

No. 309.

A SUPPLEMENT

To "An Act relating to a certain action pending in the court of common pleas of the city and county of Philadelphia, and relative to special courts in the county of Mifflin."

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* ^{Repeal.} the first section of the act, entitled "An Act relating to a certain action pending in the court of common pleas of the city and county of Philadelphia, and relative to special courts in the county of Mifflin," be and the same is hereby repealed; and that the action of debt therein mentioned, be and the same is hereby restored to the court of common pleas for the city and county of Philadelphia: *Provided, always, That any* ^{Proviso.} cost of this proceeding which would otherwise fall on the county of Delaware, shall be paid by the county of Philadelphia.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 310.

AN ACT

To provide for the erection of a house for the employment and support of the poor of the county of Somerset, and for other purposes.

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* George Walker of Brother's Valley, Samuel Miller of Elk Lick, John Hanna of Addison, Peter Putnam of Milford, David Levan of Somerset township, John Hoffman of Jenner, Benjamin Kimmel of Stony Creek, George Chorpensing of Somerset, and Joseph Miller of Quemahoning, be and are hereby appointed commissioners, whose duty it shall be, or a majority of them, on or before the first day of January, Anno Domini eighteen hundred and forty-five, to determine upon and purchase such ^{Purchase real es-} real estate as they shall deem necessary for the accommodation of the state.

poor of Somerset county; and it shall be lawful for said commissioners, or a majority of them, to take conveyances 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 Somerset 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 house of employment for the county of Somerset 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 on the said 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.

Election of directors.

Classification of directors.

Oath.

Penalty for refusal.

SECTION 2. Every director elected in aforesaid manner, 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 the 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.

Name.

Powers and privileges.

Officers.
Duties.

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 Somerset; 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 and of the house of employment, for the county of Somerset; and by that name shall and may receive, take and hold any lands, tenements and hereditaments, not exceeding the yearly value of five 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 buildings 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, notes, bonds, 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; if females, at or before the age of eighteen years: *Provided*, That no child shall be bound out for a longer time than until he arrives to the age of eighteen years, unless he be bound out to a trade other than a farmer: *And provided*, In all cases the person to whom they are bound be required to give the child at least three months schooling in each year: *Provided also*, That no child shall 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.

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 buildings, of 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 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.

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 commissioners of said county with an estimate of the probable expense of the poor and poor-house for one year; and it shall be the duty of said commissioners to assess, 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 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, interest, and moneys payable and receivable by the said corporation; and also an account of all sales, purchases and donations, devises and bequests, as shall have been made by or to them.

Admission of
poor.

SECTION 6. As soon as the buildings shall have been erected or purchased, and all necessary accommodation 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 Somerset, 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 to 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.

Temporary relief.

Provision and
employment of
the poor.

SECTION 7. That 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 Somerset, 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 Somerset, 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 poor person or persons to be maintained elsewhere: *Provided*, The expense of the maintenance does not, in any case, exceed that for which they could be maintained at the poor house of the said county of Somerset.

Out-door relief.
Proviso.

Quorum.

Rules.

Proviso.

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 of 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 Somerset, and shall have received the approbation of the same.

Monthly meet-
ings.

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.

Pay.

SECTION 10. The said directors shall, each of them, receive for their services, annually, the sum of twenty dollars, to defray the expenses of their necessary attendance on the duties of their office.

Vacancy.

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 vacancy had happened.

SECTION 12. All claims and demands existing at the time of this act, ^{Claims.} 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 Somerset, shall pay over to the 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 Somerset shall ^{Overseers abol-} have been removed to the house of employment of the said county, and ^{ished.} 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 powers conferred, and the duties imposed on the ^{Certain powers} overseers of the poor, in and by an act to empower the overseers and ^{transferred to} guardians of the poor of the several townships, within this common- ^{supervisors.} wealth, 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 Somerset; 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 overseers 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.

SECTION 15. The commissioners of said county are hereby autho- ^{Commissioners of} rized and empowered to pay to the persons, who are appointed com- ^{Somerset county.} missioners 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 directors a reasonable compensation for their services, during the term they are employed in erecting any building or buildings aforesaid: *Provided*, The same shall not include the annual sum allowed them by this act, exceed fifty dollars for any one year.

SECTION 16. So much of the laws of this commonwealth relating to ^{Repeal.} the poor, as are by this act altered or supplied, be and the same are hereby repealed, so far as they effect the county of Somerset.

SECTION 17. That the sheriff of the said county shall, in due time, Notice of com-
notify the said commissioners of their appointment, and when and ^{missioners' ap-} where they shall meet for entering upon the duties assigned them by ^{pointment.} this act, which place of meeting shall be as near the centre of the county as possible.

SECTION 18. For the purpose of ascertaining the sense of the citizens of ^{Citizens to vote} Somerset county, as to the expediency of erecting a poor house, it shall ^{for or against a} be the duty of the inspectors, for the several townships and boroughs, at ^{poor house.} the next general election, to receive tickets, either written or printed, from the qualified voters thereof, labelled on the outside a "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

Duty of sheriff.

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.

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

York county directors of the poor.

SECTION 20. That the directors of the poor, in the county of York, are hereby forbidden to sell or dispose of any grain, meat, or other provisions of their own production or raising, to the almshouse and hospital of said county ; and if they, or either of them, shall violate the provisions of this section, by selling or furnishing to the said almshouse and hospital any grain, meat or other provisions, for the use of the said almshouse and hospital, they, or the one so offending, shall pay a penalty of one hundred dollars, to be recovered as debts of similar amount are now recovered.

Contested justices' election.

SECTION 21. That in all cases where the election of justices of the peace shall be contested, the justices then in commission shall continue to exercise and discharge the duties of their respective offices, until their successors are duly commissioned and qualified.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

JNO. B. STERIGERE,

Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 311.

A N A C T

Relating to dog tax in certain townships in Delaware county.

Treasurer of dog fund.

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 from and after the passage of this act, the whole amount of dog tax collected in the townships of Aston, Thornbury, Edgmont and Marple, in Delaware county, under existing laws, instead of being paid into the county treasury, as heretofore, shall be paid to the town clerk of the proper township, who is hereby constituted treasurer of the dog fund, and who shall give satisfactory security to the township auditors, if required, for the faithful performance of his trust; and in case of his neglect or refusal so to give security, the auditors shall appoint a suitable person to fill said office until a successor be chosen.

Orders for damages, &c.

SECTION 2. All orders for damage and destruction done to sheep by dogs in said townships, shall be drawn upon the said treasurer of the dog fund, who shall forthwith pay the same, if sufficient funds remain