

ment shall not attach or reattach against any real estate transferred to any purchaser before such claim is filed, or during the time when the lien of any such tax or municipal claim or judgment was lost, nor shall the lien of any such claim or judgment impair or affect the priority of the lien of any mortgage or other lien which gained priority because of the failure of the county, city, borough, incorporated town, township, school district, poor district or county institution district, to file such claim or to sue out the writ of scire facias, or file a suggestion of nonpayment and an averment of default within the five year period, or was entered of record during the time the lien of such tax or municipal claim or judgment was lost, nor shall any such lien so revived impair or affect the priority of the lien of any mortgage or other lien which was entered prior to the tax or municipal claim or which gained priority during the time such lien was not revived.

Act effective immediately.

Section 2. This act shall become effective immediately upon its final enactment.

APPROVED—The 18th day of May, A. D. 1943.

EDWARD MARTIN

No. 122

AN ACT

To reenact and further amend the title of and the act, approved the twenty-ninth day of September, one thousand nine hundred thirty-eight (Pamphlet Laws, fifty-three), entitled "An act relating to institutions of counties, cities and institution districts for the care, maintenance, and treatment of mental patients; providing for the transfer of such institutions to the Commonwealth; providing for the management and operation or closing and abandonment thereof, and the maintenance of mental patients therein, including the collection of maintenance in certain cases; providing for the retransfer of certain property to institution districts under certain circumstances; conferring and imposing upon the Governor, the Department of Welfare, the courts of common pleas and counties, cities and institution districts certain powers and duties; prohibiting cities, counties and institution districts from maintaining and operating institutions, in whole or in part, for the care and treatment of mental patients; and repealing inconsistent laws," including institutions of wards, boroughs, townships and other political subdivisions under the terms thereof; and providing for the retransfer of certain property to counties, cities, wards, boroughs, townships, institution districts and other political subdivisions.

Mental institutions.

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

Section 1. The title and all of the sections of the act, approved the twenty-ninth day of September, one thousand nine hundred thirty-eight (Pamphlet Laws,

fifty-three), entitled "An act relating to institutions of counties, cities and institution districts for the care, maintenance, and treatment of mental patients; providing for the transfer of such institutions to the Commonwealth; providing for the management and operation or closing and abandonment thereof, and the maintenance of mental patients therein, including the collection of maintenance in certain cases; providing for the retransfer of certain property to institution districts under certain circumstances; conferring and imposing upon the Governor, the Department of Welfare, the courts of common pleas and counties, cities and institution districts certain powers and duties; prohibiting cities, counties and institution districts from maintaining and operating institutions, in whole or in part, for the care and treatment of mental patients; and repealing inconsistent laws," sections three, seven and ten of which were amended by the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-nine (Pamphlet Laws, one hundred ninety-three), are hereby reenacted and amended, or further amended, to read as follows:

The title and act of September 29, 1938, P. L. 53, as last reenacted and amended by act of May 25, 1939, P. L. 193, further amended.

#### AN ACT

Relating to institutions of counties, cities, [and] *wards, boroughs, townships*, institution districts *and other political subdivisions*, for the care, maintenance, and treatment of mental patients; providing for the transfer of such institutions to the Commonwealth; providing for the management and operation or closing and abandonment thereof, and the maintenance of mental patients therein, including the collection of maintenance in certain cases; providing for the retransfer of certain property to *counties, cities, wards, boroughs, township*, institution districts *and other political subdivisions* under certain circumstances; conferring and imposing upon the Governor, the Department of Welfare, the courts of common pleas and counties, cities, [and] *wards, boroughs, townships*, institution districts *and other political subdivisions* certain powers and duties; prohibiting cities, counties, [and] *wards, boroughs, townships*, institution districts *and other political subdivisions* from maintaining and operating institutions, in whole or in part, for the care and treatment of mental patients; and repealing inconsistent laws.

Whereas, Experience has proven that the care and maintenance of indigent mentally ill persons, mental defectives and epileptics should be centralized in the State Government in order to insure their proper and uniform care, maintenance, custody, safety and welfare; and

Preamble.

Whereas, Complete care for such persons in institutions operated exclusively by the State Government will effect great economies for municipal subdivisions.

Municipal properties used in care of mental defectives transferred to the State.

