

No. 374.

AN ACT

To provide for the erection of a poor house in the county of Mifflin, 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 the qualified electors of Mifflin county shall, at a special election, to be held in said county, on the second Saturday of May, one thousand eight hundred and forty-six, to be conducted by the inspectors and judges and clerks, who may hold the constables' elections in said county, in March, one thousand eight hundred and forty-six, vote whether they will erect a poor house in said county, and shall vote tickets labelled on the outside "poor house," and the inside "for a poor house" or "against a poor house;" and if it shall appear, on casting up the votes in the different election districts, at the court house, in the borough of Lewistown, by the return judges, who shall meet for that purpose, on Tuesday, the twelfth day of May, one thousand eight hundred and forty-six, that a majority of those who voted are in favor of a poor house, then this act to take effect, and be binding upon all the citizens of said county; but if a majority of those who vote are against a poor house, then this act to take effect and be binding, only in those boroughs and townships where a majority of the votes cast are in favor of a poor house; and should this law be adopted by the borough of Lewistown, then the director of the poor of the borough of Lewistown, is hereby authorized and empowered to sell and convey the poor-house farm, now owned by the borough of Lewistown, either to the corporation hereby created, or to any other person or persons; and the proceeds, after paying the liens against said farm, to pay into the treasury of the borough of Lewistown, for borough purposes.

Election to decide the question of a "poor house," by ballot.

SECTION 2. The overseer of the poor in each borough and township, receiving the greatest number of votes at the election in March, one thousand eight hundred and forty-six, in case the law is adopted by the county, shall be directors of poor; but if the law is not adopted by the whole county, then the overseer of the poor receiving the greatest number of votes in each of the boroughs and townships, where the law is adopted, shall be directors of the poor; and the said directors of the poor shall meet at the court house, in the borough of Lewistown, on Saturday, the sixteenth day of May, one thousand eight hundred and forty-six, and classify themselves by lot, so that one-third of the number shall go out of office in one year, one-third in two years, and one-third in three years; and as vacancies occur in the board of directors, by the expiration of said terms, the legal voters of the borough or township, of which said director, whose term expires, may be a resident, shall, at the time and place of holding constables' election, elect one reputable person to be director of the poor of said borough or township, for the next three years; and said directors shall enter upon the duties of their office upon the first Tuesday of May, after they shall be elected; vacancies occasioned by death, resignation, or removal of directors, out of their respective boroughs or townships, shall be filled

Directors of the poor.

To meet.

Classify.

Vacancies, how supplied.

by the voters of said borough or township, at the next regular constables' election, to serve for the unexpired time of said director, who may have died, resigned, or removed.

Directors to take an oath.

SECTION 3. Every director elected in the manner aforesaid, 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 said county is hereby authorized to administer, that he will discharge the duties of the office of director of the poor of 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

Penalty for refusal to act.

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 the office; the directors elected in one thousand eight hundred

To determine on a suitable farm.

and forty-six, shall, as soon as practicable, determine on a suitable farm, and contract for and take conveyance for the same, in the name of the corporation; and they shall also elect, by ballot, a committee of three out of their number, to superintend the erection of buildings, and manage said farm, for the first year, subject, nevertheless, to the control of the board of directors; and the members of said building committee shall each receive, in addition to their pay as directors, the sum of fifteen dollars.

Incorporated.

SECTION 4. 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 Mifflin, or such parts thereof as may adopt this law; 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 Mifflin;" 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

Duties.

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 at 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

Proviso.

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Proviso.

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 5. 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 whole county tax, if this law shall be adopted by the county; and if not so adopted, then the county tax in those townships and boroughs adopting this law 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; and the treasurer of Mifflin county shall keep a separate account of all money received and paid out for poor purposes, and shall receive the same per centage, and his bail be subject to the same liability, as if said money was received for county purposes generally.

To make estimate of probable expense.
Duty of county commissioners.
Increase tax.

SECTION 6. It shall be the duty of the said director, 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 from the whole county, or such townships and boroughs as may adopt this law, 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.

To furnish annual estimates to commissioners.
Accounts, how settled.
Examination authorized.

SECTION 7. As soon as the buildings shall have been erected or purchased, and all necessary accommodation provided therein, notices shall be sent, signed by the president and secretary of the directors, to the directors of the several townships of the said county of Mifflin, or such parts thereof as may adopt this law, requiring them forthwith to bring the poor of their respective townships, to said house of employment; which order, the directors 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 directors shall represent

Paupers to be removed into buildings, when erected.

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 directors, directing him 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.

Employment of
the poor.

SECTION 8. 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 Mifflin, or such boroughs and townships thereof, as may adopt this law; 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 Mifflin, 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 Mifflin.

Proviso.

To ordain by-
laws.

SECTION 9. The said directors, or any seven 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 Mifflin, and shall have received the approbation of the same.

Proviso.

Proviso.

A committee of
inspection to be
elected annually.

SECTION 10. A committee of inspection of said directors, to consist of three members, to be elected annually by said directors, at their annual meeting on the first Tuesday in May, in each year, 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; and the said committee shall each receive, in addition to their pay as directors, the sum of ten dollars.

Pay of committee.

Salary of direc-
tors.

SECTION 11. The said directors shall, each of them, receive for their services, annually, the sum of five dollars, to defray the expenses of their necessary attendance on the duties of their office.

Vacancies, how
supplied.

SECTION 12. 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.

Force of claims
and demands con-
tinued.

SECTION 13. 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 and boroughs adopting this law in the county of Mifflin, shall be paid over to the county treasurer, for the use of the corporation hereby created.

SECTION 14. As soon as the poor of the county of Mifflin shall have been removed to the house of employment of the said county, and the outstanding taxes collected and paid over, the office of overseer of the poor within the said county, or such townships and boroughs thereof as may adopt this law, shall from thenceforth be abolished. Office of overseer abolished.

SECTION 15. The powers conferred, and the duties imposed on the overseer 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 directors of the poor in the said county of Mifflin; and that the justices of the peace, and sheriff, within the said county, are hereby required and enjoined to pay to the said directors, to be by them applied to the use of the corporation hereby created, 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 directors, 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 justices 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. Further powers and duties.

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 Mifflin, or each township and borough thereof as may adopt this law. Repeal.

SECTION 17. That the judges of the elections, in the several townships and boroughs of the said county, shall in due time notify the said directors of their election, and when and where they shall meet for entering upon the duties assigned them by this act; which place of meeting shall be at the court house, in the borough of Lewistown. Directors to be notified of their election.

SECTION 18. And the sheriff of Mifflin county shall cause to be published this act, in all the newspapers published in said county, from the passage of this law, up till the second Saturday of May, eighteen hundred and forty-six, the expense of which is to be paid out of the county treasury. Sheriff to publish this act.

SECTION 19. That the electors of the borough of Newton Hamilton, in the county of Mifflin, are hereby authorized, at the usual time for the election of borough officers, to elect a constable, who shall be entitled to execute all civil process, subject to the same liabilities as township constables now are under the existing laws. Borough of Newton Hamilton to elect a constable.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WM. S. ROSS,
Speaker of the Senate.

APPROVED—The twenty-first day of April, one thousand eight hundred and forty-six.

FRS. R. SHUNK.