

A SUPPLEMENT

To the act, approved the second day of April, one thousand eight hundred and sixty (Pamphlet Laws, five hundred thirty-eight), entitled "An act to authorize the erection of a Poor House by the township of Wilkes-Barre, in Luzerne County," authorizing the central poor district to create indebtedness.

Luzerne County.

Central poor district authorized to create indebtedness.

Indebtedness to be incurred under act of April 20, 1874 (P. L. 65).

Directors to provide annual tax.

When effective.

Section 1. Be it enacted, &c., That the central poor district of the county of Luzerne be, and the same is hereby, empowered to incur debt and to increase its indebtedness from time to time, within the limits provided by the Constitution and laws of this Commonwealth, for any lawful purpose, including the purpose of meeting unusual or unforeseen demands for maintenance and support of the poor of the said district and expenditures in the operation of said district arising therefrom.

The indebtedness so authorized shall be incurred under the act, approved the twentieth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws, sixty-five), entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplements thereto.

Section 2. The directors of the district shall, at or before the time of incurring any such indebtedness, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof within thirty years.

Section 3. This act shall become effective immediately upon final enactment.

APPROVED—The 23d day of May, A. D. 1933.

GIFFORD PINCHOT

AN ACT

To amend sections eight hundred, and eight hundred and one, of the act, approved the fourteenth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, seven hundred sixty-two), entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth, except in counties of the first and second class; and revising, amending, consolidating, and changing the law relating thereto," defining legal settlement, and the liability of poor districts for support.

The General Poor Relief Act of 1925.

Section 1. Be it enacted, &c., That section eight hundred of the act, approved the fourteenth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, seven hundred sixty-two), entitled "An act con-

cerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth, except in counties of the first and second class; and revising, amending, consolidating, and changing the law relating thereto," is hereby amended to read as follows:

Section 800, act of May 14, 1925 (P. L. 762), amended.

Section 800. [How Gained. A settlement may be gained in any poor district by any person not a public charge, married or single, who bona fide comes to inhabit therein and continues to reside there for one year. Persons born in a place, whether legitimate or illegitimate, shall be deemed to be settled there unless the parent having their custody be settled elsewhere and all children shall follow the settlement of the parent or parents, stepfather or stepmother, having their custody, until the age of sixteen years.] *Legal and Quasi Settlements; Liability for Support.*—(a) *A legitimate person is first settled in the poor district of birth unless the father shall then have a known settlement elsewhere, in which case the first settlement of such person is in the district where the father was then settled.*

(b) *An illegitimate person is first settled in the poor district of birth unless the mother shall then have a known settlement elsewhere, in which case the first settlement of such person is in the district where the mother was then settled.*

(c) *The settlement of a person in a poor district continues until a new one is acquired in this State, or elsewhere. A settlement is lost only by acquiring a new one.*

(d) *Except as hereinafter otherwise provided, every adult and every emancipated minor, whether married or single, legitimate or illegitimate, may acquire a new settlement in any poor district of this Commonwealth by coming bona fide to establish a permanent abode therein and continuing to reside therein for one whole year, if such person or minor is of sufficient mental ability to make a bargain, and is not, or does not become, a public charge during said year.*

(e) *The settlement of a married woman during coverture follows that of her husband and continues after his death in the district where he was last settled, but she may thereafter acquire a new settlement for herself. If the husband has no known settlement, then she is settled, whether he be living or dead, in the district where she was last settled. The settlement of a woman after divorce absolute or from bed and board, or desertion by the husband, or withdrawal by the wife from cohabitation with the husband on account of his cruelty, inebriety or lack of support, continues in the district where the husband was last settled, but she may acquire a new settlement for herself.*

(f) *A minor, whether legitimate or illegitimate, cannot be emancipated before age sixteen, and becomes emancipated absolutely at age twenty-one if then of suf-*

ficent mental ability to make a bargain. After age sixteen and before age twenty-one, a minor of sufficient mental ability to make a bargain may become emancipated by his own acts or the acts of the parent, stepfather or stepmother, having had the custody. When a person is emancipated, he or she is capable of establishing a new settlement.

