hear all complaints, and cause all grievances, that may happen by neglect, to be redressed. They shall keep a record of their proceedings, which shall be evidence of their action in any subsequent judicial proceedings.

Section 222. *Taxes; Levy and Collection Of.* The basis of taxation for poor purposes shall be the last preceding assessment upon real property, trades, occupations, and professions for county rates and levies.

The county commissioners shall, upon the requisition of the directors of the poor, annually collect a tax, not exceeding in one year ten mills on the dollar of the assessed valuation, for the purpose of supporting the poor, paying officials and employes, and the current expenses of managing the buildings and the poor farm. The taxes shall be levied at the same time and collected in the same manner as other county taxes.

For the purpose of paying any debt incurred in the purchase of real estate and the erection of buildings and to redeem bonds authorized by this act, and also for the purpose of making permanent improvements on real estate, the commissioners shall upon a like requisition levy a special tax, which shall be payable at the same time and collected in the same manner as the tax for current expenses:

Provided, however, That nothing in this section shall apply to any district wherein the directors of the poor now have authority to levy a poor tax.

Section 223. *Audit of Accounts.* The directors of the poor shall keep accurate accounts of all moneys received by them in any way for the purposes of this act as well as all paid out, including such reasonable expenses as they may incur in carrying out their duties. All accounts under this act shall be audited by the county controller or county auditors, as the case may be.

Section 224. *Inspection of Buildings, Grounds, and Records.* The poorhouse buildings and grounds shall at all times be open to inspection by the State Department of Welfare and its agents, and the directors of

the poor shall at all times, when required, submit to the inspection and examination by said Department and its agents of all their books, accounts, and records.

CHAPTER III

ELECTIONS. VACANCIES IN OFFICE

Section 300. *Number of Directors.* The number of directors in each district is fixed at three in all districts of the third and fourth classes and in all other districts except where a different number now prevails, and their term of office is fixed at four years, commencing on the first Monday of January next succeeding their election.

Section 301. *Election in Newly Created Districts.* At the first municipal election in a district newly created under this act one director shall be elected for two years and two directors for four years.

Section 302. *Election of Directors.* At the municipal election next preceding the expiration of the term of any director of the poor the qualified voters of each poor district, where the office is elective, shall elect one or more directors of the poor, as may be required, and in case of election for other than the regular term such fact shall be designated.

Section 303. *Vacancies.* In case of vacancy in the office of director by death, resignation, or otherwise, the said vacancy shall be filled by appointment by the court of quarter sessions; said appointee to serve until the first Monday of January next succeeding the first municipal election, at which such vacancy can by law be filled by election, and at such election a director shall be elected to serve for the unexpired term.

CHAPTER IV

SALARIES

Section 400. *Salaries.* The annual salary of each director of the poor shall remain as now fixed by law, to be paid in the same manner as employes of the county.

CHAPTER V

RECORDS AND REPORTS

Section 500. *Directors to Keep Records Prescribed by Department of Welfare.* It shall be the duty of the directors of the poor, or other persons having charge of the poor in the several districts, and of all directors and managers of charitable and correctional institutions of the Commonwealth receiving State aid, to keep their records after the manner and in the form to be prescribed by the Department of Welfare and to make returns thereof to said Department at such

times as they may direct, and in default thereof the person or persons so offending shall forfeit and pay a fine of not less than one hundred dollars, to be sued for and collected in the name of the said Department for the use of the Commonwealth.

Section 501. *Reports of Persons Applying for Treatment of Disease.* All superintendents or managers or other persons in charge of hospitals, almshouses, lying-in hospitals, or other institutions, public or private, to which persons resort for treatment of disease, confinement, or are committed by process of law, are hereby required to make a record of all of the personal and statistical particulars relative to the inmates in their institutions, as directed by the State Registrar, and thereafter such record shall be by them made for all future inmates at the time of their admission. And in case of persons admitted or committed for medical treatment of disease, the physician in charge shall specify for entry in the record the nature of the disease and where in his opinion it was contracted. The personal particulars and information required by this section shall be obtained from the individual himself, if it is practicable to do so, and when they cannot be obtained they shall be secured in as complete a manner as possible from the relatives, friends, or other persons acquainted with the facts.

Section 502. *Reports to Anatomical Board.* All public officers, agents, and servants, and all officers, agents, and servants of any and every county, city, township, borough, district, and other municipality and of any and every almshouse, prison, morgue, hospital, or other public institution, and all other persons having charge or control over dead human bodies required to be buried at the public expense, are hereby required to immediately notify the State Anatomical Board, or such person or persons as may from time to time be designated by said Board or its duly authorized officer or agent, whenever any such body or bodies come to his or their possession, charge, or control, and shall without fee or reward deliver such body or bodies and permit and suffer the said Board and its agents and the physicians and surgeons from time to time designated by men, who may comply with the provisions of this act, to take and remove all such bodies to be used within the State for the advancement of medical science. Such notice shall be given to the Board of Distribution in all cases, but no such body shall be delivered if any relative by blood or marriage shall claim the body for burial, at the expense of such relative, within thirty-six hours after death, but the body shall be surrendered to said claimant for interment; nor shall any such body be delivered if any friend or any representative of a fraternal society of which the deceased was a member, or a

representative of any charitable organization, shall claim the said body for burial within twenty-four hours after death, said burial to be at the expense of such friend, fraternal society, or charitable organization; nor shall the body be delivered if said person was an honorably discharged soldier, sailor, or marine of the United States or of the militia of the State of Pennsylvania, in which case said body shall be buried in accordance with the provisions of existing laws. In case of the death of any person whose body is required to be buried at the public expense and the duly authorized officer or agent of the Board deems such body unfit for anatomical purposes, he shall notify in writing the poor directors or the county commissioners of the county where such person died, who shall direct some person to take charge of the body of such deceased indigent person and cause it to be buried and draw warrants upon the treasurer of their county for the payment of such expenses, which expenses shall not be less than thirty-five dollars nor more than fifty dollars on each body buried in accordance with the provisions of this act. Such warrants shall be made payable to the persons so authorized and directed who shall have buried the bodies for which no warrants are to be drawn. No warrants for the payment of the expenses of the burial of any person whose body is required to be buried at the public expense shall be drawn or paid except upon the certificate of the duly authorized officer or agent of the Board to the effect that such body is unfit for anatomical purposes or that the body is that of a soldier, sailor, or marine required to be buried at the public expense, and that the provisions of this act have been complied with. Wherever through the failure of any person to deliver the body of a deceased indigent, as required by this act, such body shall become unfit for anatomical purposes and is so certified by the duly authorized officer or agent of said Board of distribution, such body shall be buried in accordance with the provisions of this act, and the person so failing to deliver such body shall pay to the county treasurer the expense so incurred, and upon the refusal or failure of such person on demand to pay such expenses the poor directors, or in districts in which there are no separate poor directors then the county commissioners, shall bring suit to recover the same, to be recovered as debts of like amount are by law collectible.

CHAPTER VI

DIRECTORS OF THE POOR

Section 600. *Directors Declared County Officers.* The directors of the poor of districts coextensive with the county are hereby declared to be county officers

and subject in the discharge of their duties and obligations as directors of the poor to all the general laws relating to county officers.