Section 1. All buildings acquired or erected by any county, city, [or] *ward, borough, township*, institution district or *other political subdivision* for the care, maintenance and treatment of mental patients, the personal property within such buildings or incidental thereto, and any and all other grounds and lands connected therewith or annexed thereto, are hereby transferred to and vested in the Commonwealth of Pennsylvania, except that where any such buildings for mental patients are operated in conjunction with buildings dedicated to the care and maintenance of indigent persons who are not mental patients, the buildings used for the care of such persons, the land actually occupied by such buildings, the lands or yards presently set apart for the use of the indigent persons cared for in such buildings, and the lands necessary for ingress and egress thereto and therefrom, shall not be deemed to be hereby transferred, but shall remain vested in the county, city, [or] *ward, borough, township*, institution district or *other political subdivisions* as theretofore.

When part of property not used for care of mental defectives.

Where any lands and property so transferred are presently used by any *county, city, ward, borough, township*, institution district or *other political subdivision* as a farm and woodlands in connection with buildings dedicated to the care and maintenance of indigent persons who are not mental patients, the Department of Welfare of the Commonwealth, with the approval of the Governor, shall set apart and reconvey to the *county, city, ward, borough, township*, institution district or *other political subdivision*, through deed executed by the Secretary of Property and Supplies of the Commonwealth, so much of such ground as the ratio of indigent persons bears to the total patient population of the institution, as shall be determined by the Department of Welfare of the Commonwealth. The metes and bounds of the lands so to be conveyed shall be determined by agreement between the Department of Welfare of the Commonwealth and the authorities of the *county, city, ward, borough, township*, institution district or *other political subdivision*. In case the Department of Welfare of the Commonwealth and the authorities of the *county, city, ward, borough, township*, institution district or *other political subdivision* cannot agree as to the metes and bounds of the lands so to be conveyed to the *county, city, ward, borough, township*, institution district or *other political subdivision*, the matter shall be laid before the court of common pleas of the county where the lands are located by petition of either the Secretary of Welfare of the Commonwealth or the au-

thorities in charge of the *county, city, ward, borough, township, institution district or other political subdivision* which court, after hearing all parties in interest, on such notice as it shall direct, shall determine the metes and bounds of the lands which shall be conveyed to the *county, city, ward, borough, township, institution district or other political subdivision* and shall enter an order accordingly. The action of the court shall be final.

Where auxiliary structures and facilities furnishing light, heat, power, water, laundry, kitchen, sewage treatment services and coal supply are so transferred to the Commonwealth which were theretofore used in common for the buildings devoted to mental patients and also the buildings devoted to indigent persons, the Commonwealth shall thereafter continue to furnish the proper *county, city, ward, borough, township, institution district or other political subdivision* with such services, at the actual cost thereof, to the extent the same may hereafter be requested by the *county, city, ward, borough, township, institution district or other political subdivision*.

Any property so transferred to and vested in the Commonwealth shall, if found suitable in accordance with this act, be thereafter used as a State mental hospital, but if such property shall, within one year thereafter, be found unsuitable for such purpose, or shall, within one year after transfer to and use by the Commonwealth as a State mental hospital, be thereafter abandoned by the Commonwealth as such a hospital before substantial improvements thereto have been made, then, in either event, such building lands and personal property so transferred to the Commonwealth shall absolutely revert to and vest in the *county, city, [or] ward, borough, township, institution district or other political subdivision* from which transferred, and the Commonwealth shall have no further claim or title thereto.

If, within one year, property found unsuitable, State to return property.

The words "substantial improvements," as used in this section, shall be construed to mean capital investments involving an expenditure of at least two hundred and fifty thousand dollars (\$250,000).

Substantial improvements defined.

Section 2. It shall be unlawful hereafter for any *county, city, [or] ward, borough, township, institution district or other political subdivision* to operate or maintain, in whole or in part, any existing institution for the care of mental patients, or thereafter to begin to operate or manage any institution, in whole or in part, for this purpose: Provided, however, That the *county, city, [or] ward, borough, township, institution district or other political subdivision* having charge of any such existing institution shall continue to operate and manage the

Unlawful for municipalities to operate hospitals.

Proviso.

Proviso.

Department of  
Welfare to make  
survey of insti-  
tutions.

Time for de-  
termining which  
institutions will  
be taken over by  
State and which  
closed, extended  
to May 31, 1941.

same under existing laws until the Department of Welfare of the Commonwealth, with the approval of the Governor, formally takes over the management and operation of such institution, or formally closes such institution in the manner hereinafter prescribed in this act: And provided further, That the authorities of general hospitals may continue to maintain or hereafter may set apart, establish and maintain beds, wards or departments for the temporary care of mental patients under licensure by the Department of Welfare, as now provided by law.

