

[No. 130.]

AN ACT

To provide for the erection of a house for the employment and support of the poor in the county of M'Kean.

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 Orlo J. Hamlin, John Holmes and Solomon Sartwell, junior, be and are hereby appointed commissioners, whose duty it shall be or a majority of them, on or before the first day of January, Anno Domini eighteen hundred and forty-four, to determine upon and purchase such real estate as they shall deem necessary for the accommodation of the poor of M'Kean county; and it shall be lawful for said commissioners or a majority of them to take conveyances therefor, in the name and for the use of the corporation mentioned in the third section of this act; and they shall certify their proceedings therein under their hands and seals, to the clerk of the court of quarter sessions of M'Kean county, to be filed in his office; and at the next general election the qualified electors of M'Kean county shall elect three reputable citizens of the said county to be directors of the poor and the house of employment for the county of M'Kean for the ensuing year; and the judges of the election of said county shall immediately, on receiving the returns from the several election districts, and casting up the number of votes therein, or within three days thereafter certify under their hands and seal the names of the persons so elected directors, to the clerk of the court of quarter sessions of the said county, who shall file the said certificate in his office, and forthwith give notice in writing to the said directors of their being elected; and the said directors shall meet at the court house in the said county on the first Monday of November next, ensuing their election, and divide themselves by lot into three classes, the place of the first to be vacated at the expiration of the first year, of the second at the expiration of the second year, of the third at the expiration of the third year, so that those who shall be chosen after the first election and in the mode above described, may serve for three years, and one-third may be chosen annually.

SECTION 2. Every director elected in the manner aforesaid or appointed as is directed by the eleventh section of this act,

Oath

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 the said county is hereby authorized to administer, that he will discharge the duties of the office of director of the poor for the 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 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 their office.

Powers liberties &c

SECTION 3. 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 M'Kean, 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 M'Kean; and by that name shall and may receive, take and hold any lands, tenements and hereditaments not exceeding the yearly value of ten 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 the 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, bonds, notes, book accounts and other papers, to the said corporation belonging, which shall then be remaining in his hands, custody and possession; and said director shall have power to employ, and at pleasure to 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 years, if females, at or before the age of eighteen years, such poor children as shall come under their notice, or as may now be bound apprentices by the overseers of the poor: *Provided*, That no child shall be bound at a greater distance than thirty miles from the poor house;

Lands**Buildings****Treasurer****Proviso**

and the said directors shall exercise and enjoy all such other powers now 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 4. 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 building, or 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 county tax, by one-fourth part of the sum necessary for the purpose aforesaid, and shall procure on loan, on the 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: *Provided* Estimate cost
always, That if such loan cannot be made, the whole amount Proviso
of the sum necessary for the purpose aforesaid, or such part thereof as may be deemed proper, shall immediately be added to the county tax, to be paid by the county treasurer to the directors aforesaid, on orders drawn in their favor by the county commissioners, as the same may be found necessary.

SECTION 5. It shall be the duty of the said directors, 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, and cause to be collected, 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 the 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 Annual estimate collected &c

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, interests and moneys payable and receivable by the said corporation, and also an account of all sales, purchases, donations, devises and bequests, as shall have been made by or to them.

Overseers
duties &c

SECTION 6. As soon as the said buildings shall have been erected or purchased, and all necessary accommodations provided therein, notices shall be sent, signed by any two of the said directors to the overseers of the several townships of the said county of M'Kean, requiring them forthwith to bring the poor of their respective townships to said house of employment, which order the overseers 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 overseers shall represent 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 overseers, directing them to maintain such poor until such time as he or she may be in a situation to be removed, and then 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.

Directors du-
ty

SECTION 7. 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 M'Kean, 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 M'Kean, 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 their maintenance does not, in any case, exceed that for which they could be maintained at the poor house of the said county of M'Kean.

Out-door re-
lief

Proviso

Quorum
power &c

SECTION 8. The said directors, or any two 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 *Proviso* law, or any of the 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 M'Kean, and shall have received the approbation of the same.

SECTION 9. The said directors, or a majority of them, shall have full power and authority to administer oaths or affirmations, to all persons residing in the said house of employment, or becoming chargeable to the said county, touching their place of legal settlement; and in case such poor person or persons shall refuse to take the said oath or affirmation, or shall refuse to answer such questions as shall be asked by the said directors touching and relating to the said settlement, the said directors may withhold all further relief from such poor person or persons, until he; she, or they, shall consent to take such oath or affirmation, and answer all such questions as aforesaid; and the said board of directors, or a majority of them, in addition to the power hereinbefore granted, are authorized and empowered to administer oaths and affirmations in all cases whatever, relating to their official duties.

SECTION 10. A quorum of said directors 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 apart-^{Monthly}ments 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.

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

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 such vacancy had happened.

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 ^{Claims and demands}

the hands of the overseers, as well as the uncollected taxes levied for the support of the poor in the several townships in the county of M'Kean, shall be paid over to the supervisors of the highways of their respective townships, to be by them applied towards repairing the roads therein.

Overseers a-
bolished

SECTION 14. As soon as the poor of the county of M'Kean 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 shall from thenceforth be abolished.

Certain pow-
ers conferred
on supervi-
sors

SECTION 15. The powers conferred, and the duties imposed on the overseers 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 supervisors of the highways, in the said county of M'Kean, and that the justices of the peace and sheriff within the said county, are hereby required and enjoined to pay to the said supervisors, to be by them applied to the repair of the highways, 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 supervisors, 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.

Commission-
ers pay.

SECTION 16. The commissioners of said county are hereby authorized and empowered to pay to the persons who are appointed commissioners by the first section of this act, the expenses incurred by them in the performance of their duty; and also to pay to each of the said directors a reasonable compensation for their services, during the term they are employed in erecting any building or buildings aforesaid: *Provided*, The same shall not, including the annual sum allowed them by this act, exceed fifty dollars for any one year.

Repealing
clause

SECTION 17. So much of the laws of this commonwealth relating to the poor, as are by this act altered or supplied, be and the same is hereby repealed, so far as they effect the county of M'Kean.

Duty of sher-
iff

SECTION 18. That the sheriff of the said county shall, in due time, notify the said commissioners of their appointment, and when and where they shall meet, for entering upon the

duties assigned them by this act, which place of meeting shall be as near the centre of the county as possible.

SECTION 19. For the purpose of ascertaining the sense of the citizens of M'Kean county, as to the expediency of erecting a poor house, it shall be the duty of each of the inspectors for the several townships and boroughs at the next general election, to receive tickets, either written or printed, from the qualified voters thereof, labelled on the outside "poor house," and in the inside "for a poor house," or "against a poor house;" and if it shall appear upon casting up the votes of the different districts at the court house, on the same day that other returns are made out, that a majority of those who voted are for a poor house, then the foregoing act to take effect; but if a majority of the votes are found to be against a poor house, the foregoing act be and the same is hereby null and void.

HENDRICK B. WRIGHT,
Speaker of the House of Representatives.

B. CRISPIN,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-three.

DAVID R. PORTER.

[No. 131.]

AN ACT

To prevent preferences in assignments.

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 all assignments of property in trust which shall hereafter be made by debtors to trustees, on account of inability at the time of the assignments to pay their debts, to prefer one or more creditors, (except for the payment of wages of labor,) shall be held and construed to inure to the benefit of all the creditors in proportion to their respective demands; and all such assignments shall be subject in all respects to the laws now in force relative to voluntary assign-