Section 601. *This Act to Apply Throughout State.* The provisions of this act shall apply generally throughout the Commonwealth, including the districts made territorial exceptions in section two hundred hereof.

Section 602. *Directors Not to be Interested in Contracts.* It shall not be lawful for any director of the poor to be concerned or personally interested in any contract for furnishing supplies, for the maintenance of the poor, or for the construction or improvement of property under his control. Any violation of the provisions of this act shall be deemed a misdemeanor in office and upon conviction thereof the party or parties so offending shall be fined in a sum not exceeding five hundred dollars and shall be adjudged by the court to be removed from office: Provided, That nothing herein contained shall be construed to prevent such director from receiving his lawful compensation while necessarily attending in his official character to any of the duties enjoined upon him by his office.

Section 603. *Contracts of Five Hundred Dollars or More to be in Writing.* It shall be the duty of poor directors to purchase all supplies for the maintenance of the inmates of the poorhouses or hospitals under their supervision by written contract where such contract involves an expenditure of five hundred dollars or more. Said directors of the poor shall by advertisement inserted in at least one newspaper of the county in which said institution is located, for two weeks, invite sealed proposals for the furnishing of such supplies, and shall award all such contracts to the lowest responsible bidder and shall take from such bidder a bond with sufficient sureties conditioned for the faithful performance of his contract.

Section 604. *Penalty for Violation.* Any director of the poor violating the provisions of section six hundred three shall be guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars (\$500) or to undergo an imprisonment not exceeding six months.

Section 605. *Directors Authorized to Attend Conventions.* The directors of the poor, or other officers having charge of the poor in the poor districts of this Commonwealth, together with their solicitor, steward, or superintendent and such other executive officers as may be designated by said directors or other officers, are hereby authorized as part of their official duties to attend the annual meeting of the Association of Directors of the Poor and Charities and Corrections of Pennsylvania for the purpose of discussing the various questions arising in the discharge of their

duties and of providing for uniform and economical methods of administering the affairs of the respective poor districts.

Section 606. *Expenses to be Paid by District.* The actual expenses of the aforesaid officials attending the said annual meetings of said Association, including traveling expenses and hotel bills actually paid by them, together with a membership subscription by each poor district to the necessary expenses of the convention, including printing, employment of stenographers and expenses of committees, which said membership subscription, however, shall not be more than thirty dollars for any poor district per annum, shall be paid out of the funds of the poor district. The time spent in attending such meeting shall not be more than four days, exclusive of the time employed in traveling thereto and therefrom.

CHAPTER VII

REAL PROPERTY OF POOR DISTRICTS

Section 700. *Plans of Almshouse to be Approved by Department of Welfare.* Before any mental hospital or almshouse shall be erected under the direction of the poor authorities within this Commonwealth, the plan of construction of such hospital or almshouse, drawn sufficiently in detail for clear comprehension thereof, shall be submitted to the Department of Welfare and shall be inspected and approved by said Department.

Section 701. *Districts May Require Bonds from Contractors for Protection of Material-Men.* All poor districts shall, in the improvement of lands or in the erection, alteration, addition, or repair of edifices and buildings of any kind in said districts, have the power to require of the contractor or contractors employed in and about said improvements an additional bond with sufficient surety or sureties providing for the payment of all labor and material entering into the said improvements.

Section 702. *Right to Sue Thereon.* The labor and material-men furnishing labor and material in and for said improvements upon the contract of said contractor shall have the right, according to law, to sue in action of assumpsit in the name of the obligee for his or their use upon said bond upon proof of said contractor's failure to pay for said labor or material.

Section 703. *Courts of Common Pleas Authorized to Decree Sale of Poorhouse Property.* The courts of common pleas of the several counties of this Commonwealth shall have jurisdiction and are hereby authorized to decree a public or private sale of any poorhouse property or real estate held for the relief and employment of the poor in any poor district at such

times and in such parts or parcels and upon such terms as in the opinion of such court may be considered most advantageous to such district.

Section 704. *Procedure Thereon.* Such sale may be decreed upon the petition of the directors of the poor of any poor district setting forth that such sale would be to the advantage of the said district and all facts needful for the information of the court, under oath or affirmation, and shall only take place after a full and careful investigation by the court aided, when deemed necessary, by the report of a competent person to be appointed by the court; and if upon such investigation the court shall deem it to the advantage of such district that property so held or any part thereof should be sold, such court is hereby authorized to decree a sale thereof and to direct the investment of the proceeds of such sale or sales in the purchase for the use of such district of such other real estate as may be necessary for poor purposes and in the erection of suitable buildings thereon for the comfortable maintenance, employment, and support of the poor of such poor district or such other investments or disposition thereof as may be deemed most advantageous to the district, or may distribute and award the proceeds among the municipalities entitled thereto. The court may, in its discretion, require proper bond to be given before or after sale for the faithful accounting and application of the proceeds.

Section 705. *Right of Eminent Domain.* Whenever the directors of any poor district shall desire land for the erection of necessary buildings or for farming or other purposes or for procuring a supply of pure water for hospital purposes, and are unable to agree with the owner or owners of the property upon the price to be paid therefore, the said directors, with the approval of the court of common pleas for the proper county of such poor district, by themselves, their agents, and workmen, shall have power to enter upon, locate, survey, make, take, occupy, and use any such lands or appropriate such water for the purposes aforesaid: Provided, That no waters shall be condemned and appropriated under the provisions of this act nor any water system, reservoir, pipe, or conduit be constructed or maintained until a permit for the condemnation and appropriation of such waters or the construction or maintenance of such water system, reservoir, pipe, or conduit shall have been procured from the Department of Health and the Water Supply Commission of Pennsylvania: And provided further, That nothing in this act contained shall be construed to relieve any hospital from the operation of the provisions of the act of April twenty-two, nineteen hundred and five.

Section 706. *Property of Poor District to be Security for Land Taken.* The taking of any lands by any poor district by right of eminent domain, under the provisions of section seven hundred and five, is hereby declared to be the taking of private property for public purposes, and for all damages done or suffered, or which shall accrue to the owner or owners of such lands by reason of such taking, all the property of the poor district shall be pledged as security.

Section 707. *Appointment of Viewers to Fix Compensation.* If the directors of the poor cannot agree with the owner or owners of such lands for the compensation proper for the damage sustained, or likely to be sustained, by any owner or owners which such directors may enter upon, use, take, or occupy in pursuance of the authority herein given, or by reason of the absence or legal incapacity of any such owner or owners no compensation can be agreed upon, the court of common pleas of the county on application thereto by petition, either by the directors of the poor or by the owner or owners or any one in their behalf, shall appoint three viewers from the county board of viewers and fix a time, not less than ten nor more than twenty days thereafter, for said viewers to meet at or upon the premises or property taken or occupied, of which time and place five days' notice shall be given by the petitioner to the said viewers and the other party.

Section 708. *Viewers to Estimate Damages and Report to Court.* The viewers having been first duly sworn or affirmed faithfully, justly, and impartially to decide and a true report to make concerning all matters and things to be submitted to them and in relation to which they are authorized to inquire in pursuance of the provisions of this act, and having viewed the premises, shall estimate and determine what amount of damages, if any, have been or may be sustained and to whom the same are payable, make report thereof to the court. The amount of damages, when confirmed by the court, shall be entered as a judgment.

