

the act, approved the fifteenth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws, three hundred sixty-five), is hereby further amended to read as follows:

Section 311. "County Employe" Defined.—A county employe, for the purpose of this subdivision of this act, is any person employed by the county or by the county institution district or by any county workhouse and inebriate asylum or *by any county correctional institution* or by the county retirement system at a wage or salary payable at stated intervals; that is to say, semi-monthly, monthly, quarterly, or annually. The term may, at the option of the Retirement Board, include any person elected by the vote of the people. In all cases of doubt, the Retirement Board shall determine who is an employe within the meaning of this act.

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

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

EDWARD MARTIN

No. 137

AN ACT

To further amend the act, approved the second day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand two hundred seventy-eight), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," further clarifying the term "deceased service persons"; changing the provisions for the burial of deceased service persons and their widows, and for markers and headstones on their graves; and prescribing additional duties for veterans' grave registrars.

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

Section 1. Sections four hundred twenty-one, four hundred twenty-two and four hundred twenty-three of the act, approved the second day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand two hundred seventy-eight), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," as last amended by the act, approved the twelfth day of July, one thousand nine hundred thirty-five (Pamphlet Laws, six hundred eighty-three), are hereby further amended to read as follows:

Section 421. ["Deceased Service Men" Defined] *Definitions.*—The term "deceased service [men] per-

The General
County Law

Sections 421,
422 and 423,
act of May 2,
1929, P. L. 1278,
as last amended
by act of July
12, 1935, P. L.
683, further
amended.

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

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.

Section 422. Sum to Be Spent.—The county commissioners [of the county of this State within which a deceased service man, as hereinabove defined, had a legal residence at the date of his death, or the county commissioners of the county where a deceased service man 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) toward the funeral expenses of such deceased service man] *of each county are hereby authorized and directed to contribute the sum of seventy-five dollars (\$75) 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. Payments shall be made under the following circumstances:*

(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 this Commonwealth at the time of his or her death shall be entitled to the benefits of this sec-*

tion, regardless of where he or she may have died or where he or she may be buried, and that the liability therefor shall 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 or her death did not have a legal residence within this Commonwealth, if the county commissioners of the county where he or she 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 [man] 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 the soldier 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 man, 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].*

Section 423. Burial of Widows of Deceased Service [Men] Persons.—[The] *Upon due application and proof, the county commissioners of each 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 [man] 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 [man] person.*

Section 2. Section four hundred twenty-six of said

act, as last amended by the act, approved the twelfth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws, three hundred thirty-nine), is hereby further amended to read as follows:

Section 426. Markers for Graves; Headstones.—The county commissioners of the several counties 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 man buried within the limits of any city, borough, township or district] *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 metals is required for war materials, suitable nonmetal substitutes for cast bronze may be used.*

[Upon the petition of any five reputable freeholders of the city, borough, township or district, where any such deceased service man is buried, a marker shall be placed upon the grave of such deceased service man for the purpose of permanently marking and designating such grave for memorial purposes.] *The county commissioners of each county 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 [man] person shall have been a veteran of any war or campaign 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 city, borough, township or district within the county of which any deceased service man 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 each county in this State, upon or at any time sub-

sequent to the death of any deceased service [man 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 man, 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] *person, who at the time of his or her death had his or her legal residence in the county, on application as hereinafter provided*, to cause a headstone or bronze memorial tablet to be placed at the head of or on the grave of each *such* deceased service [man] *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 (\$50.00) for each headstone or concrete base or lettering or bronze [marker] memorial tablet and the county commissioners of each 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.]*

Any person who shall wilfully, maliciously, carelessly or indifferently destroy, mutilate, remove, or deface any grave marker or headstone, placed or erected under the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00), or suffer imprisonment for not more than two years, or both, in the discretion of the court. [In counties of the eighth class, the county commissioners shall procure appropriate markers for the grave of each war veteran whose last legal residence was in the said county, and who is buried outside the Commonwealth but within any state immediately adjacent to the Commonwealth, and it shall be the duty of the commissioners of counties of the eighth class, at any time subsequent to the death of any deceased Pennsylvania war veteran whose last legal residence was in such county and who is buried without the limits of the Commonwealth but within any state immediately adjacent thereto, on the application of any relative or friend of such deceased service man, and upon the approval of any veterans' organization, and when no objection is made by the nearest relative of such deceased service man, to erect or place on the grave of such deceased service man the headstone or memorial tablet described in this section.]

Section 3. Subdivision (b) of article five of said act, is hereby amended, by adding at the end thereof a new section to read as follows:

Section 429. 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:

(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 clauses one and two 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 4. The last two paragraphs of section four hundred thirty-nine of said act, as last amended by the act, approved the ninth day of June, one thousand nine hundred forty-one (Pamphlet Laws, one hundred), is hereby further amended to read as follows:

Section 439. [Duties of Grave Registrar and] Compilation of War Records.—

* * * *

For the purpose of locating the burial places of persons who have served in the military or naval service, or other branches of the combative forces of the United States, during any war in which the United States was engaged, 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 certificate 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, in counties where such boards exist, otherwise by the county commissioners.

It shall also be the duty of the veterans' grave registrar to

(1) Assist the county commissioners in administering the provisions of this act relating to the burial of

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 paragraph 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 Service 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.