

No. 244.

AN ACT

To provide for the erection of a house for the employment and support of the poor, in the county of Luzerne.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That

Commissioners. Andrew Beaumont, Lewis Worrel, E. W. Sturdevant, Ziba Bennett, Lord Butler, James Stark, William S. Ross, Samuel T. Nicholson, William L. Bowman, of Wilkesbarre, Noah Wadhams, Henderson Gaylord, Samuel Wadhams, of Plymouth, and Charles Dortance, Charles D. Shoemaker, William Swetland, William C. Reynolds, Erastus Hill, of Kingston, be and are hereby appointed commissioners, whose duty it shall be or a majority of them, on or before the first day of May, Anno Domini one thousand eight hundred and forty-four, determine upon and purchase such real estate as they shall deem necessary for the accommodation of the poor of Luzerne county; and it shall be lawful for said commissioners, or a majority of them, to take conveyance therefor, in the name and for the use of the corporation, mentioned in the third section of this act; and they shall certify their proceedings therein, under their hands and seals, to the clerk of the court of quarter sessions of Luzerne county, to be filed in his office; and at the next general election the qualified electors shall elect three reputable citizens of the said county, to be directors of the poor and of the house of employment, for the county of Luzerne, for the ensuing year; and the judges of the election of said county shall, immediately on receiving the returns from the several election districts, and casting up the number of votes therein, or within three days thereafter, certify under their hands and seals, the names of the persons so elected directors, to the clerk of the court of quarter sessions of the said county, who shall file the said certificate in his office, and forthwith give notice in writing to the said directors of their being elected; and the said directors shall meet at the court house in the said county, on the first Monday of November next, ensuing their election, and divide themselves by lot into three classes—the place of the first to be vacated at the expiration of the first year, of the second at the expiration of the second year, of the third at the expiration of the third year—so that those who shall be chosen after the first election, and in the mode above described, may serve for three years, and one-third may be chosen annually.

SECTION 2. Every director elected in the manner aforesaid, or appointed as is directed by the eleventh section of this act, shall, within ten days after he is notified of such election or appointment, and before he enters upon the duties of said office, take an oath or affirmation, which any justice of the peace of the said county is hereby authorized to administer, that he will discharge the duties of the office of director of the poor for the said county, truly, faithfully and impartially, to the best of his knowledge and ability; and in case of neglect or refusal to take the said oath or affirmation, within the time aforesaid, he shall forfeit and pay the sum of ten dollars, for the use of the poor of said county; which fine shall be recovered by the directors for the time

being, as debts are or shall be by law recoverable; and the directors, qualified as aforesaid, are hereby authorized to administer an oath or affirmation, in any case when it shall be necessary, in relation to the duties of their office.

SECTION 3. The said directors shall, forever hereafter, in name and in fact, be one body politic and corporate in law, to all intents and purposes whatsoever, relative to the poor of the county of Luzerne; and shall have perpetual succession, and may sue and be sued, plead and be impleaded, by the name, style and title of the directors of the poor for the county of Luzerne; and by that name shall and may receive, take and hold, any lands, tenements and hereditaments, not exceeding the yearly value of ten thousand dollars, and any goods and chattels whatsoever, of the gift, alienation or bequest, of any person or persons whatsoever; to purchase, take and hold any lands and tenements within their county, in fee simple or otherwise, and erect suitable building for the reception, use and accommodation of the poor of said county; to provide all things necessary for the lodging, maintenance and employment of said poor; to appoint a treasurer annually, who shall give bond, with full and sufficient surety, for the faithful discharge of the duties of his office, and at the expiration thereof, for the payment and delivery over to his successor in office of all moneys, bonds, notes, book accounts and other papers, to the said corporation belonging, which shall then be remaining in his hands, custody and possession; and said directors shall have power to employ, and at pleasure remove, a steward or stewards, matron or matrons, physician or physicians, surgeon or surgeons, and all other attendants that may be necessary for the said poor, respectively; to bind out apprentices, so that such apprenticeship may expire, if males, at or before the age of twenty-one years, if females, at or before the age of eighteen years, such poor children as shall come under their notice, or as may be bound apprentices by the overseers of the poor: *Provided*, That no child may be bound at a greater distance than thirty miles from the poor house; and the said directors shall exercise and enjoy all such other powers, not vested in the overseers of the poor, as are not herein granted or supplied; and the said directors are hereby empowered to use one common seal in all business relating to the said corporation, and the same at their pleasure to alter and renew.