Section 709. *Appeals from the Court.* Upon the filing of the report of said viewers, or any two of them, either party may within thirty days thereafter file his, her or their appeal from the said report to the court, and after such appeal either party may put the cause at issue in the form directed by said court, and the same shall be tried by said court and jury, and after final judgment either party may have an appeal to the Supreme or Superior Court, in the manner provided in other cases.

The court shall have power to order what notices shall be given in connection with any part of the

proceedings and make all such rules in connection therewith as may be deemed requisite.

If any exceptions be filed with any appeal to the proceedings they shall be disposed of, and if allowed a new view shall be ordered, and if disallowed the appeal shall proceed as before prescribed.

Section 710. *Damages to be Paid into Court when Title Disputed.* If during any of said proceedings it shall be made to appear by affidavit or otherwise, to the satisfaction of the court, that the title to the said lands is disputed, doubtful, or defective, or that any party in interest is absent, covert, not of full age, or for any other cause incapable to act, the court may make full needful orders to effect the purposes of this act, and may direct the damages and costs to be paid into court for the benefit of the parties who may eventually be entitled thereto.

Section 711. *Damages to be Paid to Owner when Finally Determined.* The amount of damages as finally determined in any proceeding before viewers shall be paid by the poor district to the owner or owners of the property entitled thereto.

Section 712. *Leasing of Poor Farms for Coal, Oil, or Gas.* The directors of the poor in the several districts of this Commonwealth having lands in connection with almshouses be and they are hereby authorized and empowered, with the approval of the court of common pleas, to lease said lands for the purpose of producing coal, oil, or gas, on such terms as may be advantageous to such county or body corporate owning or controlling the same. The said court shall enter a decree directing the disposition or investment of the income of such lease.

Section 713. *Rebuilding of Poorhouses Destroyed by Fire.* The directors of the poor in any district where a poorhouse has been heretofore erected and the same has been, or may hereafter be, destroyed by fire or other casualty, are authorized and empowered to rebuild the buildings so destroyed or to erect suitable separate buildings to segregate the sane and insane poor.

Section 714. *County Commissioners to Levy and Collect Tax for Such Buildings.* The county commissioners of the respective counties when such buildings have been, or may hereafter be, destroyed by fire or other casualty, shall have the power and it shall be their duty upon the requisition of said directors to assess, levy, and collect, together with the other county rates and levies and on the same subjects of taxation on estimates furnished by the directors, an amount sufficient to furnish the necessary funds to erect said buildings and furnish the same, in connection with any sum or sums of money received by said directors from insurance on said buildings so destroyed or from any other source.

Section 715. *Plans and Specifications and Contracts for New Buildings.* The plans and specifications for any buildings authorized by section seven hundred and fourteen to be erected shall be first submitted to and approved by the Department of Welfare, as provided in section seven hundred hereof, and any contract for the erection of such building or buildings made by the directors of the poor with any contractor or contractors, or for furnishing the necessary materials for the same, shall have the approval of the court of common pleas of the proper county before such contract becomes binding and operative.

Section 716. *Appointment of Viewers to Inspect New Buildings.* Whenever the said buildings shall be finished and completed viewers shall be appointed, under the provisions of section two hundred and eighteen of this act.

CHAPTER VIII

SETTLEMENT

Section 800. *How Gained.* A settlement may be gained in any poor district by any person not a public charge, married or single, who bona fide comes to inhabit therein and continues to reside there for one year. Persons born in a place, whether legitimate or illegitimate, shall be deemed to be settled there unless the parent having their custody be settled elsewhere and all children shall follow the settlement of the parent or parents, stepfather or stepmother, having their custody, until the age of sixteen years.

Section 801. *Order of Removal.* In case any person shall have no settlement in the district wherein he has become, or is likely to become, a public charge, it shall be the duty of the directors, as soon as may be, to notify the directors of the district of his settlement of the facts, and from the time of such notice the cost of his relief shall be charged to the district of his settlement. If the directors so notified refuse or neglect to receive him, or to make arrangements for his proper support and maintenance, the directors furnishing such relief may apply to the court of quarter sessions of their county, or to any judge thereof, by petition, asking for a citation to the directors so refusing or neglecting, requiring them to appear before such court at a time specified therein and show cause why an order should not issue for the removal of such person into their district. The said court shall proceed to hear and determine the cause upon its merits, and their decree shall be final unless an appeal therefrom be taken within thirty days.

The citation herein provided for, accompanied by a copy of the petition, shall be served by the sheriff of the county, who may for that purpose deputize the sheriff of the county of the respondent, upon one or more of the directors named therein, or with the approval of the court service may be had by sending such copy by registered mail, and shall be served or mailed at least ten days before the day fixed for such hearing: Provided, That upon the hearing and argument before said court of quarter sessions of said citation for an order of removal of paupers from one district to another, it shall be lawful for either of the parties to the issue to except to any decision of the court upon any point of evidence or law, which exception shall be noted by the court and filed of record, as in civil cases, and an appeal to an appellate court may be taken by either party from the judgment or decree of the court with like effect, as in civil cases.

Section 802. *Liability for Costs.* In case an order of removal is granted by any court of quarter sessions, under the provisions of this act, the court in the same order shall require the directors of the district of settlement to pay the petitioners the cost of the proceedings, the expense of removing, and the proper charges for the relief of the poor person from the date of the notice first above provided for, all of which expense, cost, and charges shall be ascertained and allowed by the court. If an order of removal is refused, the cost of the proceeding shall be paid by the directors petitioning therefor.

Section 803. *Jurisdiction of Quarter Sessions.* The court of quarter sessions shall have full and complete authority and jurisdiction to enforce by appropriate methods its orders or directions made in such proceeding.

Section 804. *Care of Transient.* If any person shall come out of any poor district in this Commonwealth into any other district and shall happen to fall sick or die before he has gained a settlement therein, so that he cannot be removed, the directors of such district shall, as soon as conveniently may be, give notice to the directors of the district where such person had last gained a settlement, or to one of them, of the name, circumstances, and condition of such poor person, and if the directors to whom such notice shall be given shall neglect or refuse to pay the moneys expended for the use of such poor person and to take orders for relieving and maintaining him, or in case of his death before such notice could be given, shall on request made neglect or refuse to pay the moneys expended in maintaining and burying such poor person, in every such case the procedure defined in section eight hundred and one of this act may be in-

voked to compel payment by such district of all such sums of money as were expended for said purposes.

Section 805. *Leaving Poor Person in District.* If any person shall bring or send or cause to be brought or sent any poor person from any place without this Commonwealth, or from any place within this Commonwealth, to any other place within it where such person was not last legally settled and there leave or attempt to leave such person with intent to relieve himself or some other place or district of the maintenance of such person, he shall forfeit and pay the sum of one hundred dollars (\$100) for every such person and become liable to pay all the costs respecting the maintenance and removal, or either, of such person, to be sued for and recovered by the directors of the district into which such poor person may have been brought or sent, and moreover shall be obliged to convey such poor person out of the Commonwealth or district or support him at his own expense.

