

No. 425.

AN ACT

Creating a Department of Public Welfare; defining its powers and duties; abolishing the Board of Public Charities, the Committee on Lunacy, and the Prison Labor Commission, and all offices thereunder, and vesting all the powers of said board, committee, and commission in the Department of Public Welfare; requiring all reports, notices, statements, or matters, heretofore required to be made, given, or submitted to the Board of Public Charities or the Committee on Lunacy, to be made, given, or submitted to the Department of Public Welfare; and providing penalties.

Department of
Public Welfare.

Section 1. Be it enacted, &c., That there is hereby created a Department of Public Welfare, to consist of a Commission of Public Welfare, a Commissioner of Public Welfare, a Deputy Commissioner of Public Welfare, and such bureaus, officers, agents, and employes, as are herein or may hereafter be provided.

Definitions.

Section 2. The term "commission," as hereinafter used, shall mean the Commission of Public Welfare. The term "commissioner" shall mean the Commissioner of Public Welfare. The term "department" shall mean the Department of Public Welfare.

Personnel, appointment,
and term of
office.

Section 3. The Commission of Public Welfare shall consist of nine members, three of whom, as ex officio members, shall be the Commissioner of Public Welfare, the Commissioner of Labor and Industry, and the Commissioner of Health, and six of whom shall be appointed by the Governor, by and with the advice and consent of the Senate. Before the first day of September, one thousand nine hundred and twenty-one, the Governor shall appoint three of the said six members of the commission to serve for a period of two years, and three to serve for a period of four years. Thereafter all of said six members shall be appointed for a term of four years. The members of the commission shall serve without compensation, but shall be allowed the expenses necessarily incurred in the performance of their duties.

Compensation.

Commissioner.
Appointment.

Section 4. The Commissioner of Public Welfare shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term of four years. Before entering upon the duties of his office, he shall give a bond to the Commonwealth, in the sum of twenty-five thousand dollars (\$25,000), to be approved by the Governor, conditioned for the faithful performance of the duties of his office, and shall take and subscribe the oath prescribed by the Constitution. Vacancies in the office of commissioner shall be filled by the Governor. The commissioner shall receive an annual salary of ten thousand dollars (\$10,000) and all expenses necessarily incurred in the discharge of his duties.

Bond.

Oath.

Salary.

The Deputy Commissioner shall be appointed by the Governor, and shall receive an annual salary of seven thousand five hundred dollars (\$7,500).

Deputy Commissioner.

Section 5. The commission shall meet, at the State Capitol, at least once every three months, on a date fixed by standing rule, and at any other time and place upon the call of the commissioner. Special meetings may also be had at such times and places as the commission may deem necessary.

Meetings.

Section 6. It shall be the duty of the commission to advise the commissioner on such matters as he may bring before it or as it may require him to bring before it, and it shall have general supervision over the policies of the department. It shall be the duty of the commissioner to report to the commission, from time to time, the information found upon the examination and visitation hereinafter provided, the measures taken to correct any detrimental conditions in the institutions or places under the supervision of the department, and the result thereof.

Commission's advice to commissioner.

Commissioner's reports to commission.

The rules and regulations of the department shall be made by the commissioner, subject to the approval of the commission, and, when so made and approved, shall constitute the duly ordained rules and regulations of the department, and be promulgated and enforced as such.

Rules and regulations of department.

The commissioner, with the approval of the commission, shall establish certain bureaus in the department, not to exceed four in number, and apportion to each of them such specific duties as may best promote an efficient administration of the department. One of said bureaus shall be a bureau of mental health to further the prevention and cure of mental diseases. And the head of such bureau shall be a physician specially experienced in mental diseases.

Bureaus of department.

Bureau of mental health.

Subject to the foregoing, all the duties imposed upon, and the powers vested in, the department, shall be exercised and carried out by the commissioner or under his direction.

Section 7. The commissioner, with the approval of the Governor, shall appoint a chief of each bureau.

Chiefs of bureaus.

The chiefs of bureaus shall each receive an annual salary of not more than five thousand dollars (\$5,000), except the chief of the bureau of mental health, who shall receive a salary of not more than seventy-five hundred dollars (\$7,500), and have charge of their respective bureaus, subject to the direction, control, and supervision of the commissioner, and shall perform such duties as he may prescribe.