Section 3. The Department of Welfare shall promptly make an investigation and survey of the institutions hereby transferred to the Commonwealth for the purpose of determining—(1) which of the institutions are necessary, having regard to the number of persons requiring care and treatment because of mental illness, and the geographic location and capacity of other such mental hospitals; and (2) which of the institutions having regard to existing facilities, may be operated by the Commonwealth in such a manner as to insure the proper maintenance, custody, safety and welfare of mental patients. Upon the completion of its investigation and survey, the Department of Welfare shall submit to the Governor a report setting forth its findings and recommendations, with respect to the institutions deemed necessary and suitable for the care, maintenance and treatment of mental patients and the institutions deemed unnecessary or unsuitable for this purpose. Upon receiving the report of the Department of Welfare, the Governor shall, from time to time, but not later than the thirty-first day of May, one thousand nine hundred forty-one, having regard to the standards of necessity and suitability hereinbefore set out in this section, determine which of the institutions shall be managed and operated by the Commonwealth as State mental hospitals and which institutions, if any, shall be closed: Provided, however, That the Governor shall direct the State Department of Welfare to take over the management and operation of any such institution which is operated and managed by any city of the first class as soon as practicable after the effective date of this act and before the completion of the investigation and survey hereinbefore required in this section. Before the management and operation of any institution is taken over by the Department of Welfare, the Governor shall issue his proclamation setting forth the date on which the Department of Welfare will take over the management and operation of the institution. In the event it shall be determined that a particular institution is to be closed, the Governor shall issue a proclamation setting forth the date on which such institution

will be closed. The original of any such proclamation shall be filed in the office of the Secretary of the Commonwealth, and a copy thereof shall be furnished the county, city, [or] ward, borough, township, institution district or other political subdivision authorities having charge of such institution.

Section 4. Each institution subject to this act which the Governor shall direct the Department of Welfare to operate and manage shall be operated and managed by such department as a State mental hospital, in accordance with the laws of the Commonwealth relating to such hospitals. The Department of Welfare, in managing and operating any such institution, shall have all the powers and perform all the duties vested in and imposed upon boards of trustees of State mental hospitals by the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), and its amendments, designated as The Administrative Code of one thousand nine hundred twenty-nine. All mental patients in any such institution, at the time the management and operation thereof is assumed by the Department of Welfare, shall have the same status as if originally committed or admitted to a State mental hospital. Commitments may be made to any such institution, mental patients may be detained, maintained and cared for therein, and transfers may be made therefrom and thereto in the same manner and in accordance with laws applying to other State mental hospitals. The Department of Welfare shall have power to designate the counties of the Commonwealth from which commitments may be made to any such institution.

Department of Welfare to operate institutions.

Each institution acquired and operated by the Commonwealth as a State mental hospital under the provisions of this act shall be known as the .....

..... State (descriptive name of political subdivision in which institution is located) hospital; for example the Philadelphia Hospital for Mental Diseases shall be known as the Philadelphia State Hospital.

Section 5. When the Commonwealth, through the Department of Welfare, assumes the control and management of any institution subject to this act, the terms of all officers and employes and the local management of such institution shall cease and terminate. The officers and employes of any such institution shall thereupon become employes of the Commonwealth, subject to removal by the Secretary of Welfare.

Employes of institutions to become employes of State.

Section 6. In the event it shall be determined that any institution subject to this act shall be closed, the Department of Welfare shall take charge of such insti-

When an institution is closed by the State.

tution, and the terms of all officers and employes and the local management of such institution shall cease and terminate. The officers and employes of such institution shall thereupon become the employes of the Commonwealth, subject to removal by the Secretary of Welfare when their services are no longer required. No new patients shall be admitted to any such institution after the date specified for its closing. The Department of Welfare shall, as soon as practicable, transfer the patients in such institution to any other State mental hospital, including any institution transferred to and being operated by the Commonwealth under this act as a State mental institution. As far as practicable, the department shall transfer such patients to such State mental hospital nearest to the locality in which the institution to be closed is located. After the patients in such institution are transferred therefrom, the Department of Welfare shall, with the approval of the Governor, turn the institution and its grounds over to the Department of Property and Supplies for use for any other State purpose as may be deemed necessary and advisable by the Governor, unless such institution under the provisions of section one of this act, would revert to a county, city, [or] *ward, borough, township*, institution district *or other political subdivision*, in which event such institution shall be turned over to the proper authorities thereof and shall thereafter be used for such purposes, not inconsistent with this act, as the county, city, [or] *ward, borough, township*, institution district *or other political subdivision* may determine.