CHAPTER IX

DUTIES AND POWERS OF DIRECTORS

Section 900. *Maintenance of Poor Persons.* It shall be the duty of the directors of every district from time to time to provide, as is herein directed, for every poor person within the district having a settlement therein who shall apply to them for relief where such directors are satisfied upon investigation that such relief is necessary. Such relief may be granted as outdoor relief, or such poor person may be committed to the poorhouse, on the written order of a director of the poor, to be approved by the Board of Directors within a month thereafter, or upon an order of removal issued out of any court.

Section 901. *Poor Persons Unable to Work to be Maintained.* If such poor person by reason of age, disease, infirmity, or other disability, be unable to work, it shall be the duty of the directors to provide him with necessary means of subsistence.

Section 902. *Poor May be Employed by Highways.* It shall be lawful for the directors of any district, with the concurrence and under the direction of the supervisors of the township, to employ such poor person, being a male of sufficient ability, in opening or repairing any road or highway within the district.

Section 903. *Maintenance of Poor in Almshouse of Adjoining District.* The directors of the poor in all districts not having poorhouses are hereby authorized to contract with the authorities in charge of the poor in any adjoining or convenient district having a poorhouse, for the maintenance of the poor under their charge and to remove such poor to the poorhouse of such district.

Section 904. *Children Between Two and Sixteen Years of Age Not to be Kept in Almshouses.* It shall not be lawful for the directors of the poor in the several districts of this Commonwealth to receive into or retain in any almshouse or poorhouse any child between two and sixteen years of age for a longer period than sixty days unless such child be an unteachable idiot, an epileptic, or paralytic or otherwise so disabled or deformed as to render it incapable of labor or service. Violation hereof shall be deemed a misdemeanor and shall subject the offender upon conviction to a fine not exceeding one hundred dollars (\$100) or imprisonment not exceeding six months, either or both, at the discretion of the court.

Section 905. *Placing Children.* It shall be the duty of said directors, or other persons having charge of the poor, to place all dependent children who are in or committed to their charge and who are over two years of age (with the exceptions named in the preceding section of this act), in some respectable family or in some educational institution or home for children, and one of said officers shall visit such children in person or by agent not less than once every six months and make all needful inquiries as to their treatment and welfare, and shall report thereon to the board of directors or other officers charged with the care of such children.

Section 906. *Quarantined Persons Considered "Needy and Indigent Poor."* Whenever any head of a family or a person shall be quarantined by any authority because of any infectious or contagious disease and by reason of such quarantine such person becomes unable to pay the expense of the maintenance and treatment of his family or himself, during the period of quarantine, he shall be considered a "poor person" or a "needy and indigent poor" person within the meaning of the poor laws of this Commonwealth.

Section 907. *Relief of Indigent Deaf and Dumb.* That the directors of the poor of any district may enter into a contract with any association organized for the purpose of providing a home for deaf and dumb persons, and being situated within the boundaries of the State of Pennsylvania, for the care and maintenance at such home of any indigent deaf and dumb person who may be an inmate of the almshouse of any poor district or who may be under the laws of Pennsylvania entitled to relief from such poor district.

Section 908. *Removal of Deaf and Dumb to Care of Certain Associations.* The contract, as hereinbefore provided, shall be entered into by the poor district

on its own motion with such qualified institutions as they may select: Provided, however, That the State Department of Welfare, or any of its authorized agents, may direct any poor district to remove any deaf and dumb inmate of an almshouse to the care of an association qualified under this act, and when such removal is so ordered the contract for maintenance and the removal of the inmate to such institution shall be made and carried out by the directors of the poor district, or in the event of their failure to comply with such directions the said contract and the removal of such inmate may be made and carried out by the Department of Welfare or its authorized agents.

Section 909. *Cost of Maintenance Thereof.* Whenever a contract for such care and maintenance is made, whether by any poor district or by the Department of Welfare for any poor district, the said poor district shall during the period such person may remain in said institution pay to such association annually a sum equal to the per capita cost of maintaining inmates in the almshouse of such poor district, and all such costs for maintenance shall be collectible by process of existing laws.

Section 910. *Appropriations to Associations for Relief of Poor.* The proper officers of the several poor districts in each and every county of this Commonwealth may in their discretion, upon satisfactory proof being produced to them of the advisability thereof, make an appropriation yearly to incorporated associations maintained by gifts and voluntary contributions and formed for the purpose of assisting, relieving, and giving medical care and attention to the poor, injured, or sick within their respective poor districts or any municipal division thereof: Provided, That this act shall in no wise apply to corporations whose objects and purposes are limited to the members thereof or to any nationality or sect.

Section 911. *Burial of Indigent Persons.* It shall be the duty of the directors of each poor district, where provision is not made by law, to provide for the burial of all indigent persons, other than travelers or honorably discharged soldiers, sailors, or marines, who shall die within their respective districts and whose bodies shall not be claimed by any relative by blood or marriage or by a friend or by a representative of a fraternal organization of which the deceased was a member or by the representatives of any charitable organization or which may not be claimed by the Anatomical Board of the State of Pennsylvania for use for scientific purposes under the provisions of existing laws. The expense of any such burial shall not be less than twenty-five dollars nor more than seventy-five dollars, and shall be paid from the funds of the poor district.

CHAPTER X

LIABILITY FOR SUPPORT

Section 1000. *Estate of Pauper Liable for the Expense of His Maintenance.* The real and personal estate of any pauper shall be liable for the expenses of his support, maintenance, and burial incurred by any poor district, whether owned at the time such expenses were incurred or acquired thereafter.

Section 1001. *Poor Authorities May Sue for Moneys Expended.* The directors of the poor, or the county commissioners in charge of any poor district, may sue for the moneys expended by them on account of such pauper in an action of assumpsit in the proper court of the county, and any judgment obtained shall be a lien upon the real estate of such pauper and be collected as other judgments are now collected.

Section 1002. *Status of Claim Against Real Estate of Deceased Pauper.* Any claim, as provided for in section one thousand, shall have the same force and effect against the real estate of a deceased pauper as other debts of a decedent and shall be ascertained and recovered in the same manner.

Section 1003. *Guardianship of Pauper.* When any person shall become a public charge the directors may file a certificate setting forth the fact of chargeability in the office of the prothonotary of the court of common pleas of such county where such person is of full age or in the office of the clerk of the orphans' court of such county where such person is a minor, and attach thereto an inventory of all property, real, personal, and mixed which may be owned by such poor person or to which the directors may believe the said poor person to be entitled, and thereupon the said directors shall be and become to all intents and purposes guardian of the person and estate of such poor person (whether all of such estate be enumerated in the inventory or not), with all the rights at law now enjoyed by guardians of the persons and estates of adults or minor children. The prothonotary shall index the filing of such certificate in the name of such poor person in the adsectum equity index and the clerk of the orphans' court shall index such certificate filed in his office in the orphans' court index, which indexing in either office shall be regarded as notice to the world of such facts. No poor person in such case shall be discharged from such guardianship and his property shall not be released therefrom until he has made application to the proper court by petition for a citation upon the directors and after service thereof has fully satisfied the court that he has become able and willing to resume control of his own person and estate and that the said district has

been fully reimbursed for the expense of his maintenance or that all of his estate has been applied thereon. The cost of such proceedings shall be paid by the petitioner, unless otherwise ordered by the court: Provided, That nothing herein shall prejudice the right of an innocent purchaser for value of any personal property of said pauper.

