

deceased service persons and their widows and to furnishing markers and placing headstones on their graves.

(2)* Assist war veterans and their families in securing their rights as such in matters relating to their person, property and care of family under any of the laws of this Commonwealth and of the United States, and for such services the grave registrar shall be entitled to his expenses incurred therein and additional compensation, and both expenses and compensation shall be subject to the approval of the salary board or county commissioners, as the case may be.

Act effective
immediately.

Section 5. The provisions of this act shall become effective ten days after its final enactment.

APPROVED—The 21st day of May, A. D. 1943.

EDWARD MARTIN

No. 138

AN ACT

To amend the act, approved the eleventh day of June, one thousand nine hundred thirty-five (Pamphlet Laws, three hundred twenty-six), entitled "An act relating to counties of the first class; defining deceased service persons; providing for contributions by the county to the funeral expenses for such persons and their widows; providing for the erection and care of markers, headstones, and flags, and for the compilation of war records," further clarifying the term "deceased service persons," and changing the provisions for the burial of deceased service persons and their widows, and for markers and headstones on their graves.

Counties of the
first class.

Sections 1, 2, 3,
5 and last para-
graph of section
8, act of June
11, 1935, P. L.
326, amended;
section 5.1
added to said
act.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections one, two, three and five of the act, approved the eleventh day of June, one thousand nine hundred thirty-five (Pamphlet Laws, three hundred twenty-six), entitled "An act relating to counties of the first class; defining deceased service persons; providing for contributions by the county to the funeral expenses for such persons and their widows; providing for the erection and care of markers, headstones, and flags, and for the compilation of war records," are hereby amended to read as follows:

"Deceased Ser-
vice persons",
defined.

Section 1. Be it enacted, &c., [That "Deceased Service Persons," Defined] *Definition.*—The term "deceased service persons," as used in this act, shall be defined and construed to mean and include: [any soldier, sailor, marine, yeoman (f) of either service, or member of the enlisted nurse corps, having a legal residence within any county within this Commonwealth, who has

* "(3)" in original.

died or shall hereafter die anywhere within or without the United States while in the service of the United States, in the military, naval or other branch of the combative forces of said United States during any war or campaign in which the United States has been, or shall hereafter be, engaged, or where a state or condition of war has existed, or shall hereafter exist, in which the United States was, or shall be, a participant according to the records of the War or Naval Departments of the Federal Government, or of any soldier, sailor, marine, yeoman (f) of either service, or member of the enlisted nurse corps, who served or who shall hereafter serve in any such combative force of the United States during any war or campaign in which the United States has been, or shall hereafter be, engaged or who has served, or shall hereafter serve, in any such combative force of the United States where a state or condition of war existed, or shall hereafter exist, in which the United States was, or shall be, a participant according to the records of the War or Naval Departments of the Federal Government, whose separation from such active service was honorable, whether by discharge or otherwise, who has died or may hereafter die in any county of this Commonwealth, or]

(1) *Any deceased person, who at the time of his or her death, was serving (whether or not in a combat zone) in the Army, Navy, Marine Corps or Coast Guard during any war in which the United States has been, is now or shall hereafter be engaged, or who, at the time of his or her death, was serving in a zone where a campaign or state or condition of war then existed, in which the United States was, is or shall be a participant. The existence of a campaign or state or condition of war, and the participation of the United States therein, as well as the fact that the deceased person served in a zone where such campaign or state or condition of war existed, shall in each case be established by the records of the War or Naval Departments of the Federal Government; or*

(2) *Any deceased person who had so served at any time during his or her life, and whose separation from such service was honorable, whether by discharge or otherwise, or who at the time of his or her death was continuing in such service after the cessation of the war campaign or state or condition of war during or in which he or she served; or*

(3) *Any deceased person who was in active service in the militia of the State of Pennsylvania, under and in pursuance of any proclamation issued by the Governor, during the Civil War and not duly mustered into the service of the United States, and has been honorably discharged or relieved from such service [and who shall have a legal residence in any county of this Common-*

wealth, and shall hereafter die either within or without the county of his legal residence].