Salaries.

Duties.

The commissioner may appoint such other officers, inspectors, agents, and employes, as the work of the department may require, who shall receive such salary or compensation as the commission may determine.

Officers and employes.

The commissioner may also employ persons having professional or expert knowledge of the matters within the jurisdiction or supervision of the department.

"State institutions" defined.

Section 8. The term "State institutions," as used in this act, shall mean and include all penal, reformatory, or correctional institutions, hospitals for the insane or any other purpose, institutions for feeble-minded, idiotic, or epileptic persons, for the deaf, for inebriates, or for juvenile delinquents, and all charitable institutions whatsoever, within this Commonwealth, maintained in whole or in part by the Commonwealth, and whose board of inspectors, managers, trustees, or directors is appointed, in whole or in part, by the Governor or by the Governor by and with the advice and consent of the Senate.

Section 9. The department shall have supervision over:

Of what the department shall have supervision.

(a) All State institutions as hereinbefore defined.

(b) All charitable institutions within this Commonwealth which receive aid from the Commonwealth: Provided, however, That the department shall exercise no powers over such charitable institutions, other than those heretofore vested in the Board of Public Charities or the Committee on Lunacy, notwithstanding any language hereinafter used.

(c) All houses or places within the Commonwealth in which any person of unsound mind is detained, whenever the occupant or owner of the house or person having charge of the lunatic receives any compensation for the custody, control, or attendance, other than as an attendant or nurse, and also of all institutions, houses, or places, in which more than one such person is detained, with or without compensation paid for custody or attendance.

(d) All county prisons, and all hospitals, almshouses, or poorhouses, maintained by any county, city, borough, township, or poor district of this Commonwealth.

(e) All institutions, associations, and societies within this Commonwealth, into whose care the custody of delinquent, dependent, or neglected children may be committed, and all houses and places maintained by such institutions, associations, or societies, in which such children may be kept or detained.

(f) Homes and premises of those in which is conducted the business of receiving, boarding, or keeping infant children under three years of age.

Section 10. In addition to the foregoing, the department shall also exercise supervision over:

(a) The administration of any system provided by the Commonwealth for assistance to mothers.

(b) Any labor or system of labor carried on in the penal, correctional, or reformatory institutions of the State.

(c) Any system of reparation provided by the Commonwealth for relief from conditions caused by mine-caves, fire, flood, or other casualty, and constituting a menace to public safety and welfare.

Section 11. It shall be the duty of the department, from time to time, to recommend and bring to the attention of the officers or other persons having the management of the institutions, prisons, almshouses, poorhouses, houses, places, associations, or societies, under its supervision as provided in section nine hereof, such standards and methods as may be helpful in the government and administration of such institution, prisons, almshouses, poorhouses, houses, places, associations, or societies, and for the betterment of the inmates therein.

Recommendations
of department.

Section 12. It shall be the duty of the commissioner to visit and inspect, or cause to be visited or inspected by an officer, inspector, or agent of the department at such time as the commissioner may determine, at least once in each year, all State institutions, charitable institutions, prisons, almshouses, poorhouses, hospitals, houses, places, institutions, associations, societies, and homes, under the supervision of the department as provided in section nine of this act, and to inquire and examine into their methods of instruction, discipline, detention, imprisonment, care, or treatment, the care, treatment, government or management of their inmates, or those committed thereto or being imprisoned, detained, treated, or residing therein, the official conduct of their inspectors, trustees, managers, directors, or other officer or officers, charged with their management by law or otherwise, or having the management, care, custody, or control thereof, the buildings, grounds, premises, and equipment thereof or connected therewith, and all and every matter and thing relating to their usefulness, administration, and management, and to the welfare of the inmates thereof or those committed thereto or being imprisoned, detained, treated, or residing therein; and for these purposes the commissioner or other officer, inspector, or agent of the department shall have free and full access to the grounds, premises, and buildings, and to all the records, books, or papers of or relating to, any such State institution, charitable institution, prison, almshouse, poorhouse, hospital, house, place, institution, association, society, or home, and full opportunity to interrogate or interview any inmate thereof or any person or persons committed to or being imprisoned, detained, treated, or residing therein.