Section 1004. *Leasing of Real Estate of Paupers.* It shall be lawful for the directors of the poor of any district under the supervision of the common pleas court, where the pauper is of full age, and of the orphans' court, where the pauper is a minor, of such county to make leases for a term of years of the real estate of any pauper and receive the rents, issues, and profits thereof and apply the proceeds, or so much thereof as may be necessary, to defray the expenses incurred in the support and burial of such pauper; and the balance of residue thereof shall be paid to the legal representatives of such pauper after his or her death upon indemnity being made to such directors to secure them from the claims of all other persons; and after the payment of the claims of such directors the rents, issues, and profits arising under such lease shall be payable to the legal representatives of such pauper.

Section 1005. *Poor Authorities to Sue for and Recover Property of Paupers.* It shall be lawful for the directors of the poor of any district in which any person shall have become chargeable to sue for and recover any real or personal estate belonging to such person and to sell or otherwise dispose of the personal property and to collect and receive the rents and profits of the real estate and to apply the proceeds, or so much thereof as may be necessary, to defray the expenses incurred in the support and burial of such person, and if any balance shall remain the same shall be paid over to the legal representatives of such person after his death upon demand made and security being given to indemnify such directors from the claims of all other persons.

Section 1006. *Poor Authorities to Collect Money Due Pauper.* Whenever any person shall have become a public charge in any poor district of this Commonwealth it shall be lawful for the directors of the poor of such district to sue for and recover any and all sums of money which may be due to such poor persons in the present or to become due in the future, whether the same be claimed by such poor person upon an express or an implied contract by judgment, mortgage, order, or decree of any court having jurisdiction of the subject-matter, and for this purpose the said directors of the poor are authorized to em-

ploy any and all legal means which such poor person might have employed had he or she not become chargeable as aforesaid.

Section 1007. *Form of Action.* In all suits brought under section one of this act the writ or process shall issue in the name of the owner of the chose in action for the use of the directors of the poor of the proper poor district, and at the hearing proof that the owner of the right of action has become legally chargeable to the county or poor district whose directors of the poor are the use plaintiffs shall be conclusive of their right to recover whatever may be legally due or to become due to the poor person so found to be chargeable. If the amount due shall have been already ascertained and judgment entered the proof that the said plaintiff has become chargeable as aforesaid shall be conclusive of the right of the proper directors of the poor to be subrogated as plaintiffs in the said judgment, and if the sum due such poor person shall be founded on an order or decree of a court of competent jurisdiction then proof before such court on a rule to show cause that such poor person has become chargeable to any county or poor district shall be conclusive of the right of the directors of the poor of such poor district to recover the same, whether the same be due in the present or in the future or be due in one or several installments, and the said court shall make all the orders necessary to carry the provisions of this section into effect. Any defendant upon whom notice has been served of intention to begin proceedings under the provisions of this act to recover the amount owing by him to a person chargeable to any county or poor district who shall after this notice pay the same or any portion thereof to any other person than the proper directors of the poor shall not thereby be released from any liability, but shall be liable to pay his entire indebtedness to the said directors of the poor.

Section 1008. *Refund of Unexpended Money Belonging to Pauper.* Should any person chargeable to any county or poor district in this Commonwealth become self-sustaining, or cease to be chargeable by being supported by a relative or other person, then any moneys originally belonging to such poor person which may have been recovered under the provisions of sections one thousand and five or one thousand and six by the directors of the poor of such poor district shall belong to such poor person the same as if no proceeding under this act had been instituted, and on the death of any person chargeable to any poor district any moneys originally belonging to such poor person which may have been recovered under the provisions of this act and not expended in the care, sup-

port, or funeral of such poor person shall belong to the heirs of such poor person the same as if it had never been obtained by the directors of the poor under the provisions of this act: Provided, That if the entire amount expended in the care, support, and funeral of such poor person shall exceed the amount recovered under the provisions of this act, nothing shall be refunded to the said poor person or his heirs in any event.

Section 1009. *Seizure of Property of Deserters.* If any man shall separate himself from his wife without reasonable cause or shall desert his children, or if any woman shall desert her children, leaving them a charge upon the district, in any such case it shall be lawful for any magistrate of the county upon complaint made by the directors of the district to issue his warrant to such directors therein authorizing them to take and seize so much of the goods and chattels and receive so much of the rents and profits of the real estate of such man or woman, or to attach so much of his or her wages or of any other sums due, as in the judgment of the said magistrate shall be sufficient to provide for such wife and to maintain and bring up such children, which sum or amount shall be specified in such warrant; but if sufficient real or personal estate cannot be found, then to arrest such person and bring him before such magistrate, at a time to be specified in such warrant.

Section 1010. *Security for Appearance at Court.* It shall be lawful for such magistrate on the return of such warrant to require security from such person for his appearance at the next court of quarter sessions of the county, there to abide the order of the court, and for want of such security to commit such person to the county jail.

Section 1011. *Court to Make Order.* The warrant aforesaid shall be returned to the next court of quarter sessions of the county, when it shall be lawful for the said court to make an order for the payment of such sums as they shall think reasonable for the purpose aforesaid and therein authorizing the directors to dispose of the goods and chattels aforesaid, by sale or otherwise, and to collect and receive the rents and profits aforesaid, or so much of either as in the judgment of the court shall be sufficient for the purpose aforesaid, but if there be no real or personal estate it shall be lawful for the court to commit such person to the jail or workhouse of the county, there to remain until he or she comply with such order, give security for the performance thereof, or be discharged by due course of law.

Section 1012. *Relatives Liable for Support.* The husband, wife, children, father, mother, grandparents, and grandchildren respectively of every poor person shall at their own charge, being of sufficient ability, relieve and maintain such poor person at such rate as the court of quarter sessions of the county where such poor person resides shall order and direct.

Section 1013. *Attachment May Issue Upon Default.* In all cases where an order has been made by the court of quarter sessions for the support of a husband, wife, father, mother, child, grandfather, grandmother, or grandchild, or where an order has been made upon a husband, wife, father, mother, child, grandfather, grandmother, or grandchild of a person confined in any hospital, asylum, home, or other institution, at the charge of any county or poor district, for the support of the said person so maintained as a charge by the said county or poor district, and the said order made for the support or maintenance of any of the said persons heretofore mentioned has not been complied with by the person on whom the said order has been made for a period of thirty days, the court of quarter sessions wherein the said order shall have been made or any judge thereof upon affidavit or petition filed, setting forth that the person on whom the said order has been made has not complied with the said order, shall issue an attachment directed to the sheriff or other proper officer of the county directing and commanding that the person named as having failed to comply with said order be brought before the court forthwith or at such other time as the court may in its discretion direct. Whereupon if it shall appear to the court after hearing that the person on whom the said order was made has wilfully neglected to comply with the said order upon him the court may adjudge said person in contempt of court.

Section 1014. *Penalty for Not Complying with Order of Support.* If the court, after hearing, shall adjudge the person on whom the said order has been made to be in contempt of court, it shall be lawful for the court in the exercise of its discretion to commit the said person to the county jail for a period not exceeding six months.