Until an institution is taken over by the State or closed not later than May 31, 1941, municipalities shall manage institutions.

Section 7. After the effective date of this act and until the management and operation of a particular institution is formally assumed by the Department of Welfare, or until a particular institution is closed under the provisions of this act, but not later than the thirty-first day of May, one thousand nine hundred forty-one, the county, city, [or] *ward, borough, township*, institution district *or other political subdivision* engaged in the operation and management of that institution shall continue to bear the expense of administering and operating the institution, and the Commonwealth shall contribute towards the expense of indigent patients therein to the same extent and in the same manner as pertained under existing laws on the effective date of this act.

Obligations incurred by reason of erection, etc., of mental institution to remain obligations of the municipalities.

Section 8. (a) All obligations incurred by reason of the erection, acquisition or maintenance of a mental institution by the county, city, [or] *ward, borough, township*, institution district *or other political subdivision* which are outstanding on the date that the Commonwealth shall take over the operation and management of such institution or shall order such institution closed, shall remain the obligations of such county, city,

[or] *ward, borough, township, institution district or other political subdivision* and shall be paid in the same manner as though said operation and management still remained in said county, city, [or] *ward, borough, township, institution district or other political subdivision*. For the payment of such obligations, the proper authorities of such county, city, [or] *ward, borough, township, institution district or other political subdivision* shall continue to have the power to levy and collect taxes as if control and management of the institution were still vested in such county, city, [or] *ward, borough, township, institution district or other political subdivision*.

(b) All amounts due any county, city, [or] *ward, borough, township, institution district or other political subdivision* for the care of any mental patient in any institution transferred to the Commonwealth by this act that have accrued and remain unpaid on the date that the Commonwealth shall take over the operation and management of such institution or the date such institution is closed may be collected by the county, city, [or] *ward, borough, township, institution district or other political subdivision* in the same manner as if the control and management of the institution were still vested in such county, city, [or] *ward, borough, township, institution district or other political subdivision*: Provided, however, That where there is a claim against the estate of any such mental patient both on behalf of the Commonwealth and on behalf of any county, city, [or] *ward, borough, township, institution district or other political subdivision* and there is not sufficient in the estate to pay the claim in full, the same shall be paid pro rata to the Commonwealth and the county, city, [or] *ward, borough, township, institution district or other political subdivision* in the proportion of the amount of maintenance legally recoverable by each.

Proviso.

Section 9. The following acts and parts of acts are hereby repealed:

Repeals.

The act, approved the twenty-fifth day of May, one thousand eight hundred ninety-seven (Pamphlet Laws, eighty-three), entitled "An act to provide for the maintenance, care and treatment of the indigent insane in county and local institutions," as amended.

The act, approved the thirteenth day of May, one thousand nine hundred nine (Pamphlet Laws, five hundred thirty-five), entitled "An act to amend an act, entitled 'An act to provide for the maintenance, care, and treatment of the indigent insane in county and local institutions,' approved May twenty-five, one thousand eight hundred ninety-seven, increasing the weekly sum therein authorized to be paid from one dollar and fifty cents to two dollars."



All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Effective date of provisions of section 9.

Section 10. Section nine of this act shall become effective on the first day of June, one thousand nine hundred forty-one, and in all other respects this act shall become effective immediately upon its final enactment.

Act effective immediately.

Section 2. This reenacting and amending act shall become effective immediately upon its final enactment.

APPROVED—The 19th day of May, A. D. 1943.

EDWARD MARTIN

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No. 123

AN ACT

Appropriating moneys received from the Federal Government for housing and maintaining naval, military or other personnel, at the Soldiers' and Sailors' Home at Erie, to the Department of Military Affairs for the maintenance and operation of said home.

Soldiers' and Sailors' Home at Erie.  
Appropriation.

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

Section 1. All moneys received from the Federal Government as compensation for housing and maintaining naval, military or other personnel, at the Soldiers' and Sailors' Home at Erie, shall be paid into the State Treasury through the Department of Revenue, and shall be credited to the current biennial appropriation made out of the General Fund to the Department of Military Affairs, for the maintenance and operation of said home. Such moneys are hereby appropriated to the Department of Military Affairs for the maintenance and operation of said home. The moneys appropriated hereby shall be in addition to all other appropriations for such purpose.

Act effective immediately.

Section 2. The provisions of this act shall become effective immediately upon final enactment.

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

EDWARD MARTIN