Visitations and
inspections by de-
partment.

All persons connected with any such State institution, charitable institution, prison, almshouse, poorhouse, hospital, house, place, institution, association,

Department must
be afforded oppor-
tunity to inspect.

society, or home, as officers, or charged with the management thereof by law or otherwise, or in any way having the care, custody, control, or management thereof, or connected therewith as employes, are hereby directed and required to give the commissioner, or such officer, inspector, or agent of the department, such means, facilities, and opportunity for such visitation, examination, inquiry, and interrogation as is hereby provided and required or as the department, by its duly ordained rules or regulations, may require.

Power when objectionable conditions are discovered.

Whenever, upon such visitation, examination, and inspection of any penitentiary, prison, reformatory, almshouse, or poorhouse, any condition is found to exist therein which, in the opinion of the commissioner, is unlawful or detrimental to the proper maintenance, discipline, hygienic conditions of such penitentiary, prison, reformatory, almshouse, or poorhouse, or to the proper care, maintenance, custody, and welfare of the inmates thereof or the persons committed thereto or being treated, detained, or residing therein, the commissioner shall direct the officer or officers charged by law with or in any way having or exercising the control, government, or management of such penitentiary, prison, reformatory, almshouse, or poorhouse, to correct the said objectionable condition in the manner and within the time specified by the commissioner.

In case of the neglect, refusal, or failure of any such officer to comply with such directions, the commissioner shall certify the facts in the case to the district attorney of the proper county, whose duty it shall be thereupon to proceed by indictment or otherwise to remedy the said objectionable condition.

Powers of department.

Rules and regulations.

Section 13. The department shall have and may exercise power—

(1) To make and enforce rules and regulations, as follows:

(a) Providing for the licensing of all houses or places in which any person can be lawfully detained as a lunatic or of unsound mind upon compensation paid to or received by the owner or occupant of such house or place, directly or indirectly, for the care of such lunatic, and also of all houses, places, or institutions, in which more than one person of unsound mind is detained or resides, other than a jail or prison, with the right to exempt any State institution, institution under municipal authority, or any other institution.

(b) To insure the proper care and treatment of persons of unsound mind detained in any house, place, or institution, whether licensed or not, to guard against the improper or unnecessary detention of such persons, to regulate the manner of their detention and the restraints imposed and all matters relative to their welfare, to regulate their means of communica-

tion with relatives, friends, and other persons outside the house, place, or institution of detention, and to insure to them the admission of all proper visitors, being members of their family or personal friends, agents, or attorneys.

(c) Regulating the forms to be observed warranting the commitment, transfer of custody, and discharge of all lunatics, other than those committed by order of a court of record, and, as to these, with the consent of the presiding judge of the court under whose order the person is detained.

(d) To prescribe standards of equipment, management, and administration for the institutions, associations, and societies, into whose care the custody of delinquent, neglected, or dependent children may be committed, and to insure proper care of the children committed to the custody of such institution, association, or society.

(e) For regulating the visitation, examination, and inspection of the institutions, prisons, almshouses, poorhouses, houses, places, associations, societies, or homes, under the supervision of the department pursuant to the provisions of section nine hereof.

(f) For the enforcement of the provisions of this act and of all laws whose enforcement is imposed upon the department.

(g) For the approval of psychopathic wards maintained by hospitals for the reception and care of persons suffering with mental disorders.

(2) For the transfer of insane and certain other persons from one place or institution to another, and to enforce laws relative thereto, as follows:

(a) To apply to the proper court for the transfer or removal of insane persons from county or district poorhouses, almshouses, hospitals, or in the custody of the directors or overseers of the poor, to the State hospitals for the insane. Such application shall be made, and the proceedings thereunder had, in accordance with the provisions of the act of Assembly, approved the thirteenth day of June, Anno Domini one thousand eight hundred and eighty-three (Pamphlet Laws, ninety-two), entitled "An act to provide for the care and treatment of the indigent insane of the several counties of the Commonwealth in State hospitals for the insane," or the act, approved the seventh day of May, Anno Domini one thousand eight hundred and seventy-four (Pamphlet Laws, one hundred and nineteen), entitled "A supplement to the act to create a board of public charities, approved the twenty-fourth day of April, Anno Domini one thousand eight hundred and sixty-nine; authorizing and empowering said board to appoint visitors, and to transfer certain insane persons from county institu-

Transfer of insane and other persons.

tions to State hospitals," or any other law relative to such transfer.