Section 1015. *Order on Relatives for Maintenance.* The courts of quarter sessions in the several counties of this Commonwealth shall have power to hear, determine, and make orders and decrees in all cases either upon the petition of the directors of the poor or of any other person or persons having an interest in the support of said poor person or persons and either with or without an order of relief having been first obtained.

Section 1016. *Statute of Limitations No Defense.* In all suits, claims, or demands of any poor district for maintenance and support against the real or personal estate or property rights of any pauper the statute of limitations shall not avail as a defense.

Section 1017. Nothing contained in this act shall oust, alter, or impair the exclusive jurisdiction in desertion and non-support cases now vested in any municipal or county court, but the same shall continue as though this act had not been passed:

CHAPTER XI

VAGRANTS

Section 1100. *Who Are Vagrants.* The following described persons are hereby declared to be vagrants:

One. All persons who shall unlawfully return into any district whence they have been legally removed without bringing a certificate from the proper authorities of the city or district to which they belong, stating that they have a settlement therein.

Two. All persons who shall refuse to perform the work which shall be allotted to them by the overseers of the poor, as provided by the act of June thirteenth, one thousand eight hundred and thirty-six, entitled "An act relating to the support and employment of the poor."

Three. All persons going about from door to door or placing themselves in streets, highways, or other roads to beg or gather alms, and all other persons wandering abroad and begging who have no fixed place of residence in the township, ward, or borough in which the vagrant is arrested.

Four. All persons who shall come from any place without this Commonwealth to any place within it, shall be found loitering or residing therein, and shall follow no labor, trade, occupation, or business, and have no visible means of subsistence and can give no reasonable account of themselves or their business in such place.

Five. Husbands who shall desert or refuse without reasonable cause to maintain and support their wives or family.

Section 1101. *Commitment of Vagrants.* If any person shall be found offending in any township or place against this act it shall and may be lawful for any constable or police officer of such township or place, and he is hereby enjoined and required on notice thereof given him by any of the inhabitants thereof or without such notice on his own view, to apprehend and convey, or cause to be conveyed, such person to a justice of the peace or other committing magistrate of the county, who shall examine such

person and shall commit him, being thereof legally convicted before him on his own view or by the confessions of such offender or by the oath or affirmation of one or more credible witnesses, to labor upon any county farm or upon the roads and highways of any city, township, or borough, or in any house of correction, poorhouse, workhouse, or common jail, for a term of not less than thirty days and not exceeding six months, and shall forthwith commit him to the custody of the steward, keeper, or superintendent of such county farm, house of correction, poorhouse, workhouse, or common jail or to the supervisors or street commissioners and directors of the poor of the respective county, city, borough, township, or district wherein such person shall be found, as in his judgment shall be deemed most expedient; the said justice of the peace or committing magistrate in every case of conviction annexing thereto the names and records of the different witnesses examined before him, and shall by warrant under hand commit such person as aforesaid: Provided, Any person who shall conceive himself aggrieved by any act, judgment, or determination of any justice of the peace or alderman, in and concerning the execution of this act, may appeal to the quarter sessions of the county, giving reasonable notice thereof, whose orders thereupon shall be final.

Section 1102. *Employment for Vagrants.* It shall be the duty of the custodian of any such vagrant to make active efforts to provide work for every vagrant committed under this act and not disqualified by sickness, old age, or casualty, and whenever labor cannot be provided in the place to which any vagrant is committed it shall be lawful for such custodian and it is hereby declared to be his duty, with the approval of the board of directors of the poor, to contract with the proper authorities of any such township, borough, city, county or other persons to do any work or labor outside the place of commitment. In all cases the work or labor shall be suited to the proper discipline, health, and capacity of such vagrant, and he shall be fed and clothed in a manner suited to the nature of the work engaged in and the condition of the season; and when any vagrant is committed under the provisions of this act to the custody of the supervisors or street commissioners and directors of the poor of any township, borough, city, or district or county, it shall be their duty to provide for him suitable lodging or quarters, either in a station-house or other building.

Section 1103. *Return of Persons Without Settlement to Their Homes.* If any person not being in the county, township, or place in which he usually lives or

has his home, shall apply to any director of the poor of any county, city, borough, township, or district, stating that he is desirous to return to his home, but is poor and has not the means to do so, the said director may employ or let out such poor person to labor at some suitable place to be by them selected and at such wages as shall seem to them just, and when in the opinion of said director of the poor such poor person shall have earned a sufficient sum said director of the poor shall with the money so earned and with such additions thereto from the treasury of the county, city, borough, township, or district as they may think reasonable, cause such person to be returned to his home whether in this State or elsewhere.

Section 1104. *Discharge of Vagrants.* The custodian of such vagrant may at his discretion discharge such vagrant at any time within the term of commitment upon not less than ten days' good behavior or upon satisfactory security that he shall not become a charge upon the public within one year from the date of such discharge.

Section 1105. *Buildings and Enclosures for Vagrants.* The directors of every district in which there shall not be sufficient provision for the safe custody of persons committed under this chapter, with the approval of the court of common pleas, are hereby empowered to make suitable provisions by buildings or enclosures.

Section 1106. *Fees. Disposition of Fines.* For each arrest, hearing, or commitment made under this chapter there shall be paid out of the county treasury to the committing magistrate and the officer making such arrest or commitment the sum of fifty cents each and mileage, as now provided by law, when such arrest is made more than one mile from the prison or place where such vagrant shall be committed, and no mileage shall be allowed to any officer making the arrest within one mile of the prison or place where such vagrant shall be committed; and no person shall be detained beyond the term of his or her commitment by reason of his or her inability to pay the costs of his or her arrest, hearing, and commitment, but shall forthwith be discharged by the officer in whose custody he may be. Any wilful refusal to make such arrest on the part of any constable or police officer shall subject him to a penalty of five dollars, to be collected as penalties are collectible, and shall be paid into the poor fund of the district in which such officer resides if such poor fund exists and into the county treasury where such poor fund does not exist.

Section 1107. *Almshouses Declared Workhouses.* All almshouses are hereby declared to be workhouses

for the purposes of this chapter, and it is hereby made the duty of the custodians of such buildings to provide work for such vagrants and to compel them to work therein, when able, not less than six hours per day.

Section 1108. *Certificates of Discharge.* The custodian of any vagrant upon his discharge and at his request shall give him a certificate of discharge, which shall exempt him from any further arrest for vagrancy for a period of five days, and the said custodian is hereby authorized to give in his discretion to such discharged vagrant a reasonable sum of money out of his earnings or out of the treasury of the township, borough, city, or county, to defray his expenses in securing employment.

Section 1109. *Employment of Prisoners on Poor Farms.* It shall be lawful for the authorities having control and supervision of any county jail or county prison within this Commonwealth, and they are hereby empowered, with the approval of the court of quarter sessions, to permit the employment of such inmates serving sentences therein, as they shall deem advisable, at agricultural labor on any district almshouse farm of the poor district in which such jail or prison is located, by the poor authorities of such district, under the direction and guard of the warden or keeper of such jail or prison or any deputy or deputies of such warden or keeper; and all inmates so employed shall at all times be amenable to restraint, discipline, and punishment in the same manner as if they were confined in the proper jail or prison.