(g) A minor, whether legitimate or illegitimate, who is so mentally deficient as to be unable to make a bargain, cannot be emancipated after age sixteen, and such a person does not become emancipated at age twenty-one and so long thereafter as said mental condition continues. The settlement of such a person shall, at all times during mental disability, be ascertained as provided in clauses (h) and (i) of this section for the settlement of minors not emancipated.

(h) Before emancipation, the settlement of a legitimate minor is and remains that of the father, unless—

(1) The father is dead and the mother acquires a new settlement, in which case it follows that of the mother; or

(2) The father deserts his family, in which case it follows that of the mother; or

(3) The mother withdraws from cohabitation with the husband on account of his cruelty, inebriety or lack of support, in which case it follows that of the parent having the custody; or

(4) The parents are divorced, either absolutely or from bed and board, in which case it follows that of the parent having the exclusive custody; but where custody is divided between the parents, the settlement remains that of the father; or

(5) Both parents are dead and the minor is in the custody of a stepfather or stepmother, in which case it follows that of the stepfather or stepmother having the custody.

(i) Before emancipation, the settlement of an illegitimate minor at all times follows that of the mother, and, in case of her death before emancipation of such minor, continues in the poor district in which she was last settled until such person established a new settlement after emancipation.

(j) If a person has no known settlement in this Commonwealth, and cannot for any reason whatever be removed into the state or country where settled, he shall have a quasi settlement in the poor district where he or she becomes a public charge, which district shall be liable for his or her support.

(k) If a person becomes a public charge in a poor district other than the one in which settled, such district shall be liable for support until the district of settlement is discovered and removal to such district takes place, but the poor district of settlement shall be liable to the

district in which the person became a charge for the amount of relief advanced, costs, and the expenses of removal.

Section 2. That section eight hundred and one of said act is hereby amended to read as follows: Section 801 amended.

Section 801. Order of Removal.—In case any person shall have no settlement in the district wherein he has become, or is likely to become, a public charge, it shall be the duty of the directors, as soon as may be, to notify the directors of the district of his settlement of the facts. [and from the time of such notice the cost of his relief shall be charged to the district of his settlement.] If the directors so notified refuse or neglect to receive him, or to make arrangements for his proper support and maintenance *and to pay the amount of relief advanced*, the directors furnishing such relief may apply to the court of quarter sessions of their county, or to any judge thereof, by petition, asking for a citation to the directors so refusing or neglecting, requiring them to appear before such court, at a time specified therein, and show cause why an order should not issue for the removal of such person into their district. The said court shall proceed to hear and determine the cause upon its merits, and their decree shall be final unless an appeal therefrom be taken within thirty days.

The citation herein provided for, accompanied by a copy of the petition, shall be served by the sheriff of the county, who may for that purpose deputize the sheriff of the county of the respondent, upon one or more of the directors named therein, or, with the approval of the court, service may be had by sending such copy by registered mail, and shall be served or mailed at least ten days before the day fixed for such hearing: Provided, That upon the hearing and argument before said court of quarter sessions of said citation for an order of removal of paupers from one district to another, it shall be lawful for either of the parties to the issue to except to any decision of the court upon any point of evidence or law, which exception shall be noted by the court and filed of record as in civil cases, and an appeal to an appellate court may be taken by either party from the judgment or decree of the court, with like effect as in civil cases.

Section 3. That section nine of the act, approved the thirteenth day of June, one thousand eight hundred and thirty-six (Pamphlet Laws, five hundred thirty-nine), entitled "An act relating to the support and employment of the poor," is hereby repealed. Section 9, act of June 13, 1836 (P. L. 539), repealed.

All other acts and parts of acts, general, local and special, inconsistent with this act are hereby repealed. General repeal.

APPROVED—The 23d day of May, A. D. 1933.

GIFFORD PINCHOT