(b) To transfer the indigent insane from State hospitals for the insane to the almshouse, poorhouse, or prison of the several counties charged with their maintenance.

(c) To transfer patients or inmates from one State hospital for the insane to another such hospital.

(d) To transfer chronic insane from a State hospital for the insane, and from hospitals, poorhouses, and almshouses of the several counties, townships, and poor districts, to a State hospital entirely devoted to the reception, care, and treatment of chronic insane.

(e) To apply to the proper court for the removal to a hospital for the insane of any person imprisoned in a penitentiary or prison and believed to be insane, under the provisions of the act, approved the fourteenth day of May, Anno Domini one thousand eight hundred and seventy-four (Pamphlet Laws, one hundred and sixty), entitled "An act to provide for the custody of insane persons charged with and acquitted or convicted of crime," or under any other act relative to such a removal or transfer.

(f) To direct any poor district to remove any deaf and dumb in an almshouse to the care of an association organized for the purpose of providing a home for deaf and dumb persons and being situate in this Commonwealth, under and in accordance with the provisions of the act, approved the seventeenth day of May, Anno Domini one thousand nine hundred and seventeen (Pamphlet Laws, two hundred and twenty-three), entitled "An act authorizing overseers and directors of the poor to enter into contracts with certain associations for the care and maintenance of indigent deaf and dumb persons, and conferring certain powers on the Board of Public Charities, its officers, and agents."

(g) To supervise the transfer of inmates of one penitentiary to another under any law providing therefor.

(h) To investigate and be heard before an order is made in any case to remove to any place of custody, other than a hospital, any criminal confined in a hospital by order of any court, or any lunatic committed to a hospital after an acquittal of crime.

The cost of the transfer or removal and of the maintenance of any insane person transferred by, or under the direction or upon the application of, the commissioner or other officer of the department pursuant hereto, shall continue to be borne and paid in the same manner as now provided by law in the case of any such transfer or removal as aforesaid.

All traveling expenses of indigent insane persons,

discharged by order of the department from any State hospital for the insane, from the hospital to their respective homes, shall be paid by the hospital; the amount thereof to be refunded to such hospital from the appropriation for the care and relief of such indigent insane then current.

(3) To order and compel the discharge of any person detained in any place as insane or of unsound mind (other than a person committed after trial and conviction for crime or by order of court). But such order shall not be made unless notice be given to the person having charge of the building in which the patient is detained and to the person or persons at whose instance the patient is detained, and reasonable opportunity given them to justify a further detention, and the department has caused the case of the patient to be personally attended and examined by its officer or agent.

Discharge of insane persons.

(4) To enforce all or any laws regulating the importation into the State of Pennsylvania of dependent, delinquent, or defective children; and all reports required to be made under such laws to the Board of Public Charities shall be made to the department, which shall have full power and authority to make rules respecting the importation of such children, not inconsistent with the provisions of the laws relative thereto.

Importation of children.

(5) To investigate the residence of a nonresident indigent insane person committed to a State hospital, to return such person to the State or country of his legal residence, and to enter into contracts with such State or country relative thereto, and to enforce an act relating to nonresident indigent insane persons committed to a State hospital.

Nonresident insane persons.

(6) To cause to be visited and examined any person found by an inquisition to be insane, and to authorize such visiting and examining by an officer or agent of the department or any board of visitors or by a physician, and to apply to the court having jurisdiction over the committee or guardian of such lunatic, or to a judge of a court of common pleas of the county in which the lunatic is a resident or detained, to make such orders for the maintenance, custody, or care of the lunatic, and for the care and disposition of the property of the lunatic, as the case may require.

Visitation and examination.

The notice heretofore required to be given by the committee or guardian of a person found to be insane by inquisition and by the clerk of the court into which the inquisition is returned to the Committee on Lunacy, shall hereafter be given to the department, in accordance with the general provision hereinafter contained.