"Legal residence", defined.

The term "legal residence" as used in this act shall be construed as synonymous with "domicile", and is hereby defined as actual residence, coupled with intention that it shall be permanent, or a residence presently fixed with no definite intention of changing it or of returning to a former residence at some future period. Legal residence is to be determined by abode of person, and his or her intention to abandon his or her former domicile and establish a new one. The legal residence of a deceased service person shall be prima facie in the county where he or she made his or her abode at the time of his or her death.

County commissioners.

Section 2. Sum to Be Spent.—The county commissioners of any county of the first class of this State [within which a deceased service person, as hereinabove defined, had a legal residence at the date of his death, or the county commissioners of such county within which a deceased service person died, in case he or she had no legal residence in any county of this Commonwealth, upon notice, in writing, by any organization of veterans, that the body is unclaimed by relatives or friends, and who upon investigation shall find such condition to exist, are hereby authorized and directed to contribute the sum of seventy-five dollars (\$75.00) toward the funeral expenses of such deceased service person] *are hereby authorized and directed to contribute the sum of seventy-five dollars (\$75.00) towards the funeral expenses of each deceased service person in the cases enumerated below, where in each case application therefor is made within one year after the date of his or her death, and where the total expenses of the funeral does not exceed four hundred dollars (\$400.00): Provided, That in the case of any deceased service person who died while in the service, application need not be made within one year after the date of his or her death, but may be made at any time thereafter, if the reason for the delay is satisfactory to the county commissioners. Payment shall be made under the following circumstances:*

Funeral expenses.

Application.

Proviso.

(1) *Where the deceased service person at the time of his or her death had his or her legal residence in the county, whether or not he or she died in the county, and whether or not he or she was buried in the county. It is hereby declared to be the intent of the General Assembly that every deceased service person having a legal residence in any county of the first class in this Commonwealth at the time of his or her death shall be entitled to the benefits of this section, regardless of where he or she may have died or where he or she may be buried, and that the liability therefore shall*

Death or burial in county not necessary.

be on the county where such deceased service person shall have had his or her legal residence at the time of his or her death.

(2) Where the deceased service person died and was buried in the county, but at the time of his death did not have a legal residence within this Commonwealth, if the county commissioners of the county where he died shall be notified in writing by any organization of veterans that the body is unclaimed by relatives or friends and upon investigation shall find such condition to exist.

(3) When a deceased service person has died, while a member of the Pennsylvania Soldiers' and Sailors' Home at Erie, Pennsylvania, and such home incurs all funeral expenses and buries such person in a cemetery in the City of Erie, Pennsylvania, or the home furnishes clothing, casket, and shipping case, and ships the body to the county from which he was admitted to the home, the county from which he was admitted shall reimburse and pay to the Pennsylvania Soldiers' and Sailors' Home, the amount of seventy-five dollars (\$75.00), or so much thereof, as was actually expended by such home. [Provided, however, That such county commissioners shall not contribute any moneys toward the funeral expenses of such deceased service person, where the total expenses of his or her funeral shall exceed four hundred dollars (\$400.00), nor unless application for the payment of such moneys shall be made within one year after the date of the death of such deceased service man.]

Pennsylvania
Soldiers' and
Sailors' Home
at Erie.

Section 3. Burial of Widows of Deceased Service Persons.—[The] *Upon due application and proof, the county commissioners of such county are hereby authorized and directed to contribute the sum of seventy-five dollars (\$75.00) from the county funds towards the funeral expenses of any widow of any male, deceased service [man upon due application and proof] person who, at the time of her death, had a legal residence in the county, whether or not she died in the county, and whether or not she was buried in the county:* Provided, however, That the county commissioners shall not contribute any moneys toward the funeral expenses of any such widow of a deceased service person *who had remarried after the death of such deceased service person, nor where the total expense of any such funeral shall exceed four hundred dollars (\$400.00), nor unless application for the payment of such moneys shall be made within one year after the date of the death of such widow of a deceased service person.*

Contribution
permitted to
bury widow.

Provido.