Name.
Powers and privileges.
Apprentices.
Proviso.

SECTION 4. The said directors, as soon as may be after their election and organization, as aforesaid, shall make an estimate of the probable expense of purchasing the lands and building, or erecting the necessary building or buildings, and furnishing the same, and maintaining the poor within the said county for one year; whereupon, the county commissioners of the said county shall, and they are hereby authorized and required to increase the county tax, by one-fourth part of the sum necessary for the purpose aforesaid; and shall procure on loan, on the credit of the taxes herein directed to be levied, the remaining three-fourths thereof, to be paid in instalments, with interest, out of the county taxes: *Provided always*, That if such loan cannot be made, the whole amount of the sum necessary for the purpose aforesaid, or such part thereof as may be deemed proper, shall immediately be added to the county tax, to be paid by the county treasurer to the directors aforesaid, on orders drawn in their favor by the county commissioners, as the same may be found necessary.

Estimate of the expense of lands, &c.
Tax.
Proviso.

SECTION 5. It shall be the duty of the said directors, on or before the first day of November, in each and every year, to furnish the commis-

Estimate of ex-
pense of poor.

sioners of said county with an estimate of the probable expenses of the poor and poor house, for one year; and it shall be the duty of said commissioners to assess and cause to be collected the amount of said estimate, which shall be paid to said directors by the county treasurer, on warrants drawn in their favor by the county commissioners, as the same may be found necessary; and the said directors shall, at least once in every year, render an account of all moneys by them received and expended, to the auditors appointed to audit and settle the county accounts, subject to the same penalties, rules and regulations, as are by law directed respecting the accounts of the county commissioners; and shall at least once in every year, lay before the court of quarter sessions and grand jury of said county, a list of the number, ages and sex, of the persons maintained and employed in the said house of employment, or supported or assisted by them elsewhere, and of the children by them bound out to apprenticeship, as aforesaid, with the names of their masters or mistresses, and their trade, occupation or calling; and shall at all times, when thereunto required, submit to the inspection and free examination of such visitors, as shall from time to time be appointed by the court of quarter sessions of the said county, all their books and accounts, together with the rents, interests and moneys, payable and receivable by the said corporation; and also an account of all sales, purchases, donations, devises and bequests as shall have been made by or to them.

Accounts.

Quarter sessions and grand jury.

Masters and mistresses.

Books, &c.

Admission of the poor. **SECTION 6.** As soon as the said buildings shall have been erected or purchased, and all necessary accommodations provided therein, notices shall be sent, signed by any two of the said directors, to the overseers of the several townships of the said county of Luzerne, requiring them forthwith to bring the poor of their respective townships to said house of employment, which order, the overseers are hereby enjoined and required to comply with, or otherwise to forfeit the costs of all future maintenance, except in cases when by sickness or any other sufficient cause, any poor person cannot be removed, in which case, the said overseers shall represent the same to the nearest justice of the peace, who being satisfied of the truth thereof, shall certify the same to the said directors, and at the same time, issue an order under his hand and seal, to the said overseers, directing them to maintain such poor until such time as he or she may be in a situation to be removed, and then convey the said pauper and deliver him or her to the steward or keeper of the said house of employment, together with the said order; and the charge and expense of such temporary relief and of such removal, shall be paid by the said directors, at a reasonable allowance.

Duty of directors to provide for and employ paupers. **SECTION 7.** The said directors shall, from time to time, receive, provide for and employ, according to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in said county of Luzerne, and shall be sent there by an order or warrant for that purpose, under the hands and seals of any two justices of the peace, directed to any constable of the said county of Luzerne, or to the overseers of the proper township in any other county of this commonwealth; and the said directors are hereby authorized, when they shall deem it proper and convenient to do so, to permit any person or persons to be maintained elsewhere: *Provided,* The expense of their maintenance does not in any case exceed that for which they could be maintained at the poor house of the said county of Luzerne.

Rules. **SECTION 8.** The said directors or any two of them, who shall be a quorum in all cases to do business, shall have full power to make and

ordain such ordinances, rules and regulations, as they shall think proper, convenient and necessary, for the direction, government, and support of the poor and house of employment aforesaid, and the revenues thereunto belonging, and of all such persons as shall come under their cognizance: *Provided*, The same be not repugnant to this law, or any of the other laws of this state or of the United States: *And provided, also*, That the same shall not have any force or effect until they shall have been submitted to the court of common pleas for the time being, of the county of Luzerne, and shall have received the approbation of the same.