(7) To appoint a board of three or more members in any county of the Commonwealth to act, without

Boards of visitation.

compensation, as a board of visitors to visit any institution, prison, almshouse, poorhouse, hospital, house, place, association, or society, in such county under the supervision of the department, in aid of and as the representative of the department; such board to make a report of such visitation as the department may require; and it shall be the duty of the officers or other persons having charge of such institution, prison, almshouse, poorhouse, hospital, house, place, association, or society to afford full facilities for such board to make an examination and inspection thereof.

Reports and notices to be given department.

Section 14. All reports or notices whatsoever, heretofore required to be given or made to the Board of Public Charities, or to the officers thereof, or to the Committee on Lunacy, abolished by this act, shall hereafter be given or made to the department, including all statements to be made by the inspectors, sheriffs, or other persons having charge of any penitentiary or jail.

The officer or officers, person or persons, having the management or custody of any institution, house, place, prison, almshouse, poorhouse, hospital, association, or society, under the supervision of the department as provided in section nine of this act, shall keep such records and make such reports relating or pertaining to such institution, house, place, prison, almshouse, poorhouse, association, or society, and to the care and treatment of the inmates thereof or the persons committed thereto or being imprisoned, detained, treated, or cared for therein, as may be prescribed and required by the rules and regulations of the department.

The commissioner shall furnish to the several courts of common pleas of the Commonwealth a list of institutions, associations, and societies; in whose care the custody of delinquent, neglected, or dependent children may be committed, which filed the required reports.

Notice of applications for State aid to be given department.

Section 15. All State institutions and any charitable or other institutions under the supervision of the department, desiring to receive State aid, shall give notice to the department, at such time as may be prescribed by the rules and regulations thereof, of any application for State aid proposed to be made and of the several purposes to which the same is to be applied, together with the reasons in support of such application. It shall be the duty of the commissioner to examine carefully into such application and request and into all matters connected therewith, and set forth the result of his investigation in the biennial

Examination of applications by commissioner.

report of the department to the Governor. It shall also be the duty of the commissioner to make a specific and detailed report relative thereto to the General Assembly, with his recommendations thereupon.

Report to Legisla-
ture.

Section 16. All plans for the erection or substantial alteration of any State institutions, county prison, almshouse, poorhouse, or any building for the care of delinquent children or persons of unsound mind, and all charitable institutions receiving aid from the Commonwealth, shall be submitted to, and approved by, the department; and such buildings shall not be built or such alteration made or contracted for until such approval has first been had and duly filed with those charged with the management of such institution or place.

Plans for institu-
tions.

Section 17. No county, borough, township, or poor district shall receive any allowance from the Commonwealth for the maintenance of any indigent insane in any hospital or institution, supplied, created, equipped, or maintained by such county, borough, township, or school district for the maintenance of its indigent insane, unless the department has duly certified to the Auditor General that such hospital or institution is built, equipped, and managed so as to provide for the proper care and treatment of the insane maintained therein.

Allowances from
Commonwealth to
municipalities.

Section 18. Every application to the Auditor General made by any institution, corporation, or unincorporated association, desiring to give a mortgage under the provisions of the act, approved the twenty-ninth day of April, Anno Domini one thousand nine hundred and fifteen (Pamphlet Laws, two hundred and one), entitled "An act making mortgages given by benevolent, charitable, philanthropic, educational, and eleemosynary institutions, corporations, or unincorporated associations, for permanent improvement and refunding purposes, prior liens to the liens of the Commonwealth for the appropriation of moneys; providing a method for the giving of such mortgages, and fixing the duties of the Auditor General and Board of Public Charities in connection therewith," shall be submitted to the department for investigation and report thereon to the Auditor General.

Applications of in-
stitutions desiring
to give mortgages.

Section 19. All statements required to be filed with the Board of Public Charities under any act relating to and regulating the solicitation of moneys and property for charitable and patriotic purposes shall be filed with the department, which is hereby vested with the power to issue the certificate of registration required and provided by such act, and to prescribe a form for all such statements and such other rules and regulations as may be necessary for the purpose of carrying out the powers with which it is charged

Solicitation of
money for chari-
table purposes.

