

No. 367

AN ACT

Authorizing the capture or destruction of unprotected birds in any city or borough in certain cases.

Cities and Boroughs.

Capture and destruction of birds in certain cases authorized.

Inconsistent acts repealed.

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

Section 1. Whenever the department or board of public health of any city or borough has determined that the presence of unprotected birds upon the streets, parks, buildings or other public places in such cities or boroughs is detrimental to public health, such birds may be captured or destroyed by such department or board.

Section 2. All acts and parts of acts are hereby repealed in so far as they are inconsistent with the provisions of this act.

APPROVED—The 26th day of September, A. D. 1951.

JOHN S. FINE

No. 368

AN ACT

To amend section 733 of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by providing for an alternate procedure in desertion and nonsupport cases.

"The Penal Code."

Section 733, act of June 24, 1939, P. L. 872, amended.

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

Section 1. Section 733 of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," is hereby amended to read as follows:

Section 733. Desertion and Nonsupport.—If any husband, or father, being within the limits of this Commonwealth, separates himself from his wife or from his children, or from wife and children, without reasonable cause, or neglects to maintain his wife or children, (1) *his wife or children may file a petition, prepared by the district attorney and joined in and consented to by the husband or father, in the court of quarter sessions of the county in which the wife or children reside or in the county wherein the desertion or failure to maintain took place, setting forth the facts relating to the separation from or neglect to maintain his wife or children, or both, whereupon the court, or any judge thereof in chambers, shall enter an order fixing a time and place for hearing; or* (2) any magistrate, upon information made before him under oath or affirmation, by his wife or children, or either of them, or by any person, may

issue his warrant for the arrest of the person against whom the information shall have been made, and bind him over, with one sufficient surety, to appear at the court of quarter sessions or other court having jurisdiction, there to answer the said charge of desertion.

The said court, after hearing in a summary proceeding, may order the person against whom complaint has been made *or petition filed*, being of sufficient ability, to pay such sum as said court shall think reasonable and proper for the comfortable support and maintenance of the said wife or children, or both, and to commit such person to prison, there to remain until he shall comply with such order, or give security, by one or more sureties, to the Commonwealth, and in such sum as the court shall direct for the compliance therewith. The court may also issue the appropriate writ of execution against any property, real or personal, belonging to the defendant, and its writ of attachment execution against any money or property to which he may be in any way entitled, whether under what is known as a spendthrift trust or otherwise, which shall not exceed fifty per centum thereof, and shall remain a continuing levy until the order has been paid in full with costs. The person against whom an order is made shall not be entitled to the benefits of any exemption law now in force or hereafter passed.

The provisions of this section shall apply to any trust, whether it is known as a spendthrift trust or otherwise, whether such trust was created or came into existence before or after the passage of this act. Where an attachment execution is issued the further proceedings thereon shall be in the manner provided in the case of foreign attachments.

Any wife so deserted shall be a competent witness on the part of the Commonwealth, and the husband shall also be a competent witness.

Should any such person abscond, remove or be found in any other county of the Commonwealth than the one in which said warrant issued, he may be arrested by the said warrant being backed by any magistrate of the county in which such person may be found.

Whenever the court of quarter sessions of any county in the Commonwealth commits the person complained of to the county prison, there to remain until he complies with their order or give security, etc., the court may at any time after three (3) months, if it shall be satisfied of the inability of such person to comply with the said order and give such security, to discharge him from imprisonment.

APPROVED—The 26th day of September, A. D. 1951.

JOHN S. FINE