Section 5. Markers for Graves; Headstones.—The county commissioners of any such county of this State shall, from time to time, as is considered expedient by the commissioners, procure appropriate markers for the [grave of each and every deceased service person buried

County commis-
sioners to
procure markers.

Markers to be of cast bronze.

Proviso.

County commissioners authorized and directed to place markers.

Marker to include facsimile of discharge button.

Duty of commissioners to place markers on graves.

within the limits of such county] *graves of deceased service persons.* Such markers shall be of cast bronze, which term shall mean a proper composition of the following metals in the following proportions: Copper eighty-five per centum, tin five per centum, zinc five per centum, and lead five per centum: Provided, however, That no board of commissioners shall be required to discard any markers of other materials already purchased by such commissioners whether or not already installed, but no new markers shall in the future be purchased of metal other than cast bronze, as herein defined, *except that during periods of national emergency so proclaimed by the President of the United States, when all available metal is required for war materials, suitable nonmetal substitutes for cast bronze may be used.*

[Upon the petition of any five reputable freeholders of the county, a marker shall be placed upon the grave of such deceased service person for the purpose of permanently marking and designating such grave for memorial purposes.] *The county commissioners of each county of the first class are hereby authorized and directed to place a marker upon the grave of each deceased service person, who, at the time of his or her death, had his or her legal residence in the county, whether or not he or she died in the county and whether or not he or she was buried in the county, and upon the grave of each deceased service person buried in the county who at the time of his or her death did not have a legal residence within this Commonwealth.* When such deceased service person shall have been a veteran of any war for which the Government of the United States issued discharge buttons, the markers designated for their graves shall include a facsimile of said discharge button. [The county commissioners may, upon the petition of any five reputable freeholders of the county of which any deceased service person may have been a resident, place such marker upon his or her grave when he or she is buried without the limits of said county.]

It shall also be the duty of the county commissioners of such county upon, or at any time subsequent to, the death of any deceased service person who, [shall be buried within their counties, on the application, which application in all cases shall be on forms prescribed by the Department of Military Affairs, of any relative or on the application of any friends of such deceased service person, if such application by friends has been approved by any organization of veterans of any war in which the United States was engaged, and provided that there be no objection by the nearest relative] *at the time of his or her death, had his or her legal residence in the county, on application as hereinafter pro-*

vided, to cause a headstone or bronze memorial tablet to be placed at the head of, or on the grave of, each such deceased service person, containing his or her name and the rank and organization to which he or she belonged or in which he or she served in letters raised or cut in at least three-sixteenths of an inch deep on such headstone, to be of either marble or granite, and to be placed or set in a concrete base at least three feet deep, or if a headstone has been provided for such grave by the United States Government, the county commissioners shall provide such concrete base therefor, [and the expense for the same shall be paid out of the funds of the county in which such deceased service man died or shall have had his legal residence] or if lettering only on an existing memorial is desired by the family, the county commissioners shall provide such lettering. Application therefor shall in each case be made on forms prescribed by the Department of Military Affairs and may be made by any relative of the deceased service person or by a friend, provided in the latter case there is no objection by the nearest relative and the application is approved by an organization of veterans of any war in which the United States has been, is now or shall hereafter be engaged. The expense in each case shall be borne by the county in which the deceased service person had his or her legal residence at the time of his or her death, whether or not he or she died in the county and whether or not he or she was buried in the county: Provided, however, That the expense shall not exceed the sum of fifty dollars (\$50) for each headstone or concrete base or lettering or bronze [marker] memorial tablet, and the county commissioners of each such county, acting under this section, shall draw a warrant on the treasurer of their county for the payment of said expense in favor of the party or parties furnishing such headstone or concrete base or lettering or bronze [marker] memorial tablet. No such payment or payments shall be made unless the application therefor shall be approved before the commencement of the project by the county commissioners. [Such application shall be accompanied by a death certificate, if procurable.]

If headstone furnished by the United States.

Application.

Proviso.

Application must be approved before payment is made.