- Fees.** Any fee for the filing of such statement heretofore required to be paid to the Board of Public Charities shall be paid to the department, and by it paid into the State Treasury.
- Applications for charters.** Section 20. Any application for a charter heretofore required to be submitted to the Board of Public Charities shall be submitted to the department, which shall make a report thereon to the proper court as to the need for the institution for which a charter is applied.
- Powers of department.** Section 21. The department shall have the power, and it shall be its duty:
- Industries in penal institutions.** (a) To establish, maintain, and carry on industries in the Eastern Penitentiary, the Western Penitentiary, the Pennsylvania Industrial Reformatory at Huntingdon, and such other correctional institutions of this Commonwealth as it may deem proper, in which industries all persons sentenced to the Eastern or Western Penitentiary or to the Pennsylvania Industrial Reformatory at Huntingdon or to such other correctional institution of the Commonwealth, who are physically capable of such labor, may be employed at labor for not to exceed eight hours each day, other than Sundays and public holidays. Such labor shall be for the purpose of the manufacture and production of supplies for said institutions or for the Commonwealth, or for any county, city, borough, or township thereof, or any State institution, or any educational or charitable institution receiving aid from the Commonwealth, or for the preparation and manufacture of building material for the construction or repair of any State institution or in the work of such construction or repair, or for the purpose of industrial training or instruction, or partly for one and partly for the other of such purposes, or in the manufacture and production of crushed stone, brick, tile, and culvert pipe or other material suitable for draining roads of the State, or in the preparation of road building and ballasting material.
- Purpose.** (b) To determine the amount, kind, and character of the machinery to be erected in each of the said penitentiaries, reformatory, or other correctional institution of the Commonwealth, and the industries to be carried on therein, having due regard to the location and convenience thereof, with respect to other institutions to be supplied, to the machinery therein, and the number and character of inmates.
- Machinery.** (c) To arrange for and make sale of the products, produced in the said industries carried on in the said penitentiaries, reformatory, or other correctional institutions, to the Commonwealth, or to any county, city, borough, or township thereof, or to any State institution, or to any educational or charitable institution receiving aid from the Commonwealth.
- Sale of products.**

(d) To maintain a fund, known as the manufacturing fund, out of which the machinery, equipment, and material, required or used in the carrying on of the industries in the said penitentiaries, reformatory, or other institution, under the provisions hereof, shall be purchased, and into which all the receipts from the sale as aforesaid of the products of such industries shall be paid, and from which fund shall be paid all the wages, as hereinafter provided, for the labor of the inmates of said penitentiaries, reformatory, or other institution, in such industries. The department shall have the custody of the said fund, and make or direct all disbursements therefrom.

Manufacturing
fund.

(e) To require that an account shall be kept by the proper officers of the said Eastern Penitentiary, the Western Penitentiary, the Pennsylvania Industrial Reformatory at Huntingdon, or other correctional institutions, of the labor performed by the inmates of such penitentiary, reformatory, or other institution, in the industries carried on therein under the provisions hereof. In such account, each inmate shall be credited with wages for the time he is actually engaged in work, the rate of such wage, and the amount credited to each, to be regulated at the discretion of the department or such persons as it may designate. In no case shall the amount be less than ten cents nor over fifty cents for each day of labor actually performed. The difference in the rate of compensation shall be based both upon the pecuniary value of the work performed and also on the willingness, industry, and good conduct of such inmate.

Accounts.

(f) To allow three-fourths of the amount so credited as aforesaid to an inmate of such penitentiary, reformatory, or other institution, or the entire amount, if the inmate so wishes, to constitute a fund for the relief of any person or persons dependent upon such inmate, and to be paid, upon the order of the Board of Inspectors or managers of the penitentiary, reformatory, or other institution in which the inmate is a prisoner, to the person or persons establishing such dependency to the satisfaction of such board, at such time and times as said board may order.

Allowances for de-
pendents.