Section 1110. *Liability of Warden or Keeper for Escape.* No warden or keeper or his sureties shall be held liable on any bond conditioned for the safekeeping of persons given into his care in case any inmates so employed shall escape if due care and diligence has been exercised in the discharge of the duties herein imposed.

CHAPTER XII

SANATORIA AND HOSPITALS

Section 1200. *Hospitals for Tuberculosis.* Poor districts in this Commonwealth are authorized to acquire lands, supply, erect, and equip hospitals or sanatorium for the care and treatment of indigent persons afflicted with tuberculosis.

Section 1201. *Equipment Thereof.* Any poor district may hereafter supply, erect, and equip a suitable institution for the maintenance, care, and treatment of indigent persons afflicted with tuberculosis, according to plans and specifications approved by the

State Department of Health, which hospital or sanatorium shall be provided with all the modern appliances for the treatment of tuberculosis, with a medical superintendent of experience in the treatment of tuberculosis and who shall be in actual practice for at least five years, in which the said patients are attended by trained and skilled nurses and in every way receive the same care and attention as they would in any State sanatorium for care and treatment of tuberculosis.

Section 1202. *Appropriation to Hospital or Society.* Whenever there shall have been established in any poor district of this Commonwealth a hospital or sanatorium for the treatment therein of indigent persons suffering from tuberculosis or whenever there shall have been established in any county or district a duly incorporated society chartered to maintain a sanatorium for the treatment therein of persons suffering from tuberculosis, which said hospital or sanatorium has been erected and equipped in accordance with plans and specifications approved by the State Department of Health, it shall be lawful for the commissioners or directors of such county or district and they are hereby authorized and empowered to appropriate out of the funds of such county to such poor district or out of the funds of such district to such incorporated society so much money as may be necessary for the maintenance of indigent persons, residents of the county or district, who may be inmates of such hospital or sanatorium and under treatment for tuberculosis.

Section 1203. *Appropriation Limited.* That such appropriation shall not exceed for each of such indigent inmates the sum of twenty dollars (\$20) per week payable every three months at the end of the period.

Section 1204. *Inspection by County Commissioners.* That the commissioners of each county at all times shall have free access to such hospitals or sanatoria for inspection of its management and for ascertainment of the number of indigent persons receiving treatment therein.

Section 1205. *County Hospital for Contagious Diseases.* From and after the passage of this act hospitals for the care and treatment of persons suffering from contagious diseases may be constructed and maintained by counties in this Commonwealth.

Section 1206. *County Commissioners to Provide.* Whenever in the opinion of the county commissioners of any county a hospital for the care of contagious diseases appears to be necessary or advisable the said county commissioners may either locate such a hospital on the grounds of the county poor-farm or may purchase a suitable location in some other locality; pro-

vided such locality is not within or close to the built-up portion of any city, borough, or village and not within one hundred (100) feet of any public highway.

Section 1207. *Approval of Plans by Commissioner of Health.* Plans and specifications may be prepared for such hospital by the county commissioners or at their instance, which plans and specifications must be submitted to the Commissioner of Health of the Commonwealth of Pennsylvania for his approval, and must be so approved before the construction of any building is commenced.

Section 1208. *Manner of Construction.* Upon the plans and specifications being approved by the Commissioner of Health the said hospital may be constructed and equipped in the same manner that other county buildings are constructed and equipped, and the expense and cost of such construction and equipment paid by the county commissioners out of county funds.

Section 1209. *Conduct and Maintenance of Hospital.* After such hospital is erected and equipped and ready for occupancy it shall be conducted and maintained by and under the authority of the directors of the poor in the same manner that the county home and other county poor buildings are conducted and maintained.

Section 1210. *Payment of Expenses.* All expense incident to the construction and maintenance of contagious disease hospitals, established in accordance with the provisions of this act, shall be paid out of county funds, and no appropriations shall be made to such hospitals by the State.

Section 1211. *Removal of Contagious Cases to Hospital.* In any county in which a hospital for the care and treatment of contagious diseases has been constructed and is being maintained, whenever in the opinion of the health authorities (either the local board or department of health of any city or borough in such county or the State Department of Health) proper quarantine measures cannot be otherwise enforced, the said health authorities may, for the protection of public health and the prevention of epidemics of disease, have authority to remove cases of contagious disease from private residences and other places to such hospital for treatment and isolation during the continuance of such disease.

CHAPTER XIII

SPECIAL REVENUE PROVISIONS

Section 1300. *Record of Fines for Use of Poor.* It shall be the duty of every justice or magistrate who shall by virtue of any law of this Commonwealth receive any fine, penalty, or forfeiture appropriated by

law for the use of the poor, forthwith to enter at length on his docket the name of the person convicted, the offense committed, the amount of such fine, penalty, or forfeiture, and the time when the same was paid, and forthwith such justice shall pay over the same to the directors of the poor lawfully entitled thereto and shall at all times if required exhibit his docket to the inspection of the auditor or controller of such poor district.

Section 1301. *Neglect of Duty by Justice.* If any justice or magistrate shall wilfully neglect or refuse to perform the duties enjoined on him as aforesaid touching any fine, penalty, or forfeiture appropriated to the use of the poor, he shall on conviction thereof in the court of quarter sessions of the proper county be deemed guilty of a misdemeanor in office and fined for the use of the poor of the district in which he shall reside any sum not exceeding one hundred (\$100) dollars; and if he shall be convicted of neglecting or refusing to pay over on demand to the proper directors any money which he shall have received, as aforesaid, he shall be fined over and above the last mentioned sum any sum not exceeding double the amount which he shall have received, as aforesaid, which sums shall be recovered by process of said court.

Section 1302. *Duty of Clerk of Court.* It shall be the duty of every clerk of the court by whom any fine shall be imposed which by law is to be appropriated in whole or in part to the use of the poor forthwith to deliver a written notice of the same to the directors of the poor of the district entitled to receive said fine.

Section 1303. *Sheriff to Pay Over Fines Collected.* It shall be the duty of every sheriff who shall have received any fine, penalty, or forfeiture which by law may be appropriated to the use of the poor to pay the same to the proper directors of the poor, and if he shall fail to do so within five days after demand he shall on conviction thereof in the court of quarter sessions of the proper county be fined and pay to the use of the poor of the proper district any sum not exceeding double the amount received by him, to be recovered by the process of the said court.

Section 1304. *Gifts to Poor Construed.* All gifts, grants, devises, and bequests of any houses, lands tenements, rents, goods, chattels, sum or sums of money to the poor of any poor district or to any person or persons for the use of such poor, by deeds or by last will and testament or otherwise howsoever, shall be good and available in law and shall pass such gifts, grants, devises, and bequests to the authorities having charge of the poor of such poor district for the use of said district.

Section 1305. *Same to be Received by Directors.* All fines, forfeitures, bequests, gifts, and devises for the use of the poor of said district or now by law provided for any poor district which forms a part of said district, under the provisions of this act shall go to and be received by said directors of the poor, who shall demand and receive the same and use, invest, or expend the same as they in their judgment deem best for the purpose of providing support and employment for the poor and in paying the debts of said district.