Section 2. Said act is hereby amended by adding immediately after section five thereof a new section to read as follows:

Section 5.1. Proof of Service, Et Cetera.—In each case where application is made for a contribution towards the funeral expenses of a deceased service person, or the widow of a deceased service person, or for a headstone or concrete base or lettering or bronze memorial tablet, the county commissioners shall before expending any money therefor require proof of the following facts:

Proof of service, etc.

(1) *The service of the deceased service person which*

entitles him or his widow to the benefits of this act, which proof shall be by the production of an honorable discharge or other official record showing service during any war in which the United States is or was engaged, or by the records of the War or Naval Departments of the Federal Government, or by copies thereof filed in the Department of Military Affairs showing the existence of a campaign or state or condition of war, the participation of the United States therein, and the service of the deceased service person in a zone where such campaign or state or condition of war existed.

(2) *The death of the deceased service person.*

(3) *In the case of the burial of the widow of a deceased service person, the death of such widow and the fact that she was married to the deceased service person at the time of his death, and that she has not since remarried. The proofs required by clause (1) and (2) of this section shall also be required in such cases.*

(4) *Except in cases where persons not having a legal residence within this Commonwealth are entitled to any of the benefits of this act, the legal residence within the county of the deceased service person or of the widow of a deceased service person, as the case may be.*

Death shall in all cases be proved by death certificate, where the same is procurable, otherwise by affidavit of one or more persons personally acquainted with the deceased, and the fact of his or her death, or by proof of the record of death kept by the attending physician, or the record of burial kept by the undertaker by whom he or she was buried, or by the church burial association or cemetery company maintaining the graveyard, burial ground or cemetery in which he or she was buried.

Where any proof required by this section has been furnished to the county commissioners, no further proof of the same facts shall be required in order to obtain any other benefit under the provisions of this act.

Section 3. The last paragraph of section eight of said act is hereby amended to read as follows:

Section 8. *Compilation of War Records.*—

* * * * *

Veterans'
organizations
to give volun-
tary assistance.

For the purpose of locating the burial places of deceased service persons, the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, and the Disabled American Veterans [of the World War], through their local camps, posts, and branches in this State, are authorized, without expense to the county, to collect the required data, and prepare and file with the county commissioners, certificates embodying the information provided for in this section. For the purpose of carrying into effect the provisions of this section,

the county commissioners shall appoint a veterans' grave registrar who shall receive such compensation as the salary board may fix.

Veterans' grave registrar.

Section 4. The provisions of this act shall become effective ten days after its final enactment.

Act effective May 31, 1943.

APPROVED—The 21st day of May, A. D. 1943.

EDWARD MARTIN

No. 139

AN ACT

To amend section three and clause eighty-eight of section one hundred one of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand nineteen), entitled "An act relating to statutory laws; prescribing an enacting clause for statutes; fixing the effective date and time of statutes hereafter enacted; providing for notice of application for local and special legislation, for the correction of errors in statutes, and for the printing and publication of statutes; prescribing rules for the interpretation of statutes; defining certain words and phrases when used in statutes; and prescribing rules for the construction and operation of amendments, reenactments and repeals of statutes," further providing for the position of the enacting clause and the preparation of laws for printing, and further defining the phrase "political subdivision."

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

"Statutory Construction Act."

Section 1. Section three and clause eighty-eight of section one hundred one of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand nineteen), entitled "An act relating to statutory laws; prescribing an enacting clause for statutes; fixing the effective date and time of statutes hereafter enacted; providing for notice of application for local and special legislation, for the correction of errors in statutes, and for the printing and publication of statutes; prescribing rules for the interpretation of statutes; defining certain words and phrases when used in statutes; and prescribing rules for the construction and operation of amendments, reenactments and repeals of statutes," are hereby amended to read as follows:

Section 3, act of May 28, 1937, P. L. 1019, amended, section 101, clause (88) of said act, amended.

Section 3. Style and Position of Enacting Clause.—All laws shall begin in the following style: "The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows":

Such enacting clause shall be placed immediately after *the preamble* or the table of contents of the law, or if there be [no] *neither preamble nor* table of contents, then immediately after the title.