All sums credited to any inmate and not paid to a dependent or dependents shall be paid to the inmate on his discharge from the penitentiary, reformatory, or other institution in which he was a prisoner: Provided, however, That, subject to the rules and regulations of the Board of Inspectors or managers of the penitentiary, reformatory, or other institution in which such inmate is a prisoner, the whole or any part of said sum may be paid to him during his imprisonment for his present needs; such rules and

- regulations to be subject to the approval of the department.
- Supervision over labor.** (g) To have and exercise supervision over the labor employed in the aforesaid industries, and to make rules and regulations for carrying on such industries.
- Report.** (h) To make a full quarterly report to the Auditor General of the products, sales, receipts, and disbursements of the industries established under the provisions hereof.
- Biennial report to Governor.** Section 22. The department shall make a biennial report in writing to the Governor. The report shall contain a complete summary of the work of the department upon the subjects under its jurisdiction and supervision and such other matters as the Governor may require.
- Printing and filing of rules and regulations.** Section 23. All the rules and regulations hereby authorized to be made and ordained by the department shall be printed, and a duly certified copy thereof filed with the officers or other persons having the management, control, care, or custody of the institutions, prisons, hospitals, almshouses, poorhouses, houses, places, associations, and societies under the supervision of the department as provided in section nine hereof.
- Blank forms.** The department shall furnish blank forms for the making of the reports as hereby required or provided to those by whom such reports are to be made.
- Offices.** Section 24. The Board of Commissioners of Public Grounds and Buildings shall provide for the department, in the State Capitol or elsewhere, such offices, rooms, and quarters, as the department may need in connection with its affairs.
- Supplies.** Section 25. The Board of Commissioners of Public Grounds and Buildings shall, upon requisition of the commissioner, furnish such books, stationery, furniture, supplies, et cetera, as may be needed to conduct properly the affairs of the department.
- Seal.** Section 26. The department shall have and may use a seal, which shall be furnished by the Board of Commissioners of Public Grounds and Buildings.
- Printing.** Section 27. Printing and binding for the proper enforcement of the duties and the carrying out of the powers of the department shall be done by the State Printer, upon order of the Superintendent of Public Printing and Binding, upon requisition by the commissioner.
- Violations.** Section 28. Any officer or person having charge of, or in any way connected with, the management, care, control, or custody of any institution, prison, almshouse, poorhouse, house, place, home, association, or society, under the supervision of the department, or any other person violating any of the provisions of this act or the duly ordained rules and regulations

of the department, or failing or neglecting to comply therewith,—shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced for the first offense to pay a fine of not less than twenty-five dollars (\$25) and not more than one hundred dollars (\$100); and for the second or any subsequent offense shall be sentenced to pay a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or to undergo an imprisonment in the county jail of not more than six months, either or both, at the discretion of the court.

Misdemeanor.

Penalties.

Prosecutions for any violation of the provisions of this act shall be instituted only by the commissioner or an officer or agent of the department. All fines for a violation of this act shall be paid to the commissioner, and by him covered into the State Treasury for the use of the Commonwealth.

Prosecutions.

Section 29. The commissioner, with the approval of the Attorney General, may employ attorneys to assist in the enforcement of the provisions of this act.

Attorneys.

Section 30. Neither the commissioner nor any officer or employe of the department shall, during the term of his office or employment, hold any official position or engage in any employment in any institution whatsoever under the supervision of the department, or be interested, directly or indirectly, in any contract for building, repairing, furnishing, or supplying such institution.

Incompatible interests.

Section 31. The Board of Public Charities and the Committee on Lunacy are hereby abolished.

Board of Charities and Committee on Lunacy abolished.

Section 32. All the powers conferred by law upon the Board of Public Charities or the Committee on Lunacy are hereby vested in and may be exercised by the department.

Section 33. The Prison Labor Commission, created by the act, approved the first day of June, Anno Domini one thousand nine hundred and fifteen (Pamphlet Laws, six hundred and fifty-six), entitled "An act providing a system of employment and compensation for the inmates of the Eastern Penitentiary, Western Penitentiary, and the Pennsylvania Industrial Reformatory at Huntingdon, and for such other correctional institutions as shall be hereafter established by the Commonwealth, and making an appropriation therefor," is hereby abolished, but no act or part of any act repealed by the said act creating the Prison Labor Commission shall be hereby revived.

Prison Labor Commission abolished.

All the powers conferred upon the Prison Labor Commission are hereby vested in the department.