CHAPTER XIV

AUDIT OF ACCOUNT

Section 1400. *Accounts to be Audited.* In addition to the powers and duties of county auditors and of county controllers, as now conferred on them by law, it shall be their duty to audit, settle, and adjust the accounts of the directors of the poor and of the treasurer and steward of every county poorhouse.

CHAPTER XV

JOINT DISTRICTS

Section 1500. *Purchase or Lease of Real Estate and Erection of Buildings by Directors of Two or More Districts. Administration by Joint Board.* The directors of the poor of any two or more conveniently located poor districts are hereby authorized, with the approval of the court of common pleas in each county, to jointly lease or purchase real estate and improve and erect buildings and to provide tools, machinery, and stock as they may deem necessary and proper to provide a home or farm for the keeping, maintaining, and employing of such poor persons as may be assigned to such home or farm by the directors of the poor of such districts and there to keep, maintain, and employ such poor persons and receive the benefit of the labor of such as are able to work for and toward their maintenance and support. The title to such real estate shall be taken in the joint names and for the joint use of the districts so uniting. No such joint action as aforesaid shall be had until it shall be separately ratified and entered upon the records of the respective districts so uniting.

Section 1501. *Organization of Joint Boards.* The directors of the poor of any two or more poor districts uniting, as provided in section one thousand five hundred of this act, shall, before they purchase or lease any real estate, meet as a board on a day certain and annually thereafter and organize by electing a president, secretary, and treasurer. The secretary and treasurer may be allowed such compensation as the board may determine. The treasurer shall give bond

in an amount to be fixed by the board, conditioned for the faithful performance of the duties of his office, which bond shall be deposited with the president of said board.

Section 1502. *Apportionment of Costs Among Districts Uniting.* The board shall ascertain the amount required for the purchase or leasing of real estate and the improvement and construction of buildings, together with the cost of equipment, and shall apportion such amount among the districts so uniting according to their population or according to such other method or basis as may be agreed upon before such joint action starts, and the directors of such districts are hereby authorized to pay from the poor funds of their respective districts into the treasury of the board the amounts thus apportioned to their respective districts.

Section 1503. *Authority to Borrow Money, Issue Bonds, and Levy Special Taxes.* At any time after the organization of the board the directors of the separate districts so uniting are authorized to borrow money and issue bonds therefor and negotiate the same for the purpose of raising money to carry out the provisions of section one thousand five hundred and two of this act. Such bonds shall be payable by the separate districts issuing them and shall not bear interest at a greater rate than six per centum nor be sold below par. They may be renewed from time to time, should the directors deem it advisable to do so. For the purpose of paying each district's share of the cost of such joint purchase or lease of real estate and the permanent improving and equipping of the same, or for the purpose of paying debts incurred or bonds issued according to the provisions of this section, the directors of the poor of the respective districts are hereby authorized to pay from the poor funds of their respective districts into the treasury of the board for a building or bond fund the amounts apportioned in the manner provided in section one thousand five hundred and two in addition to the poor tax for current expenses.

Section 1504. *Management and Control of Property.* The board shall have control, management, and direction of the property leased or purchased as aforesaid and shall provide those things necessary for the maintenance and employment of inmates, make necessary repairs and improvements of buildings and lands, cause the land to be cultivated, and use the proceeds of such land and of the labor of the inmates for and toward the support and maintenance of the home or farm. The board shall elect each year and fix their compensation a superintendent and such assistants and employes as they shall deem necessary, and they may appoint a physician and surgeon, all of whom shall be subject to removal by the board at any time.

Section 1505. *Meetings of Board. Quorum. Record of Proceedings.* A majority of the directors of the districts so uniting shall be a quorum for the transaction of business. They shall meet at such regular times and places as they may agree upon, visit and inspect the home and farm and examine into its management, see that the inmates are properly treated and cause any just grievances to be corrected or redressed, and shall keep a record of their proceedings, which shall be evidence of their actions in any subsequent judicial proceedings. The board may appoint an executive committee consisting of such number of members of the board as may be agreed upon and may delegate to such committee such powers and duties as the board may deem proper. The expenses of the board and of the executive committee shall be paid out of the joint fund. No contract shall be approved nor any expenditure authorized of over five hundred dollars except upon the vote of two-thirds of the board.

Section 1506. *Apportionment of Maintenance Expenses Among Districts.* The board shall at its annual meeting for organization, or as soon thereafter as possible, make a careful written estimate of the amount of money they deem necessary for the proper maintenance, operation, and support of said poor home or farm for the ensuing year. The amount or amounts so determined upon shall be apportioned among the several districts so uniting according to such method or basis as may have been agreed upon before such joint action started, and the directors of the poor of the several districts are authorized and required to pay, or to make provision to pay, as needed out of their poor fund to the treasurer of the board the amount so apportioned to their respective districts. Any income arising from the operation of said home or farm may be used to lessen the current expense to the several districts for improvements, stock, and equipment, or at the option of the board may be distributed among the several districts according to such method or basis as may have been agreed upon.

Section 1507. *Accounts and Audit.* The board shall keep accurate accounts of all moneys received and paid by them in the performance of their duties. All accounts shall be audited by a board of three auditors appointed by concurrence of the courts of common pleas of the counties constituting such poor district, which shall fix their compensation.

Section 1508. *Discontinuance of Joint District.* Whenever such districts so uniting shall agree to discontinue such joint action and ownership, or where one or more districts shall desire to discontinue such joint action and ownership, the joint assets and indebtedness, or the share thereof, such district or districts shall be apportioned or adjusted as may be agreed

upon. In case of failure so to agree the matter may be adjudicated by the court of common pleas of any constituent county by a proceeding in equity.

APPROVED—The 14th day of May, A. D. 1925.

GIFFORD PINCHOT.

No. 414.

AN ACT

To amend, by adding a new section—number eight hundred and twenty-four, and amend sections eight hundred and twenty-five, eight hundred and twenty-six, eight hundred and twenty-seven, eight hundred and twenty-eight, eight hundred and forty, and eight hundred and forty-one of an act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, three hundred and fifty-nine), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto."

Game, wild birds
and wild animals.

Article VIII, of
act of May 24,
1923 (P. L. 359),
amended.

Auxiliary State
game refuges.

Section 1. Be it enacted, &c., That article eight of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, three hundred and fifty-nine), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," is hereby amended by adding a new section to article eight, under the heading "(c) Auxiliary State Game Refuges," to read as follows:

Section 824. *Auxiliary State Game Refuges.*—The board, acting through the secretary, may establish and maintain auxiliary State game refuges for the protection and propagation of game, and to maintain public hunting grounds, on lands or waters suitable for that purpose where considered advisable by the board. Suitable lands or waters owned or controlled by individuals, corporations, associations, municipalities, or by the State or National government, may be used for such purpose, subject to the permission of the proper authorities owning or controlling the same. The hunting rights to such lands or waters shall be conveyed in the form of a lease, by the person or persons having control, to the board for a period of not less than ten years; provided that the board may at any time upon sixty days' notice to the lessor cancel any lease for auxiliary refuge lands, when in the judgment of the board the use of such lands or waters is no longer needed or desired: And be it further provided, That in case the owner or owners desire to sell such property, and such sale cannot be consummated subject to said lease of the hunting rights, the lease may be cancelled by the board, acting through