SECTION 9. A quorum of said directors shall, and they are hereby enjoined and required to meet at the said house of employment, at least once in every month, and visit the apartments, and see that the poor are comfortably supported, and hear all complaints, and redress or cause to be redressed, all grievances that may happen by the neglect or misconduct of any person or persons in their employment or otherwise.

SECTION 10. The said directors shall, each of them, receive for their services, the sum of one dollar per day for each and every day actually employed, to defray the expenses of their necessary attendance on the duties of their office.

SECTION 11. In case of any vacancy by death, resignation or otherwise, of any of the said directors, the remaining directors shall fill such vacancy by the appointment of a citizen of their county, under the same penalty as is provided by the third section of this act, to serve until the next general election, when another director shall be elected to serve, as if no such vacancy had happened.

SECTION 12. All claims and demands existing at the time of this act being carried into effect, shall have full force and effect, as if this act had not passed; and when the same may have been duly adjusted and settled, all moneys remaining in the hands of the overseers, as well as the uncollected taxes levied for the support of the poor in the several townships in the county of Luzerne, shall be paid over to the said supervisors of the highways of their respective townships, to be by them applied towards repairing the roads therein.

SECTION 13. As soon as the poor of the county of Luzerne shall have been removed to the house of employment of the said county, the outstanding taxes collected and paid over, the office of overseer of the poor within the said county shall from thenceforth be abolished.

SECTION 14. The power conferred, and the duties imposed, on the overseers of the poor, in and by an act to empower the overseers and guardians of the poor of the several townships within this commonwealth, to recover certain fines, penalties and forfeitures, and for other purposes, are hereby conferred and imposed on the supervisors of the highways in the said county of Luzerne; and that the justices of the peace, and sheriff, within the said county, are hereby required and enjoined to pay to the said supervisors, to be by them applied to the repair of the highways, the aforesaid fines, forfeitures and penalties, within the time and in the manner prescribed by the said act for the payment thereof in other counties to the overseer of the poor, and to give notice of the receipt thereof to the said supervisors, within the time and in the manner aforesaid; and that for any neglect or refusal to perform any of the duties enjoined on them by the said act, the said justice of the peace and sheriff in the said county, shall be subject to all fines, penalties and forfeitures to which the justices and sheriffs in other counties, by the said act, are subject or liable.

County commis- **SECTION 15.** The commissioners of said county are hereby author-
sioners. ized and empowered to pay to the persons who are appointed commis-
Directors. sioners by the first section of this act, the expenses incurred by them
in the performance of their duty; and also to pay to each of the said
Compensation. directors, a reasonable compensation for their services during the term
they are employed in erecting any building or buildings aforesaid: *Pro-*
vided, That the same shall not exceed seventy-five dollars for any one
year.

Repeal. **SECTION 16.** So much of the laws of this commonwealth relating to
the poor, as are by this act altered or supplied, be and the same are
hereby repealed, so far as they affect the county of Luzerne.

Meeting. **SECTION 17.** That the sheriff of the said county shall in due time
notify the said commissioners of their appointment, and when and
where they shall meet for entering upon the duties assigned by this act;
which place of meeting shall be at the court house in Wilkesbarre.

Citizens to vote **SECTION 18.** For the purpose of ascertaining the sense of the citi-
'for' or 'against' zens of Luzerne county, as to the expediency of erecting a poor house,
poor house. it shall be the duty of each of the inspectors for the several townships
and boroughs, at the next general election, to receive tickets either
written or printed, from the qualified voters thereof, labelled on the out-
side "poor house," and in the inside "for a poor house," or "against
a poor house;" and if it shall appear upon casting up the votes in the
different districts, at the court house, on the same day that other returns
are made out, that a majority of those who voted are for a poor house,
then the foregoing act to take effect; but if a majority of votes are
found to be against a poor house, the foregoing act be and the same is
hereby null and void.

Duty of sheriff. **SECTION 19.** And the sheriff of Luzerne county shall cause to be
published the eighteenth section of this act, in all the newspapers printed
in said county, at least six weeks previous to the next general election,
the expenses of which to be paid out of the county treasury.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.
WILLIAM BIGLER,
Speaker of the Senate.

APPROVED—The twenty-third day of April, one thousand eight hun-
dred and forty-four.

DAVID R. PORTER.