Section 34. Any balance in the manufacturing fund of the Prison Labor Commission at the time this section becomes effective shall be paid to the department, and become part of the manufacturing fund

Balance in manufacturing fund of Prison Labor Commission.

as provided in section twenty-one hereof; and all machinery, equipment, and material, purchased from its manufacturing fund or in any way belonging thereto or used by the Prison Labor Commission in connection with its regulation and supervision of the labor of the inmates in the Eastern or Western Penitentiary or the Pennsylvania Industrial Reformatory at Huntingdon shall be turned over to the department; and all accounts or sums payable to the Prison Labor Commission shall be paid to the Department; all of which shall become part of the manufacturing fund as hereinbefore provided.

Books, etc., to be delivered to department.

Section 35. All books, documents, records, papers, paraphernalia, and property, now owned, possessed, or under the control or in the custody of the Board of Public Charities, the officers or agents of said board, the Committee on Lunacy, and the Prison Labor Commission, shall be immediately transferred to the ownership, possession, control and custody of the department.

Unexpended balances.

Section 36. The unexpended balance of any appropriation to the Board of Public Charities, the Committee on Lunacy, or the Prison Labor Commission, at the date this section of this act goes into effect, shall thereafter be available to the Department of Public Welfare, as fully as if the said amount had been specifically appropriated to said department, and may be disbursed accordingly.

Appropriations.

Section 37. All appropriations made to the Department of Public Welfare shall be disbursed by the State Treasurer upon warrant of the Auditor General, issued upon the requisition or order of the commissioner.

Evidence.

Section 38. Copies of all records, documents, papers, rules, and regulations of the Department of Public Welfare, when duly certified by the commissioner under the seal of the department, shall be received in evidence in the several courts of this Commonwealth in all cases where the original records, documents, papers, rules, or regulations would be admitted in evidence, with the same force and effect as the originals.

Construction

Section 39. The provisions of this act are severable, and should any part hereof be declared unconstitutional, it is the intent that the remainder would have been enacted without regard to the unconstitutional part.

When effective.

Section 40. Sections eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-eight, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, and thirty-six of this act shall take effect on the first day of September, one thousand nine hundred and twenty-one, and the remaining sec-

tions of this act shall take effect upon its approval.

APPROVED—The 25th day of May, A. D. 1921.

WM. C. SPROUL.

No. 426.

AN ACT

Authorizing certain corporations to issue preferred or common stock of one or more classes; providing for the manner of issuance, restrictions and regulations in the manner of voting thereof, and the rights and privileges of the holders thereof; validating certain acts of corporations not participated in by the holders of non-voting stock; and repealing all acts and parts of acts inconsistent therewith.

Section 1. Be it enacted, &c., That every corporation, heretofore or hereafter incorporated under the laws of this Commonwealth, excepting those referred to in section two of this act, may create two or more kinds of common stock and two or more kinds of preferred stock at the time of its incorporation by provisions inserted in the certificate of incorporation, or, at any later time, with the consent of a majority in interest of its stockholders having voting power obtained at a meeting to be called for that purpose. Notice of the time, place, and purpose of such meeting shall be published, once a week for sixty (60) days prior to said meeting, in a newspaper of general circulation, and in the legal journal, if any, of the county in which the principal office of the corporation in this Commonwealth is located. Such classes of stock may, from time to time, be authorized and issued out of the unissued stock of the corporation. Such stock may be issued in one or more classes, in such amounts for each class, without regard to the amount of any other class or the amount of unqualified common stock, and with such designations, rights, privileges, limitations, preferences, and voting powers, or prohibitions, restrictions, or qualifications of the voting and other rights and powers, and upon such terms as to redemption in any class thereof at not less than par, and convertible or not into any other class of stock, common or preferred, as may be set forth in the original certificate of incorporation, or as may be approved and adopted by the stockholders at the time of the authorization or at any time prior to the issuance thereof. The rate of preferred dividend for any class of stock shall not exceed ten per centum (10%) per annum. Such stock may be issued for cash or property, or in exchange for other stock of the corporation, or through all or more than one of said methods; and the stock so exchanged for such preferred stock and returned to the corporation may be issued again by the corporation.

Corporations.
Preferred and common stock of two or more classes.

Manner of creation
Certificate of incorporation.

Subsequent meeting.

Notice.

Issuance out of unissued stock.

Character of stock which may be issued.

Preferred dividend.

Consideration.